



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of States parties due in 2011

Montenegro* **

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** Annexes can be consulted in the files of the Secretariat.



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Introduction

1. Montenegro, since its declaration of independence of 3 June 2006, according to the Decision on the declaration of independence of the Republic of Montenegro (Official Gazette of Montenegro, No. 36/2006) adopted by the Parliament of Montenegro, assumed all applicable international treaties and agreements that have been concluded by the state union of Serbia and Montenegro, which are related to Montenegro and are in compliance with its legal system.
2. Upon receipt by all relevant international organizations, Montenegro submitted the statement of succession for a set of United Nations Conventions which have been deposited with the UN Secretary-General, which were signed by Serbia and Montenegro, on 23 October 2006. Also, it deposited the succession statement for the Conventions of the Council of Europe, the International Labour Organization, other international organizations and agreements deposited with the states.
3. The Constitution of Montenegro¹ stipulates that ratified and published international agreements and generally accepted rules of international law shall make an integral part of the internal legal order, have supremacy over national legislation and shall be applied directly when different from the national legislation.
4. Montenegro became a party to the Convention on the Rights of Persons with Disabilities and the Optional Protocol on the Rights of Persons with Disabilities on 2 December 2009.² In accordance with Article 35 Paragraph 1 of the Convention, we prepared the Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities on the measures taken to facilitate the realization of the rights recognized in the Convention and on the progress made in the enjoyment of such rights.
5. The Government of Montenegro adopted in December 2007 the Strategy for the Integration of Persons with Disabilities in Montenegro, for period 2008–2016. This document includes the following areas: health care, social protection, pension and disability insurance, education, vocational training and employment, accessibility, culture, sport and recreation, as well as the area that relates to the position of persons with disabilities in civil society. The Strategy envisages measures and activities to be undertaken during the period to align the position of persons with disabilities in Montenegro with European standards and the standards set by the UN Convention on the Rights of Persons with Disabilities. Until now, in order to operationalise the application of Strategy three action plans for its implementation have been adopted, for the period 2008–2009, 2010–2011, and 2012–2013.
6. In order to monitor the implementation of the Strategy for the Integration of Persons with Disabilities we established an interdepartmental working group, comprising, in addition to representatives of the relevant ministries and government bodies, representatives of organizations of persons with disabilities. This has fulfilled helped integrating disability issues into all sectors, through the participation of end users, both in creating policy relating to persons with disabilities in Montenegro, as well as monitoring the implementation of the planned measures and activities, of which the working group each year (for the previous year) reports in the form of written Information.
7. These annual reports contain information based on which the Government of Montenegro and the general public gain an insight into the progress made in all areas related to people with disabilities in a given period, as well as difficulties and factors

¹ Official Gazette of Montenegro, No. 1/07.

² Official Gazette of Montenegro – International agreements 2/2009.

affecting the degree of fulfilment of obligations under the Strategy and Action Plan. So far, the Information was compiled for years 2008, 2009, 2010, 2011 and 2012, and they essentially represent a way of monitoring the implementation of the Convention itself.

8. According to the Census of Population, Households and Dwellings 2011 Montenegro has a population of 620,029, of which 50.61% or 313,793 women, and 49.39%, or 306,236 men. Census data show that in Montenegro there are 11% of people who have difficulties in performing daily activities because of chronic illness, disability or age.

9. The relevant State authorities took participation in preparing the initial report, with the support of the United Nations system in Montenegro. The report contains the data of the Statistical Office of Montenegro. After compiling the Draft Initial Report we published a public call on the Ministry of Labour and Social Welfare's web portal for consultation with non-governmental organizations, after which the document was submitted to the Government of Montenegro for adoption.

Part A: General provisions of the Convention (Articles 1-4)

Definitions

10. The Montenegrin legislation applies a number of definitions relating to disability and persons with disabilities.

11. The **Law prohibiting discrimination against persons with disabilities**³ stipulates that a person with a disability is a person "who has a long-lasting physical, mental, intellectual or sensory impairments, which coupled with different barriers, may render difficult the full and effective participation of such person in the society on the grounds of equality with other persons".

12. The **Law on professional rehabilitation and employment of persons with disabilities**⁴ gives the following definition: "a person with a disability within the meaning of this Law is a person with permanent consequences of physical, sensory, mental or emotional impairment or disease that cannot be eliminated by treatment or rehabilitation, and who faces social and other limitations that may affect the ability to work and employment opportunities, staying employed and advancing at the position, who has no possibility or has reduced possibility of entering the labour market under the equal conditions."

13. The **Law on Social and Child Protection**⁵ stipulates that "a person with a disability is a person who has long-lasting physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder full and effective participation of these individuals in the society on an equal basis with others."

14. The **Law on Changes and Amendments to the Law on Education of children with special educational needs**⁶ defines children with special educational needs: "1) children with developmental disabilities — children with physical, mental or sensory impairments and children with multiple disabilities, 2) children with difficulties in development — children with behavioural disorders, severe chronic illness, children ill for

³ Official Gazette of Montenegro, No. 39/11.

⁴ Official Gazette of Montenegro, No. 49/08, 73/10 and 39/11.

⁵ Official Gazette of Montenegro, No. 27/13.

⁶ Official Gazette of Montenegro, No. 45/10.

a long time and other children who have learning difficulties and other problems caused by the emotional, social, linguistic and cultural barriers.”

15. The **Law on the Protection and Exercise of the Rights of the Mentally Ill**⁷ defines a mentally ill person as a person who suffers from mental disorders, a person with developmental impairments, addicted to psychoactive substances (alcohol and drug addicts), or a person with other behavioural disorders; person with a severe mental illness is a person temporarily (during the acute episode of mental disorder) or permanently unable of grasping the significance of his/her actions or unable to control his/her own will or has those abilities reduced to such an extent that he/she needs psychiatric help; mental disorders and behavioural disorders are clinically significant conditions which are characterized by changes in thinking, mood or behaviour, accompanied with personal suffering and/or impaired functioning (permanent or temporary mental illness or mental disorder or mental retardation or other mental and behavioural disorders); discrimination against the mentally ill is any legal or physical, direct or indirect distinction, privilege, exclusion or restriction based on a mental disorder that makes it difficult to mentally ill persons or denying them recognition, enjoyment or exercise of human rights and freedoms.

16. The **Strategy for the integration of persons with disabilities** defines that “disability” results from the interaction of persons with disabilities with environmental barriers and obstacles reflected in the attitudes of the community, and hinders full and effective participation of persons with disabilities in the society on an equal basis with other members of the society; person with disability – means a person with congenital or acquired reduced physical, sensory, intellectual or emotional capacity, who due to social or other barriers does not have access or is less able to engage in social activities at the same level as others, regardless of whether he/she can engage in those activities with the use of technological aids or support services. A child with developmental disability is a term that refers to children with the disability caused by organic disorders: in mental, sensory, speech and language, and physical development, or as a consequence of chronic and systemic diseases. Children with developmental disabilities have the same rights and the same needs as other children.

17. The system of pension and disability insurance in Montenegro is regulated by the **Law on Pension and Disability Insurance**.⁸ This law stipulates that a disability exists when the insured, due to changes in health condition, which cannot be eliminated by treatment or medical rehabilitation, suffers complete loss of working capacity. Disability exists when the insured due to a change in health condition that cannot be eliminated by treatment or medical rehabilitation, suffers partial loss of working capacity of 75%. Also, the law determines the degree of physical impairment. Physical impairment exists when the insured suffered a loss, significant damage or considerable disability of certain organs or body parts, which hinders the normal activity of the body and requires greater efforts in achieving the necessities of life, regardless of whether it causes or does not cause disability.

18. In the **Ordinance on closer conditions and the manner of adjusting facilities for access and movement of persons with reduced mobility** — a person with a disability is defined as a person with congenital or acquired reduced physical, sensory, intellectual or emotional capacity.

⁷ Official Gazette of the Republic of Montenegro, No. 32/05 and Official Gazette of Montenegro, No. 27/13.

⁸ Official Gazette of the Republic of Montenegro, No. 54/03, 39/04, 61/04, 79/04, 14/07 and 47/07 and Official Gazette of Montenegro, No. 79/08, 14/10, 78/10, 34/11 and 66/12.

Terms

19. In Montenegro there are no unique terms related to the children in legislation and bylaws in use, nor in the professional and general use, so the following terms are used: children with special needs, children with special educational needs, children with developmental disabilities, children with disabilities and the like. Thus, in the text of this report, in accordance with the above, different terms denote a generic one and the same group of children – with a range of different developmental disabilities, except where explicitly noted otherwise. Speaking of adults, this paper uses following terms: persons with disabilities, people with disabilities, categorized persons, disabled persons, handicapped, persons with reduced mobility, and the like, where all terms mean persons with disabilities.

Anti-discrimination legislation and policies

20. Equality of all people, as one of the basic human rights is incompatible with discrimination. Thus, the Article 8 of the **Montenegrin Constitution**⁹ prohibits discrimination, either direct or indirect, on any grounds. The same article stipulates the measures of affirmative action, i.e. positive discrimination, so as to adopt regulations and implement specific measures aimed at creating the conditions for achieving overall equality and protection of persons on any grounds in an unequal position. The Constitution, therefore, introduces measures that provide multiple levels of protection of the rights of persons with disabilities, in order to achieve *de facto* equality of persons with disabilities, taking into account their diversity.

21. Special protection of persons with disabilities is prescribed under Article 68 of the Montenegrin Constitution, Article 64 provides for special safety measures at work, and persons with disabilities are provided health care from public funds under Article 69 of the Constitution.

22. Guarantees given by the Constitution of Montenegro are developed by a series of laws that regulate labour relations, employment, pension and disability insurance, education, health and social care, occupational health, family relations.

23. The **Anti-Discrimination Law**¹⁰ prohibits discrimination on any grounds, and distinguishes between direct or indirect discrimination. The discrimination of persons with disabilities shall be considered, in particular: preventing or hindering access to health care, and denial of medical care, regular medical treatment and medications, rehabilitation means and measures; denial of the right to education; denial of the right to employment and rights of employment, in accordance with the needs of the person; denial of the right to marry, family and other rights related to marriage and family relations. Unavailability of access to facilities and areas used by the public to persons with reduced mobility and persons with disabilities, or preventing, restricting or impeding the use of these facilities, in a manner which is not a disproportionate burden on the legal or natural person who is required to provide it, is considered discrimination. Discrimination against people with disabilities exists in the case when special steps to eliminating restrictions or unequal position of those persons are not taken.

24. The law stipulates that the courts, inspection bodies and authorities for violations are obliged to keep separate records on filed lawsuits related to discrimination, and to deliver in timely manner the data from the records to the Protector of Human Rights and Freedoms,

⁹ Official Gazette of Montenegro, No. 01/07.

¹⁰ Official Gazette of Montenegro, No. 46/10 and 40/11.

while the **Ordinance on keeping records of incidents of discrimination**¹¹ has also been adopted.

25. The **Law prohibiting discrimination against persons with disabilities** prohibits any form of discrimination against persons with disabilities of any kind. Consent of a person with disability to discrimination does not relieve the person who discriminates. This law is based on the principles of respect for human rights and dignity of persons with disabilities, encouraging the inclusion of persons with disabilities in all areas of social life on the basis of equality; inclusion of persons with disabilities in all processes in which decisions are made about their rights and obligations; equality in the exercise of rights and obligations of persons with disabilities with others.

26. The **Labour Law**¹² provides that it shall not be considered discrimination the distinction, exclusion or preference in respect of a particular job, and introduces special protection and assistance to certain categories of employees, such as, among others, the protection of persons with disabilities, and absence from work for child care or special child care (positive discrimination).

27. The **Law on the Protector of Human Rights and Freedoms**¹³ of 2011 expanded competences of the Protector provided for by 2003 Law, when the institution was established for the first time in Montenegro: In addition to the discrimination perpetrated by state authorities, local governments, public agencies and other public authorities, this concept expanded in relation to the discrimination perpetrated by all legal persons and individuals, which requires a special approach of the Protector in the preventive action, and eliminating all forms of discrimination. When deemed necessary, the Ombudsman initiates before the court proceedings for protection against discrimination, and in this process, as an intervener, joins the discriminated person. Protector of Human Rights has three deputies, one of which deals with discrimination.¹⁴ Law on Amendments to the Law on the Protector of Human Rights and Freedoms is currently in the parliamentary procedure.

28. In addition, Montenegro has ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and several Conventions which prohibit discrimination. In order to fulfil the obligations arising from these documents it was necessary to make certain amendments to valid Anti-discrimination Law, and to make appropriate amendments to the Law on the Protector of Human Rights and Freedoms of Montenegro. The Law on the Protector of Human Rights and Freedoms of Montenegro entrusts Protector with tasks of institutional mechanisms for the protection against discrimination and partly developed powers of the Ombudsman. As the commitment was for the Law on Amendments to the Antidiscrimination Law to regulate the powers of the Protector in the areas of discrimination, it was necessary to make appropriate amendments to the Law on the Protector of Human Rights and Freedoms to align it with the Antidiscrimination Law.

29. The Law on the Protector of Human Rights and Freedoms, in line with the commitment of Montenegro to entrust Ombudsman the performance of tasks of the national mechanism for the prevention of torture, the Protector of Human Rights and Freedoms of Montenegro was established as a national preventive mechanism in accordance with the OPCAT. Provisions of Articles 25 and 26 of the Law on the Protector of Human Rights and Freedoms generally defined powers of the Ombudsman as a mechanism for the prevention

¹¹ Official Gazette of Montenegro, No. 23/11.

¹² Official Gazette of Montenegro, No. 49/08, 26/09, 88/09, 26/10, 59/11.

¹³ Official Gazette of Montenegro, No. 42/2011.

¹⁴ Decision on the number of deputies of the Protector of Human Rights and Freedoms issued by the Parliament of Montenegro, 2011.

of torture and other cruel, inhuman or degrading treatment or punishment. However, practice has shown that the powers of the Ombudsman in the area, as well as operation and treatment should be further regulated. Therefore, the law in this area should have been amended.

30. By the acceptance of the Declaration of the Durban Review Conference Montenegro committed itself to the establishment and strengthening of national institutions for the protection of human rights and freedoms in accordance with the Paris Principles, adopted by the UN General Assembly in 1993 (in addition to Resolution No. 48/134 of 20 December 1993). In the spirit of these principles solutions that are of importance to the autonomy and independence of the Protector of Human Rights and Freedoms have been proposed. These are the provisions relating to the status of the Ombudsman, the Deputy Ombudsman and staff in the Office of the Protector.

31. The **Criminal Code**¹⁵ through the criminal offense “torture” prohibits violence for reasons based on discrimination and punishes “the infliction of severe pain or other severe suffering, whether physical or mental, ... or for any other reason based on discrimination”. Qualified form of this offense makes an official on duty. Government of Montenegro has acceded to the amendments to this law and criminal responsibility expanded in a way that an aggravating circumstance for sentencing is the fact that the crime was committed out of hatred.

32. Also, to ensure severe punishment of perpetrators of crimes motivated by racism or other discriminatory grounds, the Criminal Code in Article 443, which relates to racial hatred or racial discrimination, has been amended in a way that it forbidden propagation of racial hatred or intolerance and incitement to racial and other discrimination based on sex, disability, sexual orientation, gender identity or other personal trait. In addition to torture, the racial and other discrimination, the violation of equality, the violation of equality in employment and the like, have also been defined.

33. The Government of Montenegro adopted the Decision on establishment of the **Council for Protection against Discrimination**¹⁶, which consists of the Prime Minister, Ministers of Human and Minority Rights, Justice, Labour and Social Welfare, Health, Education and Sports, Adviser to the Prime Minister for human rights and protection against discrimination, as well as four representatives of non-governmental organizations whose main activity is the protection of human rights and protection against discrimination. The Council during 2012 held 4 sessions.

34. The **Committee for Human Rights and Freedoms of the Parliament of Montenegro** is specifically dedicated to the promotion and protection of rights of persons with disabilities, especially protection of the rights of children with disabilities. The Committee, both in the normative part, and through the concrete, practical activities, contributes to improving the situation of persons with disabilities and respect for their rights. In addition to public meetings, the Committee has in the past organized a series of site visits to institutions, and a control examination of relevant ministers, to determine the extent to which human rights and freedoms of persons placed in institutions are respected.

35. The establishment of these two institutions (Council and Committee) showed Montenegro’s strong commitment to promote human rights from the level of the executive and legislative power, and thereby the position of persons with disabilities.

¹⁵ Official Gazette of Montenegro, No. 71/03, 47/06, 40/08, 25/10 and 32/11.

¹⁶ Official Gazette of Montenegro, No. 50/11 and 53/11.

Awareness-raising

Practice

36. Ministry for Human and Minority Rights and partners from civil society and NGOs in the implementation of the Plan of protection against discrimination, conducted an extensive media campaign on anti-discriminatory behaviour, designed with the aim of creating a more humane and tolerant environment, as well as informing the general public of the rights guaranteed by the Antidiscrimination Law. The campaign runs continuously since the adoption of the law, i.e. since 2011.

37. The campaign included television clips (1,045 broadcasted clips or 62,700 seconds), newspaper ads, flyers inserts (flyers) through the entire circulation of the three daily newspapers in Montenegro and a large number of billboards (64 in total) across Montenegro. The campaign had three basic promotional messages related to the most vulnerable social groups, of which one related to the part of the campaign dedicated to people with disabilities read: “No one should be on the margin”.

38. The campaign “It’s about ability” that promotes the inclusion of children with disabilities into society, has begun in September 2010, conducted by the Government of Montenegro, UNICEF and the European Union. Child participation and partnership with over 100 national and international organizations influenced to a great extent on overcoming obstacles and changing minds. Research on knowledge, attitudes and behaviour conducted in November 2011 gave insight into the impact of the campaign. The results of research conducted on a nationally representative sample of one thousand households, showed that every second citizen has learned something new in relation to children with disabilities, thanks to the campaign in 2011. Every fourth citizen changed the attitude towards children with disabilities as a result of the campaign. The percentage of people who believe that children with disabilities are as valuable members of society has increased by almost 20% since the start of the campaign in September 2010.

39. A large number of organizations of persons with disabilities in Montenegro have implemented and continue to implement projects to raise awareness of people with disabilities, their families and the general public about their rights and abilities.

Reasonable accommodation, universal design

40. The application of the principles of universal design, and reasonable accommodation is one of the most important measures of the **Strategy for the Integration of Persons with Disabilities**, which is reflected in ensuring the accessibility of all public services and public transport and the provision of an accessible environment in accordance with the principles of universal design. The relevant line ministries have been determined as holders of these activities, as well as key economic and public institutions, media and civil society organizations.

41. The Government of Montenegro adopted the Regulation on the minimum set of services that the Universal service includes. This regulation defines the minimum set of services of specified quality included in the Universal service, which is available to all end-users have, while respecting the rights and freedoms of individuals, without interfering with competition. The scope of the Universal service includes services that relate to the provision of certain benefits to persons with disabilities, enabling them have adequate access to and use publicly available telephone services, including access to services, telephone directory and information service. For persons with disabilities special terminals will be provided, depending on the nature of the disability.

42. The Ministry of Transport, Maritime Affairs and Telecommunications, with the approval of the ministry responsible for social welfare, defined categories of users that are

considered to be of low income and persons with disabilities, taking into account the definitions already provided by the relevant legislation for social welfare and status of persons with disabilities, as well as by introducing additional definitions, if necessary, to ensure widest possible availability of Universal service.

43. The Agency for Electronic Communications and Postal Services through a special act defines a special way of assessing the affordability of Universal services and special packages and also sets maximum prices for certain services from the scope of the Universal Service, which is provided to customers with low incomes and people with disabilities.

Practice

44. Association of Students with Disabilities in Montenegro, with special focus on the concept of “unbreakable chain” implemented a project called “College for Everyone” with the goal of making the University of Montenegro accessible to all students.¹⁷ The project was completed in three months and the main building of the University of Montenegro was made fully accessible for wheelchair users and people who have difficulty in movement.

Language, communication

45. In Montenegro, sign language is not recognized as an official language, but is standardized by the ministry responsible for education. The Law on Amendments to the General Law on Education defines that “education for people who use sign language, or a separate alphabet or other technical solutions is performed in sign language and by means of the language.”

Practice

46. In 2012 a Working Group on Standardization of sign language in Montenegro has been formed. The Working Group has done the basics of sign language, developed a theoretical basis, dactylology (one-handed and two-handed signs for two new letters of the Montenegrin language) and Vocabulary basics of sign language in Montenegro (by the areas). The Resource Centre for Hearing and Speech Disorders Kotor designed curriculum for training.

47. In the Catalogue of teacher professional development 2012/2013, in part Inclusive education the programme “Sign language – basic concepts and its specificity” has been included, within which the teachers undergo training through the introduction of sign language so as to overcome communication barriers and adopt the basic gestures necessary for understanding.¹⁸

48. The Police Directorate, during 2011 in cooperation with the Association of the Deaf and Hard of Hearing Montenegro, as part of the project “Smooth communication to equality” realized “School of sign language” for police officers and thus became the first state body in Montenegro where training of this type was conducted, in order to enable smooth and direct communication with members of the population of deaf and hard of hearing.

¹⁷ This project was implemented in partnership with the Government of Montenegro, Ministry of Labour and Social Welfare, Central bank of Montenegro, Ministry of Culture, Opportunity Bank, USAID and University of Montenegro that provided logistic support.

¹⁸ Topics of the training were: Sign language and gesture model, Alphabet of deaf people, sign language semantics, Reading speech from mouth and face of interlocutors, Translation of gesture on colloquialism.

49. Montenegro is the first country in the Balkans, which, in cooperation with UNICEF, provided the children with hearing and speech impairment the Convention on the Rights of Persons with Disabilities in Braille, audio and sign language.

50. From September 2012 short daily news are broadcasted on daily basis, designed for people with hearing impairments, translated into sign language (ahead of daily news at 3.30 pm).

51. Montenegro, from the People's Republic of China, gained valuable donation of computer equipment.¹⁹ With this donation, a much greater use of computers in the country for various categories of the population has been provided. Distribution of donation was carried out according to the criteria and in accordance with the framework proposal of grants distribution approved by the Government of Montenegro. A significant amount of computers were received by NGOs that bring together people with disabilities, for example, The Association of Youth with Disabilities of Montenegro, The Association of Paraplegics of Montenegro, Union of the Blind, the Association of Parents of children with disabilities and others.

Application of the general principles of the Convention

52. The Constitution of Montenegro defines the state as a unitary and indivisible democratic and social state, where all laws and legal rights apply equally to all citizens throughout its territory. Local governments may in their action ensure greater scope of use of the existing rights and other kinds of assistance to citizens under the conditions and in the manner prescribed by their general act.

53. The principles of the Convention are mostly embedded in the Strategy for the Integration of Persons with Disabilities in Montenegro and the associated action plans, as on the basis of them some measures have been developed to ensure the highest level of contemporary care for persons with disabilities, with access to all rights and their exercise without discrimination. These principles have been incorporated into other relevant documents, laws and by-laws that regulate human rights and the rights of persons with disabilities.

54. Public hearings with interested professionals and the general public in procedures of adopting laws, other regulations and acts enable everyone, including representatives of non-governmental organizations of people with disabilities, to influence the policy of the Government of Montenegro through their knowledge, experience and expertise, on behalf of groups of persons with disabilities and interests they represent.

55. People with disabilities are members of a large number of working groups in charge of drafting legislation, national and local strategies and participate in the evaluation of NGO projects in the bodies that provide financial support for their implementation.

56. The Office for Cooperation with Non-Governmental Organisations, which is a central government body to improve cooperation with civil society, is continually working on improving the legislative framework related to cooperation with civil society organizations, providing a stimulating environment for their work as well as developing programs, standards and recommendations for funding activities of non-governmental organizations, within which segment it actively cooperates with their representatives, including representatives of organizations of persons with disabilities.

¹⁹ The donation consisted of 1,500 computers, of which 800 were desktop computers, and 700 notebooks.

57. Persons with disabilities participate in the continuous monitoring and analysis of public policy relating to the development of civil society in Montenegro, through their representatives in the Council for Cooperation between the Government of Montenegro and NGOs, as an advisory body of the Government of Montenegro.

58. The **Council for the care of persons with disabilities** as an expert advisory body was first formed in 2003, following the initiative of people with disabilities. The government on 18 April 2013 adopted a decision to rationalize its working bodies, so the Council for the care of persons with disabilities is now established in the Ministry of Labour and Social Welfare. The new decision on the establishment of this body expanded the number of representatives from different departments, which are of importance for persons with disabilities in Montenegro. Thus, in addition to five NGO representatives, the Council consists of representatives of the Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Sustainable Development and Tourism, the Ministry for Human and Minority Rights, Ministry of Transport, Ministry of Labour and Social Welfare, Ministry of Finance, a representative of the Secretariat for Legislation and Director of Employment Agency. The Council is chaired by the Minister of Labour and Social Welfare.

Part B: Specific rights (Articles 5 and 8-30)

Article 5 – Equality and non-discrimination

59. Equality, as one of the highest values of the constitutional order of Montenegro has been further reinforced by passing **Anti-Discrimination Law** which summarizes in one place anti-discrimination provisions, which, until the adoption of this law, have been largely contained in various laws. This is a framework law which also includes, amongst the specific forms of discrimination, those that are not prescribed by other laws that contain anti-discrimination provisions. Significant body responsible for combating discrimination is a protector of human rights and freedoms, who, in addition to competences and powers of a special law, also receives and acts upon complaints in discrimination cases.

60. A discriminated person, in accordance with the law, may exercise his/her rights through the courts, by filing a lawsuit. The court proceedings are urgent.

61. In 2011, the **Law on the prohibition of discrimination against persons with disabilities** has been adopted. The law establishes the prohibition of discrimination in: proceedings before bodies, the use of facilities and areas used by the public, public service provision, health care field, the field of education, employment, area of work, marital and family relations, public transportation, exercise of voting rights, non-governmental organizations. Also, there is a ban on discrimination against non-governmental organizations for the protection of persons with disabilities.

62. The **Law on the Protection and Rights of Mentally Ill Persons**²⁰ stipulates that mentally ill persons shall be provided the rights and freedoms in accordance with international documents and the general rules of international law. It prohibits discrimination against the mentally ill. Specific measures to be taken to protect the health or safety of the mentally ill, which ensure the improvement of their health, are not to be considered discrimination. No one should regard a person as mentally ill, or otherwise indicate his/her mental disorder, unless it is in order to take measures for the protection of such persons, in accordance with the law.

²⁰ Official Gazette of Montenegro, No. 27/13.

63. The **Law on Free Legal Aid**²¹ provides for the implementation and use of the right to free legal assistance in accordance with the principle of non-discrimination. Thus, this right can be exercised regardless of disability or other personal characteristics. Article 13 provides that the right to free legal aid is vested in a person with special needs.

64. Protector of Human Rights and Freedoms of Montenegro in 2012 processed 64 cases related to discrimination. Of this number, during the reporting period, there were 5 cases related to discrimination based on disability.

65. In his previous work, a small number of complaints have been filed to the Protector of Human Rights and Freedoms of Montenegro. This is also because people with disabilities are often not sufficiently aware of the fact that the inability to access information, education, employment, health care, is a violation of their fundamental human rights. Protector will continue to work on raising democratic civic awareness of the role and importance of this population, as well as the need for adequate and efficient operation of the competent state authorities and local self-government in their protection. For this purpose, the Ombudsman in his previous work has established good cooperation with several non-governmental organizations engaged in promoting and protecting the rights of these persons.

Article 8 – Awareness-raising

66. From the period of the adoption of the Law on Prohibition of Discrimination and the Law on the Protector of Human Rights and Freedoms important activities in the implementation of these laws have been carried out, which include Education Plan and Media Plan to promote anti-discriminatory behaviour. These activities are marked as continuing in the work of the Ministry of Human and Minority Rights, and in the past period have comprised primarily marginalized social groups, i.e. those in which discrimination and homophobia is particularly visible.

67. The period from the beginning of 2011 until today was marked with the activities in implementation and the education and promotion of non-discrimination with the aim of raising awareness and sensibility of the state administration, police, judiciary, and the broadest Montenegrin public. Education Plan for training of civil servants, judicial officials and employees of other independent bodies and organizations in the field of protection against discrimination, included a series of seminars/workshops dealing with critical discrimination in society and encompassing discrimination against persons with disabilities.

68. The first cycle of education covered primarily professionals in providing protection against discrimination, and the second cycle included the local level in the fight for the human rights of the most vulnerable groups. Participants of the second cycle are the representatives of all regional units and branches of the police in Montenegro as well as representatives of the municipal Secretariats for Administration and Social Services. The third cycle of education (launched April 2013) includes representatives of inspection services, as the Antidiscrimination Law envisaged inspection of the implementation of the law in relation to discrimination in the labour and employment, occupational safety, health care, education, construction, transport, tourism and other areas in which discrimination may occur, which certain inspections supervise.

69. These activities were preceded by a sociological survey that gave the image of the status in the Montenegrin society in relation to discrimination. Specifically, in 2011, a survey of citizens' attitudes toward the most vulnerable social groups was conducted, the

²¹ Official Gazette of Montenegro, No. 20/11.

results of which were presented to professional and general public. These results were the starting point for further activities in the field of implementation of Antidiscrimination Law, since the survey dealt with the discrimination against persons with disabilities, the LGBT population, Roma, minorities and women.

70. The citizens of Montenegro, as potential perpetrators or victims of discrimination, had to adopt a more complete knowledge of discrimination, its causes and consequences so as to gain awareness of the social and specific dangers that discrimination brings and learn how to fight it. To this end, Deputy Protector of Human Rights and Freedoms in the field of minority rights, protection against discrimination and the area of gender equality was the author and co-author of the publications: Guide to the Law on Prohibition of Discrimination; Prohibition of discrimination in Montenegro; and Guide through antidiscrimination legislation (in preparation).

71. The aim of these publications is to: objectively present situation in the field of protection against discrimination in Montenegro; to educate the law enforcement officers, police officers and other professionals in the Montenegrin system; help national anti-discrimination efforts in the field of education; send clear message to the citizens of Montenegro that it is possible to protect their rights, in the better and more realistic way that should be used more intensively.

72. As part of the organized training, Deputy Protector of human rights and freedoms of Montenegro in the field of minority rights, protection against discrimination and gender equality, conducted a series of training sessions (lectures), and promoted the obligation to respect human rights in order to combat discrimination, including a large number of those relating to the prohibition of discrimination against persons with disabilities.

73. The campaign “It’s about ability” that promotes the inclusion of children with disabilities into society, which began in September 2010 was conducted by the Government of Montenegro, UNICEF and the European Union. Child participation and partnership with more than 100 national and international organizations influenced to a great extent on overcoming obstacles and changing minds. Research on knowledge, attitudes and behaviour conducted in November 2011 gave insight into the impact of the campaign. The results of research conducted on a nationally representative sample of one thousand households, showed that every second citizen has learned something new in relation to children with disabilities, thanks to the campaign from 2011. Every fourth citizen applied the attitude towards children with disabilities as a result of the campaign. The percentage of people who believe that children with disabilities are as equally valuable members of the society has increased by almost 20% since the start of the campaign in September 2010.

74. Every year in Montenegro, on 3 December, the International Day of Persons with Disabilities is marked through various activities organized by public authorities and non-governmental organizations of people with disabilities: round tables, forums etc. where one of the main goals is raising the awareness of the need to improve the situation of persons with disabilities.

Article 9 – Accessibility

75. The **Anti-discrimination Law** under Article 18 defines “Unavailability of access to facilities and areas used by the public to persons with reduced mobility and persons with disabilities, or preventing, restricting or impeding the use of these facilities, in a manner which is not a disproportionate burden on the legal or natural person who is required to provide it, is considered discrimination.”

76. According to the **Law on the Prohibition of discrimination against persons with disabilities**, facilities for public use are: those of educational, cultural and educational

purposes; health, rehabilitation, social and child protection; sport and recreational, retail, hospitality and tourism; postal, telecommunications and transportation; legislative, judicial, administrative or similar; facilities for religious services and religious affairs; facilities where persons with disabilities are often residing; spaces and areas of public use and the like; public areas are parks, squares, public roads, and the like. The same law stipulates that discrimination against persons with disabilities, on the basis of disability, in the use of facilities and areas used by the public is considered: 1) the inaccessibility of facilities and areas used by the public, 2) denial of access, movement, residence and work in facilities in public use.

77. According to the **Law on professional rehabilitation and employment of persons with disabilities**, the employer is entitled to a subsidy in order to adapt the workplace. An employer who employs a person with a disability has the right to grant, for: adapting the workplace and working conditions for the employment of persons with disabilities; or loans under favourable terms for the purchase of machinery, equipment and tools required for the employment of persons with disabilities; participation in financing the cost of personal assistant (assistant at work) to persons with disabilities; subsidies on earnings of persons with disabilities employed. Eligible for this grant is also a person with disabilities who is self-employed, who sets up a company, who is employed in the domestic household and performs agricultural activity as a single, main or additional job.

78. Ministry of Sustainable Development and Tourism in previous years worked intensively on the creation of legal preconditions for providing access, movement, work and residence for persons with disabilities and persons with reduced mobility to all facilities, especially facilities for public use. Thus, the Law on Spatial Planning and Construction (51/08, 40/10, 34/11, 47/11, 35/13, 39/13) introduced the obligation to adapt existing facilities used by the public to such persons. Deadline for adapting buildings for public use expired on 1 September 2013. Through the amendments to the Law on Spatial Planning and Construction in July 2013, the Ministry has not proposed changes to deadline or the prolonging of the execution of this obligation to all owners and occupants of buildings used by the public, because of the respect for the rights of persons with reduced mobility and persons with disabilities.

79. Amendments to the Law on Spatial Planning and Construction made it possible, through a plan of temporary facilities (access ramps, lifts, etc.) to provide conditions for access and movement of persons with reduced mobility. In this way it is possible to build ancillary facilities in a faster, easier and cheaper way, which should provide access, movement and residence of persons with reduced mobility, because the construction of the same is treated as the construction of temporary facilities. This will overcome the current problem in the construction of access ramps, elevators and the like which required obtaining urban-planning requirements and building permit, as well as for any other building facilities.

80. Ordinance on the closer conditions and the manner of adjustment of facilities for access and movement of persons with reduced mobility (Official. Gazette of Montenegro, No. 10/09 of 10 February 2009) prescribes the conditions and manner of providing unobstructed access, movement, residence and work of persons with reduced mobility in the facilities that are used by the public, residential buildings and housing and commercial building and requirements and simple way to adapt accessibility to residential, housing and commercial buildings.

81. The **Law on Road Traffic Safety**²² in the section that defines the stopping and parking determined that the driver with disability with damaged lower extremities or driver of a vehicle for transport of blind people can stop or park the vehicle in places where it is prohibited under that law, and that his vehicle should be marked with a special label. Also, if pedestrians are children, elderly persons, blind persons, persons with disabilities, in wheelchairs or on crutches, the driver is required to stop the vehicle and let them pass when they are in the marked pedestrian crossing at which traffic is not regulated by the equipment for light traffic. In the public transportation vehicles two to six seats closest to the entrance of the vehicle shall be reserved for persons with disabilities, and notice of the number of such seats shall be displayed in a visible place in the car.

82. The **Law on contractual relations in rail traffic**²³ defines that when purchasing tickets, the seller is obligated to provide to a person with disability information on: the general conditions of carriage, shortest transportation path, the marginal cost of transportation and the availability of facilities and means of transport carriers for persons with disabilities.

83. The **Law on Obligations and Basic Property Relations in air traffic**²⁴ defines that the air carrier is obliged to give priority to the transport of persons with reduced mobility and their companions or certified guide dogs and children without escort. Also as part of the implementation of European legislation, the Law on Amendments to the **Law on Ratification of the Multilateral Agreement between the European Community and its Member States**²⁵ has been adopted, in the framework of which Regulation (EC) No. 1107/2006 of the European Parliament of 5 July 2006 on the rights of persons with disabilities and persons with reduced mobility in air transport was published.

84. The **Ordinance on the manner, conditions and procedure for orientation of children with special educational needs**²⁶ commits pre-schools, institutions of primary, general secondary and vocational secondary education and resource centres, in accordance with their capacities, to provide conditions through the decision on orientation and individual programs based on individual educational need of the child, by adapting the space, equipment and teaching aids. Thus, the institution provides to children: access to the building, accessories, equipment, room to move, technological aids if necessary, help of the Resource Centre of the moment disability is observed, educational resources, place in the classroom to see the board the best way, free passage to the table, safe environment, teaching resources, materials, adequate educational technology and additional knowledge about them, to sit close to the teacher, unobstructed view in ongoing communication, adapted learning materials, adequate educational technology, larger and bold font of educational materials, custom written assignments and time to resolve them, assistance of the Resource Centre of the moment the disability is observed; clear physical and visual boundaries (labelling, restriction of space, etc.), clear and precise instructions and daily schedule, eliminating visual and auditory distractions, a place by the teacher's table, the elimination of everything that disrupts attention, etc., remedial instruction to overcome language barriers, eliminating the distracting sounds, and others.

85. **Amendments to the Regulation on the classification of minimal technical requirements and categorization of camps**²⁷ have also been adopted, which provide that

²² Official Gazette of Montenegro, No. 32/12.

²³ Official Gazette of Montenegro, No. 41/10.

²⁴ Official Gazette of Montenegro, No. 18/11.

²⁵ Official Gazette of Montenegro, No. 01/11.

²⁶ Official Gazette of Montenegro, No. 57/11.

²⁷ Official Gazette of Montenegro, No. 61/10.

camp and camping areas up to 100 camp lots, should have installed a toilet and a shower specially equipped for persons with reduced mobility.

86. Accessibility of court and prison facilities was provided on the ground floor of the Supreme, Appellate and High Courts in Podgorica, the budget for 2013 envisages the allocation of resources to provide access to these individuals to each floor of the buildings. Access is provided in the Administrative Court, and the Basic Courts in Podgorica, Kotor, Berane, Ulcinj, Bar, Niksic and Rožaje. Activities are underway to develop projects for the access ramps to the Basic Courts in Plav, Danilovgrad and Pljevlja.

87. Within the Prosecution the access to persons with reduced mobility is enabled in the Supreme Public Prosecutor's Office, the High and Basic Prosecutor's Office in Podgorica and the Department for combating organized crime, corruption, terrorism and war crimes.

88. Facilities of the High and Basic State Prosecutor's Office and other basic state prosecutor offices (Bar, Berane, Cetinje, Herceg Novi, Kotor, Kolasin, Plav, Rozaje, Ulcinj, Pljevlja and Niksic), are not fulfilling requirements for access to persons with reduced mobility. Budget for 2013 plans funds for the expansion and renovation of facilities at the Basic State Prosecutor's office in Podgorica and Kotor.

89. Only two buildings of misdemeanour bodies fulfil the requirements for access to persons with reduced mobility, but not for their movement, while the other 16 do not fulfil any requirement.

90. Regarding the institutions of the Institute for Execution of Criminal Sanctions, Remand Prison in Podgorica is adapted for access, but not for the accommodation of detained persons with reduced mobility. Prison in Bijelo Polje is not adjusted for access and accommodation due to technical constraints of the design. Facility of the Prison for a short sentence, Correctional Institution, Correctional semi open department and women's section of the Correctional Institution, are adapted for persons with reduced mobility. The building of the Directorate for Anti-Corruption Initiative is fully adapted to the access and movement of persons with reduced mobility. Of 2008 to June 2012, the Correctional Institution Podgorica and the Prison Administration in Bijelo Polje, in addition to other activities of reconstruction and renovation of facilities, made the adjustment of access to persons with disabilities. In the Remand Prison in Podgorica, on the lower floor there is a room designed for wheelchair users, but not enough adapted to their needs.

91. For the facility to be fully adapted it needs to contain a number of elements of accessibility, which are clearly defined in the text and graphics of the Ordinance on the closer conditions and the manner of adjustment of facilities for access and movement of persons with reduced mobility (Official Gazette of Montenegro, No. 10/ 09 of 10 February 2009). Access to the facility is not regarded only in terms of wheelchair users, but each facility must allow access to persons with reduced mobility (cane, crutches, walkers and dog helper), visually impaired and deaf. In addition to providing accessibility to persons with disabilities the access must be provided to the elderly, pregnant women, mothers with prams and the like.

92. Based on previous analyses conducted by the Ministry of Sustainable Development and Tourism, in cooperation with representatives of civil society, a general conclusion has been made that the facilities used by the public in Montenegro are not fully adapted to the requirements of the Ordinance. A certain number of facilities provided in practice a parking space, ramp, but on the other hand there is a very difficult communication within the building; for example they do not include tactile surface or orientation relief plan for the movement of the blind and visually impaired people, so we can say that there are a number of facilities that are partially adapted to the conditions of the said Ordinance or those inadequately adapted.

93. In 2011, data on the accessibility to the buildings of social and child protection have been collected in order to plan funds for their adaptation in accordance with accessibility standards.

94. The Centres for Social Work Pljevlja, Rožaje, Plav, Bijelo Polje, and an all adapted facilities in the Public Institute Komanski most, except in the administration building, and new buildings in the Public Institution Centre for Children and Youth Ljubović comprise access ramps. At the same time other facilities housing CSWs have completed the project documentation for adaptation of the access and the buildings themselves, some of which will be realized in the future period. However, it is important to note that construction and architectural studies of the several facilities of centres for social work show that it is not possible to make any adjustment, even as far as the access to the building is concerned, while at the Children's Home Mladost in Bijela, there is a problem of the inside adaptation of parts of the building, which is not possible to be made in accordance with accepted standards of architectural accessibility.

95. In 2011, an analysis of the accessibility of all facilities of public health institutions has been done, and part of them have been reconstructed, mainly in terms of accessibility to entrance, for complete adjustment in accordance with the adopted standards.

96. Most public health institutions have reconstructed and renovated facilities (construction of ramps with railings for access by persons with disabilities, elevators, providing specialized wheelchairs and stretchers on wheels at the entrance of buildings, built entrance for wheelchair users, in a way that the part of the ground floor comprised exit from the building, and then prescribed path built, with a fence on which wheelchairs can safely drive, aisles width of 150 cm and all the running surfaces at the same level, the door to communication made free of threshold and doors with accessible handles, plates of the counter at a height of 85 cm and the like). However, in some facilities access is enabled only on the ground floor, but actions to eliminate the deficiencies are under way.

97. Bearing in mind that the accessibility to cultural facilities is the basis for the consumption of cultural contents, the Ministry of Culture has permanent contacts with relevant institutions, and it carried out the analysis of the accessibility of national cultural institutions to people with disabilities. In the coming period permanent adaptation of cultural facilities will be carried, in order to provide a more complete accessibility for people with disabilities.

98. The Maritime Museum of Montenegro, during 2007, adapted its facilities to persons with disabilities in a manner that in the ground floor of the Palace Grgurina it made the department equipped by modern standards to view the exhibition space on first and second floors. In this way, persons with disabilities, via video link, and the plasma can see exhibition items that have been placed in the Museum's 12 departments, accompanied with appropriate text and baroque music. This museum opened the department for children with disabilities, made of video screen and audio guides in six languages worldwide and provides them with training in maritime history and cultural heritage of Montenegro.

99. In the framework of various projects, NGOs dealing with issues of persons with disabilities in Montenegro, engaged largely in promoting legislation related to accessibility. Since 2010 there are continuous activities under way aimed at informing the public and local authorities, businesses, construction companies, tourist workers and representatives of the Faculty of Civil Engineering, as well as local agencies for construction, of the accessibility standards for the movement of persons with reduced mobility and the necessity and profitability of the construction of accessible facilities.

100. The Ministry of Interior is continually implementing service delivery to parties who receive certificates from the register of births, citizenship certificates and certificates of residence at home address, in an electronically supported way at tight deadlines. Also, for

people with disabilities who are unable to submit applications for identity documents (identity card, passport) and take the same, the mobile stations continued to take down the information at the address of the applicant, including biometric data and also issue the power of attorney to a person who should take official action in the name of that person.

101. The Operational Communication Centre receives calls from all operational networks, at the single number 112 – for help in emergency situations, where people with disabilities have priority when call forwarding.

Article 10 – Right to life

102. The right to life is a fundamental human right, as confirmed by Article 26 of the Montenegrin Constitution, which prohibits the death penalty.

103. The **Law on Patients' Rights**²⁸ recognizes the right to self-determination (free choice) within which the patient has the right to decide freely about everything that concerns his life except in situations where a direct threat to the lives and health of others is concerned (Art. 6).

104. The **Law on the conditions and procedure for termination of pregnancy**²⁹ determines that abortion can be performed up to 10 weeks from the day of conception, at the written request of a pregnant woman. Abortion may be made after the expiry of 10 weeks from the date of conception, but not after 32 weeks. Abortion of a minor or a person under guardianship may be made only with the written consent of a parent, adoptive parent or guardian. Abortion can be made after the expiry of 10 to 20 weeks from conception, and termination of such pregnancy must be approved by the abortion board.

Article 11 – Situations of risk and humanitarian emergencies

105. The **Law on the protection and rescue**³⁰ under the measures of personal and collective protection defines in particular self-help and first aid, moving people, caring for children, sick and disabled people, as well as other measures of protection and rescue that cannot be postponed. The law provides for the development of national and local action plans for rescue.

106. The Government of Montenegro in November 2012 adopted the Decision about the publication of the Agreement between the Government of the Republic of Montenegro and the Council of Ministers of Bosnia and Herzegovina on cooperation in protection against natural and manmade disasters, by which the Contracting Parties regulate the framework of their cooperation in the protection against disasters.³¹

107. The Directorate of Emergency Management has set up 'call centre', which in the case of a call, treats the person with a disability as a priority in their work and with special care and responsibility accesses these persons.

²⁸ Official Gazette of Montenegro, No. 40/10.

²⁹ Official Gazette of Montenegro, No. 53/09.

³⁰ Official Gazette of Montenegro, No. 13/07 and 32/11.

³¹ Cooperation in planning and implementing preventive measures for protection from flood, earthquakes, navigational accidents, radiological hazards, and industrial and other manmade disasters; mutual notification of the dangers, the occurrence and consequences of disasters, mutual aid in protection, rescue and disaster relief, etc.

Article 12 – Equal recognition before the law

108. The **Constitution of Montenegro** stipulates equality before the law (all are equal before the law), regardless of any particularity or personal feature, then the right of all to equal protection of the rights and freedoms, the right to a remedy and the right of all to the legal aid. The State thus ensured that persons with disabilities have an equal basis and are recognized before the law, same as other people.

109. Under the **Family Law**, the state through guardianship provides protection to children who are not under parental care and adult persons who are incapacitated or are unable to take care of their personality, interests and rights. Guardianship is performed by centres for social work (the guardianship authority). Minors will be put under guardianship if the parents are deceased, missing, unknown, or of unknown residence, deprived of legal capacity or parental care, minors who did not acquire legal capacity, who are absent or prevented and are not able to care for their child.

110. The **Law on contentious procedure**³² regulates the issue of forfeiture and return of legal capacity where the Court examines whether an adult according to the degree of ability to comprehend is in the condition to care about his/her rights and interests, and decides on the complete or partial denial of legal capacity, or total, or partial restitution of legal capacity when the reasons for the total or partial denial of legal capacity expire. The procedure is urgent and must be completed no later than 30 days from the date of receipt of the proposal.

111. The procedure for deprivation and restitution of the legal capacity can be initiated by: the guardianship authority; marital and common-law partner, child, or parent of a person with whom the legal conditions for the revocation or restriction of legal capacity have been met; grandfather, grandmother, brother, sister and granddaughter, if he/she lives with that person in a family community; people to whom legal capacity is deprived or retrieved if they can understand the meaning and legal consequences of this proposal. Also, the proposal must contain the facts on which it is based, as well as evidence that determines those facts or makes them probable. If the procedure is not initiated by the guardianship authority, the proposal must also contain information from which derives the authority to initiate proceedings.

112. A person who is deprived of legal capacity or to whom legal capacity is to be retrieved, is called for a hearing, unless such person, in the opinion of the court, is unable to grasp the meaning and legal consequences of his/her participation in the process. The court will hear the person, and if the person is accommodated in a medical institution, shall hear him/her, as a rule, at that institution, where the hearing will be organised. The person against whom the proceedings for the deprivation of legal capacity is lead, must be examined by a medical expert, of relevant specialty, which will give the findings and opinion of his mental state and ability to judge.

113. The court will deprive the person in full or partly of the legal capacity, when it finds that conditions for depriving of legal capacity have been met. The person incapacitated may file an appeal against the decision on incapacitation, regardless of his/her mental state.

114. When the reasons for which the person was declared incapacitated expire, the court shall, ex officio, upon the proposal of the person, and the proposal of the guardianship authority or other legally authorized person, carry out the procedure and depending on its results, issue a decision on full or partial restitution of capacity.

³² Official Gazette of Montenegro, No. 27/06.

115. The Law on contentious procedure deals also with the institute of extension and termination of extended parental rights. Thus, the court decides on the extension and termination of extended parental rights after the legal age of a child, where there are specific reasons under the law.

116. The procedure is initiated on the request of the parent, or adoptive or guardianship authority. The child in the process is represented by a special guardian appointed by the court or the guardianship authority. The decision on the request for extension and termination of extended parental right shall be based on the discussion at the hearing at which the guardianship authority, child, guardian of the child and his parents, his adoptive parent, are invited, regardless of whether they started the procedure. Parents in these proceedings shall be questioned, and guardianship authority shall issue an opinion on the expediency of extending parental rights.

Article 13 – Access to justice

117. The right of access to justice is an international legal standard, while the availability of the courts and the equality of the parties, under the **Law of the courts**³³ are essential principles of a fair trial and have a common purpose, which is to provide legal equality, as the basis of the rule of law. All must be equal before the court regardless of any particularity or personal trait, in accordance with the Constitution.

118. The **Code of Criminal Procedure**³⁴ provides for the process adjustment in legal proceedings, in order to ensure the effective participation of persons with disabilities in the justice system. This Code provides for the possibility of hearing the defendant through an interpreter, to whom, if he's deaf, questions are submitted in writing, and if he is dumb, he shall be invited to answer in writing. If the hearing cannot be conducted in this manner, an interpreter shall be summoned, who is a person with whom the defendant may communicate. The hearing of a witness who is deaf or mute is conducted in the same way. It also prescribes the oath of witnesses if deaf or dumb, to enable them to participate in the proceedings.

Article 14 – Liberty and security of the person

119. Montenegrin Constitution provides that everyone has the right to personal liberty, and a person can be deprived of his liberty merely on the grounds and under the procedure prescribed by the law. It stipulates the rights of the person who is lawfully detained, and illegal deprivation of liberty shall be punishable. Person reasonably suspected of having committed a criminal offense may, by decision of the competent court, be detained and kept in custody only if it is necessary for the conduct of criminal proceedings. Detainee must be given a reasoned decision at the time of arrest or at least within 24 hours of detention. Against the decision to detain the detainee has the right to appeal, on which the court decides within 48 hours. Custody shall be reduced to the shortest possible time. Detention ordered by a first instance court may last for three months from the date of arrest and by the decision of the superior court, may be extended for another three months.

³³ Official Gazette of Montenegro, No. 05/02.

³⁴ Official Gazette of Montenegro, No. 57/09.

120. Accommodation and treatment of persons with disabilities, serving a sentence, is not specifically prescribed by the **Law on Execution of Criminal Sanctions**³⁵ or any bylaw.

121. The **Law on the Protection and Rights of Mentally Ill Persons**³⁶ provides that the exercise of the rights of mentally ill persons in accordance with the law may be restricted only in cases prescribed by law and necessary to protect the health or safety of those or other persons. Psychiatrists and other health care workers are required to carry out the treatment of the mentally ill so to restrict their freedoms and rights to the minimum extent, and not cause physical and psychological embarrassment that offends their personality and human dignity.

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

122. Article 27 of the **Montenegrin Constitution** is entitled biomedicine. It provides effective protection of all persons with respect to the application of biology and medicine, the creation of human beings who would be genetically identical to another human being, living or dead, as well as protection from any medical and other experiments without the permission of those persons. The Constitution guarantees the dignity and inviolability of a person and no one should be exposed to torture or to inhuman or degrading treatment, or be held in slavery or servitude.

123. According to the **Law on Patients' Rights**³⁷ the right of patients to refuse to be subjected to scientific testing and research is guaranteed. Scientific studies and research can be undertaken over the legal age and legally competent patient, only with his consent, which at any time may be revoked. The patient gives consent in writing, after sufficient notice of the purpose, objectives, course of the procedure, expected outcomes, possible risks, and possible side effects of testing and research. Notwithstanding the above, scientific testing and research can be undertaken over a minor patient and the incapacitated patient only to its immediate benefits, and with the written consent of the legal representative or guardian who was previously fully informed and advised.

124. The **Law on the Protection and Rights of Mentally Ill Persons**³⁸ stipulates that no one shall be compelled to undergo medical testing to determine the presence of a mental disorder, except in cases and under the procedure established by law. This law founds that mentally ill persons are entitled to protection from economic, sexual and other forms of exploitation, physical or other abuse, any form of abuse, humiliation and any other treatment violating the personal dignity and creating an unpleasant, hostile, humiliating or offensive state.

125. The **Law on the Protection of genetic data**³⁹ provides the prohibition of any kind of discrimination and stigmatization of persons based on data on genetic traits or genetic traits of his/her relatives.

126. The **Law on Social and Child Protection**⁴⁰ defines the prohibited conduct of employees. The institution or another service provider, employee is prohibited from

³⁵ Official Gazette of Montenegro, No. 25/94, 29/03 and 65/04 and Official Gazette of Montenegro No. 32/11.

³⁶ Official Gazette of Montenegro, No. 32/05 and Official Gazette of Montenegro No. 27/13.

³⁷ Official Gazette of Montenegro, No. 40/10.

³⁸ Official Gazette of Montenegro, No. 32/05.

³⁹ Official Gazette of Montenegro, No. 25/10.

⁴⁰ Official Gazette of Montenegro, No. 27/13.

exercising any form of violence against children, adults and elderly person, physical, emotional and sexual abuse, exploitation of beneficiaries, breach of trust or authority enjoyed in relation to the user, neglect of user and other treatment that can harm the health, dignity and development of the user.

127. Persons deprived of their liberty shall be treated in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as standards and recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In this regard, Montenegro established a **National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**. The tasks of the National preventive mechanism are performed by the Protector of human rights and freedoms, starting of 2011.

128. The Protector of Human Rights and Freedoms of Montenegro is a National Preventive Mechanism against torture and other forms of inhuman treatment or punishment, in accordance with the Optional Protocol to the UN Convention against Torture and Other Cruel or Degrading Treatment or Punishment. Obligations under this Protocol include regular and unannounced visits to detention facilities with restricted freedom of movement (prisons, psychiatric institutions...). After the visit the reports are compiled and submitted to the institutions or organizations. Reports include any recommendations for improvement of the human rights of people who are placed in these institutions. In these reports, special attention is paid to the state of realization of human rights and status of persons with disabilities and assessed whether there are appropriate conditions for accommodation, as well as the custody or imprisonment of persons with physical disabilities who need the wheelchair.

129. Representatives of the European Committee for the Prevention of Torture and Inhuman Treatment or Degrading Treatment or Punishment (CPT) visited Montenegro in September 2008. Buildings and facilities covered by the visit included police facilities, detention facilities, psychiatric facilities, facilities for special care of juveniles.⁴¹ Based on the visit a report with recommendations has been made. In February 2013 CPT delegation visited Montenegro and on this occasion conducted tour of the Special Psychiatric Hospital in Dobrota, PI Institute Komanski most, the prison complex Spuž, as well as several police facilities in Podgorica. The delegation expressed interest in procedures of placement in the previously mentioned institutions, especially in cases where it is not a voluntary placement, as well as procedures for the control and supervision of the work of the authorities who decide on the measures to be taken against persons who live in these institutions.

130. The Project *Monitoring respect of human rights in closed institutions in Montenegro*⁴² was funded by the European Union Delegation to Montenegro with 120,000 euros. The assessment was focused on monitoring and improving human rights, with emphasis on the right to freedom from torture, inhuman and degrading treatment in social and child protection institutions “Komanski most” and “Ljubović.” Based on the monitoring a report on human rights in these institutions has been presented with recommendations aimed at improving the living conditions. A year later, the same monitoring team prepared a final assessment on the fulfilment of the recommendations made in the report. The report showed that the rights of residents of institutions “Komanski

⁴¹ A report with recommendations is available on <http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.pdf>.

⁴² The project was implemented by the NGO “Action for Human Rights” (HRA), the Center for Anti-discrimination “EKVISTA”, Center for Civic Education (CCE) and the Women’s Safe House (SWH), Belgrade Centre for Human Rights and the Latvian Centre for human rights.

most” improved significantly compared to the same period 2011. Moreover, “Ljubović” was praised for providing new facilities, with improved conditions for the care of residents.

Article 16 – Freedom from exploitation, violence and abuse

131. Respect for the person is guaranteed by the Constitution of Montenegro, while in the criminal or other proceedings in the case of deprivation or restriction of liberty and during the execution of the sentence, any violence, inhuman or degrading treatment of persons deprived of their liberty or whose freedom is restricted shall be prohibited, as well as extortion of confessions and statements.

132. The **Law on Protection from Domestic Violence**⁴³ defines domestic violence as any act or omission of a family member, which endangers the physical, psychological, sexual or financial integrity, mental health and peace of another member of the family, no matter where done. Violence manifests itself in the forms of physical, emotional and sexual abuse and neglect. Victims of violence are entitled to psychosocial and legal assistance, and social and medical care, in accordance with the law. Protection is provided to victims by imposing protection measures. Special assistance and protection is provided to the victim who is a child, elderly person, disabled person and persons unable to care of himself, in accordance with the law. Such coverage, given the prescribed protection measures ensures full protection of victims of domestic violence in practice.

133. The Law stipulates the obligation of reporting domestic violence both to the person responsible in the state authority, other authority or service, medical, educational and other institutions, as well as to the health and social workers, teachers, educators and other persons, when he/she learns of the violence in the performance of their duties or activities. The law also stipulates the obligation of the police, violation authority, the state prosecutor’s office, the centre for social work or other social and child protection authority, health institutions and other bodies and institutions involved in the protection, to provide complete and coordinated protection for victims of domestic violence.

134. The **Regulation on detailed content and form of the order for removal or prohibition of returning to the apartment or other living space**⁴⁴ has also been adopted, by which organizational unit of the police orders the removal or prohibition of returning to the apartment or other living pace, until the precisely specified date and time, with defined boundaries of the area in which the perpetrator of violence should not move, stay or get close to the victim.

135. The **Law on Social and Child Protection** stipulates that, in achieving the objectives of social and child protection, special protection, among others, is given to children with disabilities and special needs, who are the victim of abuse, neglect, violence and exploitation, or who are exposed to the risk of becoming a victim as well as adults and older person with a disability, who are the victims of neglect, abuse, exploitation and violence or at risk of becoming a victim.

136. This law provides a right of access to immediate intervention, to ensure safety in situations that threaten the life, health and development of the user and are provided 24 hours a day. Services of immediate intervention are provided by the centres for social work with a mandatory cooperation with other competent bodies and services. The centre for social work has a special form of work out of hours, during which employees must be continuously available (standby) to, if necessary, urgently intervene.

⁴³ Official Gazette of Montenegro, No. 46/10.

⁴⁴ Official Gazette of Montenegro, No. 42/12.

Article 17 – Protecting the integrity of the person

137. Inviolability of the physical and psychological integrity of a person, his/her privacy and personal rights is stipulated by the Constitution.

138. The **Law on patients' rights**⁴⁵ determines the rights of patients, namely: the right to free choice of doctor of medicine or doctor of dentistry, the right to information and notification, the right to self-determination (free choice), the right of access to medical records, the right to refuse to be part of the testing and research, the right to a second opinion, the right to privacy and confidentiality, the right to timely health care, the right to protest, the right to compensation, the right to voluntarily leave the health facility.

139. In the exercise of the right every patient is provided the respect of human dignity, physical and mental integrity and the protection of those rights. Equal access to quality and continuous health care is guaranteed to each patient according to his medical condition, generally accepted professional standards and ethical principles, the right to be relieved from pain and suffering at every stage of disease or condition, at all levels of health care.

140. The patient has the right to decide freely about everything concerning his/her life and health, except when it directly threatens the lives and health of others. The patient is free to decide between several types of medical interventions and consents to a proposed medical intervention orally or in writing. Consent to a proposed medical intervention can be revoked by the patient until the beginning of the procedure. Medical intervention over a minor patient or the incapacitated patient may be undertaken with the consent of the legal guardian or custodian.

141. If the patient does not know the official language or is deaf-mute, medical institution is obliged to provide him with an interpreter or translator.

142. The **Law on the Protection of the Mentally Ill**⁴⁶ stipulates that no one shall be compelled to undergo medical testing to determine the presence of a mental disorder, except in cases and under the procedure established by law, and mentally ill persons are entitled to the protection of personal dignity, humane treatment and respect for their person and privacy. Also this law stipulates that the treatment of the mentally ill person should be focused on preserving and strengthening the integrity of the person.

143. The **Law on the Treatment of Infertility by Assisted Reproductive Technologies**⁴⁷ provides that the application of biomedical advances in infertility treatment guarantees dignity to all, protection of identity, personal integrity, fairness, equality and other personal rights and freedoms.

Article 18 – Liberty of movement and nationality

144. The **Law on Registers**⁴⁸ prescribes the manner and procedure for the registration of the child in the registry of births, method and procedure of registration of the Montenegrin citizen in another country. Law on Montenegrin citizenship⁴⁹ provides the acquisition of Montenegrin citizenship by descent, birth on the territory of Montenegro, admission, under international treaties and agreements. People with disabilities are fully equal in the

⁴⁵ Official Gazette of Montenegro, No. 40/10.

⁴⁶ Official Gazette of Montenegro, No. 32/05 and No. 27/13.

⁴⁷ Official Gazette of Montenegro, No. 74/09.

⁴⁸ Official Gazette of Montenegro, Nos. 47/08, 41/10 and 40/11.

⁴⁹ Official Gazette of Montenegro, Nos. 13/08, 40/10, 28/11 and 46/11.

protection and realization of their interests as well as other citizens, and have the possibility to acquire Montenegrin citizenship under the same conditions.

145. Montenegro has acceded to the UN Convention Relating to the Status of Stateless Persons of 1954, and is a signatory to the UN Convention on the Reduction of Statelessness 1961. Also, in 2010 Montenegro has ratified the European Convention on Nationality of 1997 and the Council of Europe Convention on the avoidance of statelessness in the state of state succession of 2006 as the fourth European country which has ratified this Convention. Thematic Group of the UN system in Montenegro for the Protection of Human Rights had as its theme for year 2011 statelessness, in order to raise awareness in Montenegro on this issue.

146. The **Law on Personal Names**⁵⁰ determined that the personal name of the child is determined by parents in mutual agreement. If one of the parents is not known, not alive or cannot exercise parental rights, the determination of personal name is done by the other parent. A child may get last name of one or both parents. If the parents are not alive or are unable to exercise parental rights, the child's name is determined by a guardian with prior approval of the competent guardianship. Personal name of the child whose parents are unknown shall be determined by the competent guardianship authority. If the child was adopted prior to determining the name, the personal name of the child is determined by the adopter.

Article 19 – Living independently and being included in the community

147. The **Local Government Law**⁵¹ stipulates that citizens participate in decision making about their needs and interests, directly or through freely chosen representatives in local government bodies. The municipality conducts the affairs of local government that are of direct and common interests of the local population and, according to the abilities participates in the provision of conditions and improvement of the activities of: health care, education, social and child protection, employment and other areas of interest to local residents and in accordance with its capabilities, regulates and addresses the housing needs of persons in need and people with special needs, as well as the work of humanitarian and non-governmental organizations in these areas.

148. The **Law on Education of children with special educational needs** prescribes provision of technical assistance to children with special educational needs.

149. The **Ordinance on the manner, conditions and procedure for orientation of children with special educational needs**⁵² defines that the teaching assistant is provided for children: with moderately severe and severe physical disabilities, with moderate mental disabilities, children without sight, with the most severe and complete hearing loss, the more difficult to severe speech and language impairments and autism, according to the decision on orientation and individual programs.

150. NGOs dealing with issues of persons with disabilities in Montenegro have realized a number of projects which are aimed at raising the awareness of people with disabilities and their environment for independent participation in the society. In this regard, over the years several seminars for people with disabilities have been held, where one of the segments was the psychological empowerment of persons with disabilities to participate in political life.

⁵⁰ Official Gazette of Montenegro, No. 47/08.

⁵¹ Official Gazette of the Republic of Montenegro, Nos. 42/03, 28/04, 75/05, 13/06, and Official Gazette of Montenegro, Nos. 88/09, 03/10 and 38/12.

⁵² Official Gazette of Montenegro, No. 57/11.

151. Many local governments have established Counselling for persons with disabilities which is in contact with representatives of organizations of persons with disabilities. The work of these councils should be intensified in the future, as envisaged by the Action Plan for the Implementation of the Strategy for the Integration of Persons with Disabilities for 2012–2013.

Article 20 – Personal mobility

152. The **Law on Travel Benefits for Persons with Disabilities**⁵³ provides that the right to the travel privilege have the following persons with disabilities: a user of care and assistance of other person, and children and young people who are entitled to assistance for the education of children and youth with special needs, in accordance with the regulation in the field of social and child protection; and users of the care and assistance of another person who have realized that right in accordance with the provisions in the area of the pension and disability insurance. Entitled to the travel benefit is the companion of a person with a disability. A person with a disability is entitled to a privilege of twelve trips in road and rail traffic during the calendar year, and those that are employed have the right to the privilege in travel from place of residence to place of work and return to their place of residence.

153. The **Law on the movement of persons with disabilities with the help of a dog helper**⁵⁴ governs the rights of persons with disabilities to use the dog helper in the means of transport by road, rail, maritime and air transport, have free access and stay in public place and free access and stay in the work area.

154. Installation of the audible pedestrian signals at intersections is regulated by the **Ordinance on the conditions and the manner of adjustment of facilities for access and movement of persons with reduced mobility**, and implementation of these measures is the responsibility of the local secretariats in charge of the utility equipment and transportation.⁵⁵

155. Representatives of organizations of persons with disabilities are consulted in the preparation of the Draft Amendments to the Law on Spatial Planning and Construction of Structures, within which, through the new solution, an increased liability has been prescribed of all entities that control the process of monitoring the compliance with the requirements for access and movement of persons with reduced mobility. The possibility was also created to fulfil the requirements through the temporary facilities (access ramps, lifts, etc.) for access and movement of persons with reduced mobility. In addition, a number of round tables have been organized, with the participation of representatives of the relevant ministries, the Chamber of Engineers, inspection services, coastal zone, national parks and tourist organizations, which discussed the issue of removing architectural barriers.

156. For several years now the Employment Agency implements public work Personal assistance and assistance in the classroom, as a social service aimed at increasing the employability of assistants and supporting persons with disabilities from an early age, in schools, and supporting them in their adulthood. Integration into society through education and employment contributes to combating social exclusion, which is a form of discrimination. Personal assistance services and assistants in teaching are carried by

⁵³ Official Gazette of Montenegro, No. 80/08.

⁵⁴ Official Gazette of Montenegro, Nos. 76/09 and 40/11.

⁵⁵ Audible pedestrian signals have been installed in six crossroads in Podgorica.

associations of disabled persons, associations of parents of children with disabilities and other organizations and institutions.

157. The **Health Insurance Law**⁵⁶ provides, inter alia, that the insured persons are provided health care services to the full extent from the funds of the mandatory health insurance for medical technical aids for pupils and students by the end of their education, but not later than 26 years of age; as well as medical technical aids for persons suffering from multiple sclerosis, muscular dystrophy, cerebral palsy, paraplegia and quadriplegia, chronic renal failure (dialysis), systemic autoimmune disease, people with congenital absence of upper or lower extremities, as well as those with severe impairment of at least 70% in terms of specific regulations; the mentally ill and persons with the developmental disabilities in accordance with the criteria regulated by special regulations; blind and hearing and speech impaired people.

158. The **Regulations on the manner and procedure for exercising the right to medical technical aids**⁵⁷ establishes indications for medical technical equipment, standards for materials of which they are made, limits in the use of aids, as well as conditions for the development of new aids before the expiry for their use. Insured persons may be granted following aids: Orthopedic: prosthetic equipment (braces), orthotic devices (orthotic), orthopedic shoes with insoles, shoe inserts, wheelchairs, assistive devices to facilitate movement, eye and tiflotechnical aids; hearing aids and assistive devices to enable loud voice, dental supplies, as well as: epithesis (cosmetic dentures), artificial breasts, wigs, ties and suspensoriums, abdominal belts, accessories for gastrointestinal and genitourinary system, respiratory aids, aids in diabetes and anti-decubitus mattress.

159. The Commission for the allocation of revenue from gambling regularly supports projects which contribute to raising public awareness about the accessibility of buildings and public spaces for the movement of persons with disabilities in Montenegro. Special attention is paid to the accessibility to the hotel accommodation, cultural and historical objects. There is an ongoing preparation of brochures in which to find facilities that are tailored to the needs of people with disabilities.

Article 21 – Freedom of expression and opinion, and access to information

160. Freedom of opinion and expression is regulated by the Constitution, which guarantees everyone the right to freedom of thought, conscience and religion. Everyone has the right to freedom of expression by speech, writing, painting, or otherwise. This provision can certainly relate to the sign language. Also, everyone has the right to access information held by public bodies and organizations exercising public authority.

161. The **Media Law**⁵⁸ stipulates that the state provides partial funding for the exercise of the constitutionally and legally guaranteed right to information without discrimination on the basis of programs, important, among other things, to inform persons with hearing and sight impairments.

162. The **Electronic Media Law**⁵⁹ regulates the relations in the field of audiovisual media services based on, among others, the principle of non-discrimination. Audiovisual

⁵⁶ Official Gazette of Montenegro, No. 39/04 and 14/12.

⁵⁷ Official Gazette of the Republic of Montenegro, Nos. 74/06, 28/08 and 46/10.

⁵⁸ Official Gazette of the Republic of Montenegro, Nos. 51/02, 62/02 and 46/10.

⁵⁹ Official Gazette of the Republic of Montenegro, Nos. 46/10, 53/11 and 6/13.

media services should not be allowed to spread incitement or hatred or discrimination based on, among other things, disability and genetic heritage.

163. Public broadcasters are required to produce and broadcast radio and/or television programs so as to ensure the rights and interests of citizens and other stakeholders in the field of information, relating to programs for different segments of society, without discrimination, paying particular attention to specific social groups such as children and young people, minority people and other minority ethnic groups, people with disabilities, socially vulnerable and others. Montenegro's budget or the budget of the local government provides a portion of funding to ensure the constitutionally and lawfully guaranteed right to information, without discrimination on the basis of programs that are important amongst other to inform persons with hearing and sight impairments.

164. To encourage media pluralism, production of commercial broadcasters and preservation of the diversity of the electronic media, the portion of revenues from games of chance is used to encourage the production of programs by commercial broadcasters in the public interest, especially important for, among other things, promoting prevention and prevention of all forms of discrimination; encouraging and promoting the social integration of people with disabilities; encouraging audiovisual media service providers to gradually make their services accessible to persons with impaired hearing or vision.

165. The **Law on Public Broadcasting Services of Montenegro**⁶⁰ regulates the rights and obligations of national public service broadcasters in the media system in Montenegro. Pursuant to this law, the public broadcasting service is designed to observe high standards of professional ethics and quality, without discrimination, to protect the public interest through its program content at the national and local levels through informational, cultural, educational, sports and entertainment programs, paying particular attention to children and youth, minority nations or other minority groups, persons with disabilities, socially disadvantaged and other specific groups, which results in the promotion and respect of human rights and freedoms.

166. The **Law on free access to information**⁶¹ provides the individuals the right to access information. Access to information held by public authorities is carried out under the standards contained in the ratified international treaties on human rights and freedoms and generally accepted rules of international law. The competent authority that holds possession of the requested information is in charge of dealing with the request for information.

167. Appeal against decisions of the authorities shall be submitted before the Agency for Personal Data Protection and Access to Information, an independent supervisory body responsible for the protection of personal data and access to information

168. The **Regulation on the minimum set of services included in the Universal Service**⁶² determines the minimum set of universal services that must be available to all end users at an affordable price, regardless of their geographical location in the territory of Montenegro. The minimum set of services included in the Universal service, among other, includes certain benefits for persons with disabilities, enabling them to have adequate access to publicly available telephone services and their use, including access to services, phone booths, directory and information service.

169. The **Ordinance establishing categories of users of privileges in the use of Universal Service**⁶³ determines which categories of users are considered persons with low

⁶⁰ Official Gazette of the Republic of Montenegro, No. 79/08, and 45/12.

⁶¹ Official Gazette of Montenegro, No. 44/12.

⁶² Official Gazette of Montenegro, No. 60/10.

⁶³ Official Gazette of Montenegro, No. 57/10.

incomes and people with disabilities who are eligible for certain benefits in the use of Universal Service.

170. Association of Paraplegics of Montenegro prepared in 2009 Bulletin entitled “Guide to the Human Rights of People with Disabilities – 2”, which contains all the rights provided by the positive legislation of Montenegro for this population. Updated edition includes all the new regulations that have been adopted over the last two years for persons with disabilities. The bulletin is arranged so as to be accessible and understandable to every person with a disability, and their family members. It was printed with a circulation of 5,000 copies.

171. <http://www.disabilityinfo.me/> is a portal launched by the Association of Youth with Disabilities of Montenegro in cooperation with the Ministry for Information Society and Telecommunications in 2011. Disabilityinfo.me is the only Internet portal on the territory of Montenegro which handles all issues related to disability. It contains information about the most important areas of life of people with disabilities, such as education, employment, independent living, accessibility, human rights, health and the like. The portal is based on the principles established by the UN Convention on the Rights of Persons with Disabilities. During 2012 and 2013 the portal has been updated and edited by UMHCG.

Article 22 – Respect for privacy

172. Respect for privacy is regulated by the **Montenegrin Constitution**, which provides that everyone has the right to respect for private and family life and the inviolability of letters, phone calls and other means of communication. Deviations from this rule can only be based on the decision of the court, for the purposes of criminal proceedings or for the security of Montenegro. The Constitution guarantees the protection of personal data.

173. The **Law on protection of personal data**⁶⁴ provides, in accordance with the principles and standards contained in the ratified international treaties on human rights and fundamental freedoms and the generally accepted rules of international law, that personal data shall not be processed to a greater extent than is necessary to achieve the purpose of processing or in a manner not in accordance with their purpose. Protection of personal data shall be provided to any person, and personal information is all information relating to an individual whose identity is determined or can be determined. Special categories of personal data are personal data that relate to, among others, the health.

174. The **Law on Patients’ Rights**⁶⁵ guarantees the right of patients to confidentiality and privacy, the **Law on removal and transplantation of human body parts for medical treatment**⁶⁶ provides that information about the donor and the recipient of the body parts are a professional secret. The **Law on the conditions and procedure for termination of pregnancy**⁶⁷ requires that the implementation of the procedure for approving abortions provides professional secrecy, respect for individuality and dignity of pregnant women. The **Law on the treatment of infertility by assisted reproductive technologies**⁶⁸ stipulates that all data related to this process, especially personal information about the woman, her spouse or common-law spouse, and child conceived in the process, male or female donor, are kept as personal data.

⁶⁴ Official Gazette of Montenegro, Nos. 79/08, 70/09, 44/12.

⁶⁵ Official Gazette of Montenegro, Nos. 40/10, 76/09.

⁶⁶ Official Gazette of Montenegro, Nos. 76/09, 60/10.

⁶⁷ Official Gazette of Montenegro, No. 53/09.

⁶⁸ Official Gazette of Montenegro, No. 74/09.

175. The **Law on Social and Child Protection**⁶⁹ defines that all information about the personal and family circumstances of users that providers of services maintain on the user are considered to be the confidential information. Confidential information on the user, the service provider can only use for the purpose of providing services. The user has the right to protect the confidentiality of all private information from the documents processed for the purposes of providing the services, reporting on the work of the institution or other service providers, including those related to his/her personality, behaviour and family circumstances and way of usage of social and child protection services.⁷⁰

Article 23 – Respect for home and the family

176. Montenegrin Constitution does not contain a definition of marriage, but it is governed by the Family Law. What the Constitution stipulates are two conditions at the conclusion of a marriage – existence of free consent between man and woman, and that it is based on equality of spouses. Families are generally protected by Article 72 of the Constitution, which stipulates that it is entitled to special protection. Special protection is enjoyed by the mother and child, while the state creates conditions that encourage childbirth. This recognizes the right of all persons with disabilities to marry and found a family, to decide freely on the number of children and the preservation of their fertility on an equal basis with others.

177. People with disabilities are able to exercise their right to marry and found a family. The **Family Law**⁷¹ stipulates that marriage cannot be concluded by a person who, because of mental illness or for other reasons, is incapable of judgment, and if such marriage is still closed, it shall be considered null and void. The marriage contract in the name of the spouse who is incapacitated can be concluded by his guardian with the approval of the guardianship authority. For the mentally ill spouse, or a person incapable of judgment, suit for divorce may be filed by his guardian only with the prior permission of the guardianship authority.

178. The **Law on Social and Child Protection** guarantees the right to counselling and therapy, and social and educational services, which, among others, include counselling, therapy, mediation, with the aim of overcoming crisis situations and improving family relationships, particularly through expert assistance including support to parents with disabilities and parents of children with disabilities in development in order to overcome crises and provide support.

⁶⁹ Official Gazette of Montenegro, No. 27/13.

⁷⁰ Confidential information shall be considered: 1) the fact that the beneficiary exercises the right or service; 2) the type of right or service provided to the individual beneficiary; 3) name, address and other personal identification data about beneficiary; 4) data contained in the user's application; 5) information that beneficiary communicates about him/herself; 6) information that other persons communicate about the beneficiary; 7) data about the beneficiary obtained during the provision of service; 8) assessments, findings, professional attitude or opinions of service providers about the beneficiary; 9) data contained in the reports of health care facilities for the beneficiary; 10) information about the beneficiary, such as: beneficiary's photos, drawings made by the beneficiary during the process of service provision, single-handedly written statements or comments and remarks of the beneficiary, a written record of service provider or beneficiary, audio and video recordings made in connection with the use of service, etc.; 11) content of correspondence with other institutions or organisations, if that correspondence contains information about beneficiary or other persons connected with him/her.

⁷¹ Official Gazette of Montenegro, No. 1/2007.

179. The system of protection for children with developmental disabilities allows the use of a range of measures to prevent their separation from parents (the right to work part-time and the right to leave for care of a child with developmental disabilities, daily forms of care and rehabilitation of the child, the right to assistance in home, etc.), and the regulations in the field of family law protection prevent abandonment, neglect and other harmful practices towards children with developmental disabilities.

180. The **Law on Education of children with special educational needs** defines that the education, and habilitation and rehabilitation of children with special educational needs is required of the moment of the disclosure of the special educational need of the child. This law makes it clear that children with disabilities and special needs shall attend kindergarten/school with their peers, and only exceptionally be referred to a special institution, when it is in his best and only interest. A parent, adoptive parent or guardian of a child with special educational needs have the right to participate in the choice of the program of education, in accordance with the law. Parent, or a child with special educational needs have the right, during the training, to change the curriculum in accordance with the law. School and a resource centre shall, as a rule, within 30 days after the admission of the child, make individual development and educational program for children with special educational needs, in partnership with parents.

181. The public institution, the *Centre for Child and Family Support in Bijelo Polje*, in the framework of the project “Social Services – Family Counselling Svjetlost”⁷², organized workshops for pupils, youth and students in colleges and high schools. The goal is to empower young people and parents to improve family relationships by providing psycho-social assistance.

Article 24 – Education

182. In 2008, the Government of Montenegro adopted the **Strategy for Inclusive Education**, which is part of the reform process relying on international and European targets aimed at economic and social development of society, poverty reduction, and to provide quality and accessible education for children, students and adults with disabilities and other difficulties, over which these people became marginalized groups of citizens. The purpose of this document is to provide *quality and accessible education* for children and young people in accordance with their interests, abilities and needs through alignment with national and international documents, professional staff development, horizontal and vertical mobility between educational institutions, by linking regular and special educational plans and programs, organizing a network of professional support, quality assurance and monitoring of the educational system and promoting positive attitudes in relation to the philosophy of inclusive education.

183. The **Law on Pre-school education**⁷³ provides for the pre-school education of children with special educational needs.

184. During the month of July 2013 amendments to several laws regulating the field of education have been adopted, such as the **General Law on Education (Official Gazette of the Republic of Montenegro, No. 64/02, 31/ 05, 49/ 07, Official Gazette of Montenegro, No. 04 /08, 21/ 09, 45/10 and 45/11 and 44/ 13)** which defines that the primary education

⁷² The project is part of a larger project “Reform of social and child protection – improving social inclusion IPA 2010”. Family counseling is open every day. Citizens may schedule meetings through telephone hotlines.

⁷³ Official Gazette of the Republic of Montenegro, Nos. 64/02, 49/07, and Official Gazette of Montenegro, Nos. 80/10 and 44/13.

is compulsory for all children aged six to 15 years, and that classes for individuals who use sign language, or a separate alphabet or other technical solutions shall be performed on sign language and using appropriate means. A parent or guardian must ensure for their children to attend primary school for a period of nine years, **the Law on High School**⁷⁴ also defines the education of students with special educational needs (students with special needs and developmental disabilities), as well as the **Law on Vocational Education**.⁷⁵

185. The **Higher Education Law**⁷⁶ provides that in the exercise of the right to higher education it is prohibited to discriminate people on the basis of gender, race, marital status, colour, language, religion, political or other convictions, national, ethnic or other origin, association with a national community, property, disability, or other similar grounds, position or circumstances.

186. The **Ordinance on the manner, conditions and procedure for orientation of children with special educational needs**⁷⁷ completely changes the previous Ordinance, criticized for the so-called medical approach, emphasis put on the “disability, deficiency, disorder” and so on, which is in accordance with the Law on education of children with special educational needs (Official Gazette of the Republic of Montenegro No. 04/08 and Official Gazette of Montenegro, No. 45/10). The imperative are the inclusive principles: the right of a child to grow up in a nuclear family, parents are partners; emotional and social characteristics and preserved abilities are the basis for the development of individual development and educational plan (IROP).

187. Appreciating the importance of socialization and education for children with special educational needs, the full inclusion into the regular system is considered as the first option, children with severe disabilities are included in special classes in regular schools through the instruction in individual courses with their peers in regular classes. As a last resort, when it is in the only and the best interests of the child, the child is guided to resource institutions. Emphasis is placed on the obstacles and barriers in the environment of the child, not the obstacle that is his/her developmental or current characteristics. To this end, the local community formed 18 committees to guide children with special educational needs in the educational system which comprises: a paediatrician, psychologist, educator, social worker, defectologist.

188. Mentioned law stipulates that children with special educational needs are provided the possibility to be educated according to the educational standards in accordance with their individual abilities. Accordingly, depending on the disability, the individual’s preferences and needs of children, educational programs can be: 1) modified, by shortening or extending the content of the programs, 2) amended, by changing the curriculum of the program, by the introduction of an optional course which is necessary for children with certain disabilities (sign language, Braille, etc. .) and 3) adapted, by changing the methodology by which the contents of the programs are implemented.

189. Also, the school, and the resource centre shall, as a rule, within 30 days after the admission of the child, make individual development and educational program (IROP) for children with special educational need, in collaboration with parents and inform the Department of Education, Centre for Vocational Education and Examination Centre about it.

⁷⁴ Official Gazette of the Republic of Montenegro, Nos. 64/03, 49/07, 45/10 and 39/13.

⁷⁵ Official Gazette of the Republic of Montenegro, Nos. 64/03, 49/07, 45/10 and 39/13.

⁷⁶ Official Gazette of the Republic of Montenegro, Nos. 64/02, 49/07, and Official Gazette of Montenegro, Nos. 80/10 and 44/13.

⁷⁷ Official Gazette of Montenegro, No. 51/11.

190. In the educational system, there are no differences in terms of education in relation to gender of all students by level of education, or students with special educational needs and students with disabilities. The goal is the provision of equal opportunities of education for all children, the provision of appropriate conditions that allow optimum development; timely guidance and involvement in the appropriate curriculum; individual approach; involving parents in the process of habilitation, rehabilitation and education; continuity of care and education; organization of education as close to the place of residence; provision of adequate educational technology; provision of technical assistance.

191. Key indicators on education show that: at the beginning of school year 2011/2012 a total 31,914 students were enrolled in high schools, of which 15,633 women students. In high schools a total of 199 students with special educational needs were enrolled, of which 85 female students.⁷⁸

192. Special institutions are transformed into resource centres: the resource centre for hearing and speech disorders, the resource centre for intellectual disability and autism, the resource centre for physical and visual disturbances. Experts of the Resource Centres are engaged to support mainstream schools in making IROP, for individual work with children, consultation, advice and training of teachers and members of the professional services and management of the school, support and advice to parents on how to work with their child and more.

193. The resource centre in Podgorica conducts the project “Braille in inclusive education.” Defectologists conducted training on the implementation of Braille for school staff in Tivat, Bijelo Polje, Danilovgrad, Herceg Novi and Podgorica. This Resource Centre prepared the textbooks in Braille for the elementary school. In collaboration with UNICEF and the Institute for textbooks and teaching materials textbooks are transferred to audio – CD.

194. Since the beginning of the reform of the educational system a number of trainings for the personnel in preschools and elementary schools have been organized to support children with special educational needs. Department of Education has organized since 2009 to 2012, 16 seminars for 439 teachers on inclusive education, and the trainings of non-governmental organizations have been implemented also.

195. Department of Education publishes Catalogue of professional development programs for teachers and offers a variety of programs ranging from the philosophy of inclusion to work with specific disabilities, or targeted methods and strategies for working with children with specific disabilities – sign language, Braille, etc.

196. Trainings for inclusive education were organized in partnership with Save the Children UK. The Government of Finland has supported the development of inclusive education in Montenegro through the project “Towards Inclusive Education” (2006–2008) specifically intended for the professional development of teachers and other professionals (professional services in schools, supervisors, education inspectors).

197. With the aim to involve children in special classes in regular and provide support of defectologist to students who attend an adapted curriculum, the schools with these classes underwent training, and were provided with the specialized didactics. The rights of these students were presented among their peers through workshops (promoter a persons with disabilities).

⁷⁸ Schedule to the European Commission report on Montenegro’s progress 2012 (for the period 25 April 2012–1 September 2012), Ministry of Foreign Affairs and European Integration, September 2012.

198. The Department of Education, at the request of the schools, held a seminar to identify and work with children with dyslexia, dysgraphia and dyscalculia, intended for pedagogues, psychologists, defectologists. It is continually implementing a project *Support to the inclusion in vocational education*. In seven vocational schools, teams for training and support for inclusive education have been formed and trained, and the space was adapted, a ramp set, equipment procured.

199. Since the second half 2008 at the local level the first level orientation committees have been formed. Those in charge of issues related to children with special educational needs determine program, technical assistance and the requirements that must be secured for the children. Committee members were trained, tools developed, Instructions for use made, and they have professional and advisory help.

200. Faculty of Philosophy conducts TEMPUS project aimed at creating the Master Studies of Inclusive Education in Montenegro.

201. In the Department of Education they implement a mobile service to assist the education of children with special educational needs in mainstream-oriented educational institutions. Associates (defectologist, psychologist or teacher) shall: support a child in order to realize IROP; instruct teachers and parents to achieve educational goals and others.

202. Through the project "Support for Full Social Inclusion", supported through IPA 2010, the operation of the Examination Centre was adjusted to children with special educational needs (making of the items base, basing on IROP, training, etc.). Examination Centre is already implementing prom exam for children with disabilities, by adapting tests based on the decision on the orientation, as well as IROP. It is also making the external assessment after the ninth grade. Implementation timeline for the project is December 2011–March 2013.

203. One of the activities of the Association of Youth with Disabilities of Montenegro is to implement program Student Service, which helps students with disabilities with the college admission, getting student accommodation, providing a variety of information regarding the studies, providing the available literature and so on. One result of this activity is to determine the criteria on accommodation of disabled students in dormitories, which are aligned with the Department of dormitories and the Commission for the allocation of accommodation. It is anticipated that students with disabilities will receive accommodation at accessible parts of dormitories. Currently, the Student Service provides transportation of students with disabilities from home to college, or college dorm to faculty-transport ("door to door").

204. The said association in 2011 launched a project "Improvement of the social dimension of higher education in South East Europe". In the framework of this project it was investigated how the reforms under the Bologna process affect the quality of studies and academic life of students with disabilities. Through roundtable discussions, media promotions and meetings with higher education institutions, representatives of the Ministries of Education, Science and other relevant target groups, each country initiated a dialogue to increase social inclusion of students with disabilities.

205. The association in 2011 started the project "Support and inclusion of students with disabilities in higher education institutions in Montenegro." The goal is to improve the quality and relevance of support and inclusion of students with disabilities in Montenegro and establish conditions and standards that will equalize the quality of inclusion of students with disabilities in higher education institutions in the EU and will be harmonized with the practices and policies of the EU.

206. Association of Youth with Disabilities maintains a database on the number of students with disabilities at the individual university units (which includes the number of

students who use wheelchairs or have walking difficulties, students with visual impairments, hearing impairments, and others); data collected from the University on measures that are implemented so that students with disabilities have equal opportunities in higher education as other students.

207. Using the principle of “affirmative action” the admission of a number of students with disabilities was started in 2008.

208. Stimulating rooms/inclusive workshops were opened in five elementary schools and equipped to encourage cognitive, emotional, physical and social development of children, and two schools purchased didactic equipment. Also, special institutions were equipped for the purpose of their transformation into resource centres, and Examination centres got the necessary didactics and equipment. Department for Education and Professional Rehabilitation of Children and Youth with Disabilities (Resource Centre for children and young people with physical, sensory and combined developmental disabilities) is equipped with three Braille machines.

209. In collaboration with the UNICEF Office in Podgorica, the project “Support Network for Inclusive Education” has been implemented. Training has been organized for the school managements, pedagogical and psychological services, teachers and defectologists from 8 regular schools with special classes.

210. The Institute for textbooks and teaching aids has edited: Individual development and educational program; Handbook for teachers, educators and other professionals; Difficulties in reading and writing; Handbook for working with children in the process of gaining literacy; Mastering math concepts effortlessly, Handbook for first cycle, all intended for those working with children with special educational needs. Handbook of autism is in preparation.

211. An important segment of the educational part of the project “Monitoring and Education on Rights of Persons with Disabilities” were also workshops on inclusive education, which were organized by an Association of Youth with Disabilities in Montenegro, with a regular high school students. A total of five workshops on inclusive education have been organized for students of regular high schools, and students from the Department of Education and Vocational Rehabilitation of Children and Youth with Disabilities. Topics covered by the one-day workshops are: human rights of persons with disabilities, inclusive education and approach models to disability.

212. The examples of good practice so far in the field of technical assistance in teaching students with special needs and disabilities are: the projects “Assistants for children with disabilities and special needs who are educated in mainstream schools by inclusive model”.⁷⁹ These activities are, for now, supported through the “Program of public works” of the Employment Agency. Similarly, the Association of Parents of Children and Youth with Disabilities “Staze” from Podgorica, in partnership with the NGO “Children of Montenegro” from December 2012 implements the project “Support to inclusive education of children with disabilities in Montenegro”, which is supported by the EU Delegation to Montenegro. Project activities contribute to the development of mechanisms for monitoring the success of inclusive school development, capacity building for teachers to work with children with disabilities, involving parents in adapting instructions for their children and equipping 12 primary schools in Montenegro.

⁷⁹ The project is implemented by non-governmental organizations: “Nova sansa u Novom” from Herceg Novi, “Zracak Nade” from Pljevlja, “Oasis”, Bijelo Polje and the “Staze” from Podgorica.

213. The Association of the Blind in Nikšić, Šavnik and Plužine in 2011 started the implementation of the project “Braille – key to quality education”, in order to introduce the class teachers from the municipalities of Nikšić, Šavnik and Plužine with Braille. The project includes all the primary schools in the aforementioned three municipalities, in which 300 teachers were trained in the knowledge/use of Braille.

Article 25 – Health

214. Health care for citizens of Montenegro is regulated by the **Law on Health Care**⁸⁰ and the **Health Insurance Law**.⁸¹ According to the Law on Health Care, health care is provided within a single health care system, in the institutions at the primary, secondary and tertiary levels of health care. The network of health institutions includes 18 health centres, seven general hospitals, 3 special hospitals, Institute of Public Health, Clinical Centre of Montenegro, Department of Emergency, Department of Blood Transfusion and private health institutions with which the Health Insurance Fund of Montenegro has signed a contract.

215. Health care is in the public interest and is carried out on the principles of comprehensiveness, continuity, availability, and complete access to primary health care and specialized approach to specialist – counselling and hospital health care. The law specifies that in the realization of the right to health care, citizens are equal regardless of nationality, race, gender, age, language, religion, education, social origin, financial status or other personal characteristics.

216. The Health Care Law stipulates that the priorities in the provision of health care are based solely on medical conditions, taking into account the degree of disability, the severity of the illness or injury and other circumstances related to the health of citizens.

217. The Health Insurance Law provides that the insured persons shall be provided with the health care services to the full extent from the funds of the mandatory health insurance: 1) prevention of dental diseases for persons suffering from epilepsy, multiple sclerosis, muscular dystrophy, cerebral palsy, paraplegia and quadriplegia, mentally ill and people with developmental disabilities, blind and hearing and speech impaired persons; 2) examinations, diagnosis and treatment in the secondary and tertiary levels of health care; the medical specialty of rehabilitation; medical devices and medical-technical aids; home care for chronic conditions and home physiotherapy and medication for the following conditions, diseases and their complications: persons suffering from multiple sclerosis, muscular dystrophy, cerebral palsy, paraplegia and quadriplegia, people with congenital deficiency of the upper or lower extremities, as well as those with severe impairment of at least 70% in terms of specific legislation; mentally ill persons and handicapped in accordance with the criteria regulated by special regulations, and blind, and hearing and speech impaired people.

218. According to the **Law on data collections in the field of health**⁸² registry on health care for children and youth with disabilities in physical development and psychosocial disabilities is the Registry of diseases of major socio-medical importance, and the Ministry of Health adopted the **Rulebook on detailed content, form and manner of keeping**

⁸⁰ Official Gazette of the Republic of Montenegro, Nos. 39/04 and Official Gazette of Montenegro, No. 14/10.

⁸¹ Official Gazette of the Republic of Montenegro, No. 39/04 and Official Gazette of Montenegro, No. 14/12.

⁸² Official Gazette of Montenegro, No. 80/08.

registries of diseases of major socio-medical importance, infectious diseases and other conditions related to the health of the population.⁸³

219. The Ministry of Health comprises the Department to control and improve the quality, which predicted tracking improvement and promotion of work quality and performance indicators in the framework of health care for persons with disabilities as well.

220. All health institutions by late 2010 appointed protectors of the rights of patients, who started working in January 2011. Their names, phone numbers, and contact e-mail are available on the website of the Ministry of Health as well as the websites of public health institutions. The patient who was denied the right to health care, or is not satisfied with the health service or procedure of medical or other worker may file a complaint to the Director of Health Centre or the Protector of patients' rights (according to Law on patients' rights).

221. Also, institutions visibly place boxes for complaints of patients, as well as posters that promote anti-corruption, depicting free phone number in the local community through which patients can praise, give comments and suggestions, or report acts of corruption. This number operates from May 2008. Directors of public health institutions, submit regular quarterly and annual reports on filed complaints of patients.

222. In order to improve the quality of health care, the **National Strategy for improving health care quality and patient safety with a plan of action 2012–2017** has been adopted in 2012.

223. The **Regulation on the exercise of the right to a medical – technical device**⁸⁴, this Regulation shall regulate: indications for medical- technical equipment and materials used to produce these aids, terms of use and conditions for the development and approval of new devices before the expiry, as well as other issues of importance for obtaining the devices. Insured persons are provided tools that are designed to improve the damaged function, alleviate physical damage or lack of body organ, or that substitute anatomical or physiological function of organs, whether due to illness or injury. The insured person achieves the right to aid based on medical indications, age and under terms of the use, established by the List of medical-technical equipment and parts of aids.

224. In the area of health care for children with disabilities we should note that in the reform of health care at the primary level until the end of 2009, six centres for children with special needs were established in health centres: Podgorica, which provide services to children with disabilities from the municipalities of Podgorica, Cetinje and Danilovgrad; Bijelo Polje with the unit in Pljevlja; Berane with the unit in Rožaje; Nikšić; Herceg Novi and Bar. Counselling services for reproductive health, maternity, neonatology department, selected paediatricians and others, are referring the newborn with high-risk and children with a developmental disability to these centres, with or without referrals. The centres are organizing training for professional teams (paediatrician, nurse, psychologist, speech therapist, physiotherapist and special educator), who had been previously trained by special programs to provide services to children with disabilities up to the age of 14. The content of the work of teams of these centres includes: early detection, monitoring and treatment of children with psychomotor dysfunction, as well as creating programs for the inclusion of children with disabilities in educational institutions. Also, support centres organize counselling services for children with other chronic diseases, which can affect their normal growth and development. Through the work of these counselling, children and their parents receive comprehensive information and advice on the methods and style of living with the disease. In 2009 the Health Insurance Fund of Montenegro has completed training of all

⁸³ Official Gazette of Montenegro, No. 24/12 .

⁸⁴ Official Gazette of Montenegro, No. 24/2013.

specialists of the centres for computer application, scheduling of visits, treatment of visits with the diagnosis and the service provided. In 2010, all health institutions at the primary level are electronically linked to the Health Insurance Fund, which made it possible for each insured to have an electronic card. This interconnectivity also refers to the support centres for children with special needs. Application for the specialists at the centres made it possible to record patient visits. Daily records of persons with disabilities can be seen by selected physicians through this form, which includes mandatory entry of diagnoses coded solely by ICD classification, current state of the visit and the type of service provided.

225. During 2011, at the Institute of Public Health, the project was conducted concerning the protection of children with disabilities: Strengthening the capacity of health professionals in communicating with children with disabilities, prevention of stigma and discrimination. Project activities included the first survey on the field, understanding the needs and concerns about health care for children with disabilities, which included 222 children with disabilities and 225 parents of children with disabilities. Educational seminars have also been organized for health workers and associates in the form of one-day seminars. Five one-day seminars have been organized and conducted, which were attended by 165 participants – health workers of different educational and specialist profiles. An educational brochure has been made, which was printed in 500 copies and distributed to health professionals – participants of the seminar, as well as other health workers in the health system.

226. During the implementation of the project “Stop discrimination against persons with paraplegia”, which is funded by the European Union, the Association of Paraplegics Nikšić implemented during 2012 a number of round tables, of which one was “Legislation on spa and climatic treatment for persons with paraplegia”.

Article 26 – Habilitation and rehabilitation

227. Within the normative framework it is important to point out that in 2010 amendments to the **Ordinance on indications and way of use of medical rehabilitation services in health facilities that perform specialized rehabilitation**⁸⁵ have been adopted. These amendments provide to those suffering from multiple sclerosis the right to each year use rehab for 21 days, instead of every other year. The possibility of the use of rehabilitation in child’s cerebral palsy was also extended. Those suffering from rheumatoid inflammation of the joints can use rehab each year instead of every other year, as envisaged the old ordinance. Amendments to the ordinance expand the rights of those accompanying the child during rehabilitation – from three to six years for fractures of the upper and lower limbs, deformities of the spine and asthma, as well as from six to 15 years for the diagnosis of polio, muscular dystrophy, and other diseases and conditions. Amendments to the ordinance were adopted because these are serious diseases and in most cases, children with delayed psychomotor development, which need constant parental supervision.

228. The **Rulebook on detailed conditions in terms of standards, norms and ways of implementation of primary health care through a selected team of the doctor or selected doctor**⁸⁶ prescribes a visit to a physical therapist for the implementation of physical therapy with handicapped or heavy moving patients by order of the selected doctor at distances up to 5 km, 5 to 15 km and at a distance of 15 km from the health centre, in

⁸⁵ Official Gazette of the Republic of Montenegro, No. 74/06 and Official Gazette of Montenegro, No. 30/10.

⁸⁶ Official Gazette of Montenegro, No. 10/08 and 1/12.

order to implement prescribed therapy in the patient's home. The service includes the implementation of the prescribed therapy in the patient's home.

Article 27 – Work and Employment

229. The **Law on professional rehabilitation and employment of persons with disabilities**⁸⁷ was first adopted in 2008, but in 2010 and 2011, there was an improvement of the text, followed by drafting and adoption of a number of by-laws, as follows:

- **Ordinance on the conditions and criteria for determining the percentage of disability, the remaining work ability and employability**⁸⁸
- **Ordinance on the manner and conditions to exercise the right to vocational rehabilitation**⁸⁹
- **Ordinance on standards for the implementation of measures and activities of vocational rehabilitation**⁹⁰
- **Ordinance on the conditions to be met by vocational rehabilitation operator, work centre, sheltered workshop and plant protection**⁹¹
- **Ordinance on conditions, criteria and procedure for exercising the right to grant.**⁹² The adoption of all of these acts makes the legal framework for the implementation of the program of vocational rehabilitation and employment of persons with disabilities complete.

230. The Law on professional rehabilitation and employment of persons with disabilities prescribes the manner and the procedure of enforcement of the right to vocational rehabilitation of persons with disabilities, measures and incentives for their employment, way of financing and other issues of importance to vocational rehabilitation and employment of persons with disabilities.

231. The Law on professional rehabilitation and employment of persons with disabilities stipulates that a person with disability shall be employed under the general or special conditions, in accordance with the law, establishes quotas for the employment of persons with disabilities, pursuant to which the employer that has 20 to 50 employees is required to employ at least one person with a disability, the employer who has more than 50 employees is required to employ at least 5% of people with disabilities in relation to the total number of employees.

232. An employer who did not hire a person with a disability shall for each person not employed, when paying the monthly wages and salaries to employees, pay a special contribution for vocational rehabilitation and employment of persons with disabilities, and those funds shall be paid into a special account of the budget of Montenegro – Fund for professional rehabilitation and employment of persons with disabilities.

233. Organizations or associations of persons with disabilities, when they appear as employers, are exempt from the payment of contributions. Also, it was found that an employer who employs a person with a disability is entitled to a subsidy.

⁸⁷ Official Gazette of Montenegro, No. 49/08, 73/10 and 39/11.

⁸⁸ Official Gazette of the Republic of Montenegro, No. 6/12.

⁸⁹ Official Gazette of the Republic of Montenegro, No. 58/11.

⁹⁰ Official Gazette of Montenegro, No. 57/11.

⁹¹ Official Gazette of Montenegro, No. 58/11.

⁹² Official Gazette of Montenegro, No. 39/12.

234. These legal provisions provide adequate legal basis for the program of vocational rehabilitation and faster employment of persons with disabilities. During the preparation of the draft law, the request of representatives of associations of persons with disabilities has been accepted, by which the degree of physical, sensory, mental or mental disability or disease is expressed as a percentage. In this way, employers who hire a person with a larger percentage of disability, receive larger subsidies, which would encourage employment of persons with severe disabilities.

235. The principle of non-discrimination in the area of labour and employment is established also by the Labour Law⁹³, which prohibits any discrimination, whether direct or indirect, towards employees in relation to, among other things, their health condition or disability. Discrimination is prohibited in relation to working conditions and all rights of employment, education, training, promotion, termination of employment.

236. According to the Labour Law an employee with a disability has special protection: she/he cannot be assigned to work in another place outside his place of residence. Equal pay for equal work or work of equal value is guaranteed, which means the work which requires the same level of educational attainment, educational qualification, or professional qualification, responsibility, skills, working conditions and work performance. Entitlement to severance pay in the amount of at least 24 average wages if the disability is caused by an injury or illness unrelated to work and severance pay of minimum 36 average wages if the disability is caused by an injury or occupational illness. The height of severance pay for persons with disabilities shall be determined based on the average wage of the employer if it is more favourable for him/her.

237. The employer is obliged to assign an employee with a disability to the tasks that correspond to their level of ability in the level of educational attainment, in accordance with the Act on Job Classification. If an employee with a disability cannot be assigned, then the employer is obliged to provide him with other rights, in accordance with the law governing the vocational training of persons with disabilities and the collective agreement.

238. The indirect protection of persons with disabilities has been prescribed in a way that an employee who takes care of people with severe disabilities has the right to work part-time hours and such working hours are considered full-time for the exercise of the labour-based right.

239. Appropriate posts have been provided for persons with disabilities who are employed by employers on the open market. It is specified by the act of the employer emphasizing that only a person with a disability can be hired on that position.

240. An employee with a disability in any calendar year shall be entitled to paid annual leave of at least 26 working days, and cannot be assigned to work outside the place of residence, and the period of notice stipulated by a special law shall not be less than 30 days for a person with a disability, unless cancellation is a consequence of the guilt of the person.

241. Of special importance are the measures and activities of vocational rehabilitation of persons with disabilities, aimed at brokering at employment based on the percentage of disability, the remaining work capacity, which is a prerequisite of adequate preparation for the labour market and finding a job that would fully correspond to their abilities and needs.

242. The Employment Agency of Montenegro as of 31 December 2012 recorded a total of 1,958 persons with disabilities (disabled workers of II and III category – 1,377, of whom 410 women and 581 categorized persons, of whom 233 women).

⁹³ Official Gazette of Montenegro, No. 49/08, 26/09, 88/09, 26/1, 59/11.

243. In accordance with the Law, the Employment Agency of Montenegro organized Fund for professional rehabilitation and employment of persons with disabilities. Fund's resources are provided from the special contribution paid by employers in the Budget of Montenegro (the Fund is not singled out as a separate budgetary line in the revenue and expenditure side of the budget of Montenegro, or the budget of the Employment Agency) and on that basis:

- From 23 May to 31 December 2009, €1,431,258.00 was paid and €135,122.70 spent;
- During 2010, €3,370,516.42 was paid, and €481,374.04 spent;
- During 2011, €6,429,409.44 was paid, and the spent €386,561.34;
- During 2012, €7,931,921.86 was paid, and the spent €268,521.65.

244. The public works organized by the Employment Agency annually involve 70-100 persons with disabilities for a limited time.

245. The **Law on Amendments to the Law on Pension and Disability Insurance**⁹⁴, which came into force on January 2011, continued the reform of the pension and disability insurance in Montenegro started in 2004. This law stipulates that the right to a retirement pension with 20 years of service, regardless of age, has one of the parents who have a child, regardless of the age of the child, with severe developmental disabilities, who is the user of a personal disability. The amount of pension to the parent of a child with severe developmental disabilities, who is the user of personal disability, increases by 20%.

246. The Employment Agency of Montenegro, as a mediator in the employment of the unemployed, initiates and in the initial stage, supports the establishment of specialized organizations for vocational rehabilitation and employment of persons with disabilities, as they require special longer professional treatment for a number of barriers that affect their employment problem such as: prejudice, loss of self-esteem, lack of motivation, decrease of work capacity, outdated and inadequate knowledge and others.

247. The Employment Agency of Montenegro, in cooperation with other social partners for several years implements public works, as well as measures of active employment policy, in which persons with disabilities are employed at a specific time, for a period of two months to a year.

248. Since 2008 a large number of unemployed persons have been engaged in programs to support and improve the situation of persons with disabilities in Montenegro. Among these persons are disabled themselves. The data are presented in the schedule of this report.

249. In order to raise awareness about the working abilities of people with disabilities the public service Radio Television of Montenegro broadcasts a TV show "Pokreni se" at regularly scheduled time and all the newspapers have inserters once a week or more in which citizen are regularly informed about the activities of the Employment Agency, especially when it comes to activities of the people with disabilities.

250. Consultants for work with employers in all employment offices in the territory of Montenegro continuously inform employers about the stimulus measures in the case of employment of persons with disabilities.

251. The Employment Agency, within the pilot project in November 2009, started the process of training of 12 unemployed persons registered with the Employment Office Podgorica, with higher education, of different profiles, for occupations required to regularly perform the process of vocational rehabilitation (psychologists, technologists, social

⁹⁴ Official Gazette of Montenegro, No. 78/10.

workers, therapists). Along with the implementation of the program in the vocational rehabilitation centres, the process of training included eight persons employed in the Agency, (one person from the seven employment offices and one person from the Central Services of the Agency), who will work as advisors for professional rehabilitation. Ten people continued training in 2011, through practical work at the Multidisciplinary Centre “Pamark” from Podgorica.

252. The Association of Paraplegics of Montenegro in March 2012 began with the implementation of SLID – Social and Labour Integration of the Disabled, within the IPA Adriatic Cross-border cooperation. Partner in this project is the EAM as well as partners from Croatia, Italy, Bosnia and Albania. The overall objective of the SLID project is to improve the quality of life of persons with disabilities in targeted Adriatic territories through the development of successful, innovative and integrated cross paths of intervention for their social and labour inclusion. The specific objectives of SLID are designed to provide solutions to problems that have been identified as key areas to remove barriers to improve accessibility to social and labour integration of persons with disabilities. Issues related to raising public awareness, education and employability of persons with disabilities will be dealt through the implementation of actions that are designed to reach these goals.

253. The Employment Agency of Montenegro, as a holder of mediation in the employment of the unemployed, in collaboration with two vocational rehabilitation operators, from November 2009 to the end of 2011, realized the programs of vocational rehabilitation, intended for unemployed persons with problems and obstacles to employment, caused by a combination of several factors.

254. In 2012 Labour Inspection through regular inspections, controlled the part related to the employment of registered persons with disabilities, i.e. if the employers did not hire people with disabilities, did they respect their obligation to make monthly payment of a special contribution for vocational rehabilitation and employment of persons with disabilities. Last year, there were no complaints to the inspection on this basis.

255. In the period 1 January–31 December 2012, 24 employers have turned to the Employment Agency of Montenegro – Fund for Professional Rehabilitation and Employment of Persons with Disabilities, for the award or extension of the wage subsidy for 40 employees with disabilities.

256. On 31 December 2012, a total of 31 employers were entitled to subsidized wages for 42 employees with disabilities (21 women). Of currently 42 employees with disabilities, 23 are employed for an indefinite period.

257. In 2012, two employers have turned to the Employment Agency of Montenegro – Fund for Professional Rehabilitation and Employment of Persons with Disabilities, for the grant for adjustment of the workplace and working conditions for the employment of three persons with disabilities.

Article 28 – Adequate standard of living and social protection

258. Social and child protection is provided to citizens through a network of public institutions (centres for social work, homes for the placement of children or adults, day care centres, a variety of services at the local level).⁹⁵

⁹⁵ In Montenegro there are 10 centres for social work with regional offices, 6 day care centres (children with disabilities), 1 institution for children without parental care, 1 institution for adults with

259. The **Law on Social and Child Protection** was passed after nearly 10 years of a previous law. The new law, due to the flexibility, envisages development of a number of by-laws, which closer regulate certain areas.⁹⁶

260. The law defines that the social and child protection is based on the principles of respect for the integrity and dignity of beneficiaries, non-discrimination, user information, individual access to and active participation of users, taking into account the best interests of the users, prevention of institutionalization and the availability of services in the least restrictive environment when there are conditions in their homes or in the community through non-institutional forms of care that are provided by the different service providers, with the aim of improving the quality of life of beneficiaries and their social inclusion, pluralism of services and service providers, partnerships and mergers of different operators of activities and programs.

261. In order to overcome the difficulties people with disabilities can exercise the right to primary and other pecuniary benefits of social and child protection and rights to certain social services and child protection.

262. The main pecuniary benefits in social protection are cash benefit; personal disability allowance; allowance for care and assistance; health care; funeral expenses; one-off financial assistance; and benefits in child protection are: compensation for the newborn child; allowance; food costs in the pre-school institutions; assistance for the education of children and young people with special educational needs; wage compensation and benefits for maternity, or parental leave; fees based on the child's birth; wage compensation and benefits for working with part-time.

263. The innovation, which is regulated by this law, is the right to personal disability allowance to a person with severe disability, thus eliminating the possibility of discrimination against persons with disabilities in relation to the time of the disability and years of life. It stipulates that the right to child allowance have three children in the family rather than existing solution where this right is exercised by the first of three children in the family. It also stipulates that for the children beneficiaries of financial benefit, fee on the basis of allowance for children up to nine months after the termination of rights shall be paid, if their parents, guardians gained employment based on active measures of employment.

264. Centres for social work are competent to exercise the rights in the social and child protection in the first instance based on the place of residence of users.

265. Support services for the life in the community include activities that support the stay of the user in the family or the immediate environment. Support services for the life in the community are daily centres, home care, supported housing, a hostel, personal assistance, interpretation and translation into sign language and other support services for community living.

266. Beneficiary, in accordance with the law, is entitled to participate in the assessment of his/her situation and needs and in deciding whether to accept the service, and to be informed in timely manner on all he/she needs to be informed about, including a description, purpose and benefits of proposed services as well as information on available alternative services, and other information relevant to the provision of services.

intellectual disabilities, the two institutions for the elderly and persons with disabilities, as well as increasing number of services provided by NGOs.

⁹⁶ Regulations governing the service standards, accreditation, licensing of providers and professionals, financial benefits, records and documents, foster care, standards of centres for social work and more.

267. Without the consent of the user or his legal representative, there shall be no services provided, except in cases specified by law.

268. The Law on Social and Child Protection stipulates that a child under three years of age shall be placed in an institution only when all other options have been exhausted.

269. The law stipulates that foster care and foster-family accommodation shall be provided, among other forms, as accommodation with intensive or additional support.

270. Also, when in the procedure for exercising the right to financial benefit, allowance for care and assistance, personal disability allowance and wage compensation for part-time work it is necessary to determine disability, incapacity, or disability, the centre for social work shall establish these facts on the basis of the findings, ratings and reviews of the socio-medical committee.

271. The Law introduces new measures and instruments in the area of social protection in order to establish quality standards and their control through licensing, accreditation, inspection and supervision and the establishment of new public institutions: Institute for Social and Child Protection.

272. At the beginning of 2012, the Ministry of Labour and Social Welfare signed an agreement to implement the project “Social card – Information system of social care in Montenegro” with the United Nations Development Programme (UNDP) in Montenegro. This project represents one of the pillars of further promoting the reform of social protection systems, and the introduction of the information system of social welfare (ISSS) will allow the creation of a single ‘social card’ of citizens involved in social welfare programmes, as well as the exchange of information between relevant institutions at the national and local levels. The total value of the project is 1,279,979 euros (Government of Montenegro — 1,151,981.00 euros, and UNDP — 127,998.00 euros). Project completion is scheduled for the third quarter of 2014. The agreement includes the creation of a database and its networking with other ministries and institutions (Ministry of Internal Affairs, Tax Administration, Real Property Management, Pension Fund, Health Insurance Fund, the Employment Agency, and others). Some of the major advantages of this ISSS are: improved allocation of resources and the decrease of the costs of social benefits (equity and efficiency), reducing the cost of system administration, enhanced security and availability of data from the social welfare system, ensuring data relevant to the management of social welfare system and creating the policy of social welfare, improving the overall service to the citizens, especially the disadvantaged and vulnerable groups.

273. In the middle of 2013 a Conference on deinstitutionalization “Prevention of placement of children in institutions” has been held in Podgorica, which is a continuation of the activities within the broader international campaign “The prevention of placement of children under three years in institutions”, launched at the European Parliament in June 2011 with the support of UNICEF and the Office of the High Commissioner for Human Rights. Montenegro last year joined a group of 20 countries in the region in urging to prevent the placement of children under three years in institutions.

274. Improvement and development of foster care, as a form of protection for children without parental care, is initiated as a growing need for providing protection to children who are left without parental care. In Montenegro, there is intensive work on the development of foster care as a preferred alternative form of child protection, with permanent technical support of the UN System in Montenegro and the financial support of the European Union.

275. In order to support sustainable, efficient and accessible to all systems to protect children and young people without parental care, the Government adopted a **Strategy for fostering development with the Action Plan for the period 2012–2016**, with the aim of

creating a sustainable, efficient and accessible to all systems to protect children and young people without parental care. Foster care as an adequate form of protection is based on a partnership of public, private and civil sectors, as well as service providers in this field with the stimulation of the full participation of beneficiaries – children and foster parents.

276. Montenegro recorded a downward trend in the number of children placed in institutions for children without parental care, so that the number of children placed in the period 2008–2012 decreased by about 28%, while the number of children in foster care in the period 2008–2012 has increased by about 38%.

277. What follows is a continuation of inter-sectoral trainings for health and social workers in order to prevent institutionalization, the adoption of standards that will define more closely the service of fostering and organization of campaigns to raise awareness of the importance of foster care, as the most desirable alternative form of child care.

278. The state in recent years invested considerable effort in raising the standard of facilities to accommodate the users (construction, renovation, remodelling, etc.), and it invested in staff training and changing awareness and attitudes towards the protection of children and adults with disabilities.

279. In mid-2013 the **Strategy for Development of Social and Child Care 2013–2017** has been adopted, which names as one of the priorities the development of social and child protection improvement of the protection of vulnerable groups, through a process of preventing institutional care, the gradual reduction of the capacity of institutions and raising the quality of institutional care and job opportunities for the occupants to escape from the institution to a natural or a less restrictive environment. This is a process that requires time and serious material resources.

280. The Ministry of Labour and Social Welfare has established a working group for the development of uniform criteria for expert evaluation of disability, as well as the establishment of a single body of expertise. The process of adoption of a Single list of impairments is ongoing, which will ensure standardization of criteria for each area in which disability demands for expert witnesses (the area of social protection, employment and veterans' disability and pension system), which in practice means that the bodily injury for one diagnosis is always accompanied by the same percentage of damage. This list shall be open to amendment pursuant to its application in practice, and the development of medical diagnostics.

281. In Montenegro, eight municipalities operate day care centres for children with disabilities at present, formed in cooperation of the Ministry of Labour and Social Welfare with local governments. Construction of five centres is undergoing.⁹⁷

282. Day care centres for children with disabilities are organized as public institutions of social and child protection, founded by the municipalities. They are established and operated by the system of state-private partnership, and the nursery fee is paid by the relevant ministry. Their activity is primarily a daily care, socialization of children with developmental disabilities and their inclusion in the community.

283. In December 2013 these day care centres accommodated a total of 108 children. Capacity is 30 children per day care centre. These institutions were built and equipped by all standards of accessibility for persons with disabilities.

⁹⁷ The first day-care centre was opened in Bijelo Polje, then in Ulcinj, Pljevlja, Nikšić, Herceg Novi, Plav. By the end of the year it is planned to open centres in Berane, Mojkovac, Cetinje and Podgorica, and plans are underway to build the centre in Budva.

284. In order to provide complete system and systematic support for children and youth with disabilities, the connectivity and functional networking of institutions of the Ministry of Labour and Social Welfare has been predicted, with the Ministry of Health and Ministry of Education and Science at the local, regional and central levels. The plan began to be implemented in late 2010, with the establishment of formal services for children with disabilities, which are located in the centres for social work, in all municipalities in Montenegro. Their main role is to establish a database of all children with disabilities from the territory belonging to the municipality. A file for each child is being established that contains all the relevant information about who, how and when was working with a child, which collectively serves as a framework of individual support plan for the child. Parents are introduced with all kinds of rights and services available to them in the field of social and health protection and in the education system in the national, regional, or local level. Customer Service now has precise data on children from the municipality covered who are entitled to personal disability allowance, the right to care and assistance, as well as data on children with disabilities who are placed in social and child protection institutions.

285. Great attention is paid to the education and training of all employees who deal with children with disabilities and adults with disabilities. So with the help of UNICEF training was provided for all employees in all day care centres in Montenegro. Also, as part of the transformation project PI Institute Komanski most engaged expert consultants from the UNDP, with whom they held training courses for employees of the Institute, and representatives of centres of social work.

286. Continuous monitoring is carried out and enhanced supervision over the work of social and child protection institutions by the Ministry of Labour and Social Welfare in order to control the quality of services, particularly in the case of persons with disabilities and protection of their human rights.

287. Within the project “Enhancing Social Inclusion”, started in 2011, conducted by the Ministry of Labour and Social Welfare in collaboration with the Ministry of Education, UNDP, and UNICEF, and supported by the Delegation of the European Union, component 2 is focused on the reform of the social protection system in Montenegro, and component 3 on the reform of the child protection system. Project activities are related to the local level as well. Here the goal is developing local level planning and the establishment of social services in the community to respond to the needs of vulnerable groups, their greater social inclusion and improving the quality of life in their natural environment. The total project cost is 3.335 million Euros. During 2011 and 2012, the project has established a total of 29 social care services.

288. Under this project “Overview of local social care services in Montenegro 2012” was made. This document presents the data obtained from representatives of local institutions and organizations engaged in the provision of social services, centres for social work, social welfare institutions, non-governmental organizations and the local Red Cross.⁹⁸ Most of the identified services are intended for the elderly, children with disabilities and people with disabilities. According to the data obtained in this analysis, most of the identified local social care services are dealing with the elderly (21.9%), children with disabilities (20.3%) and persons with disabilities (17.2%). The second group consists of services for addicts and victims of domestic violence (total 17.2%). The rest of the services are intended for children, youth and women. The study identified 22 services for people with disabilities related to: personal assistance services, home care, counselling and therapeutic services,

⁹⁸ The result of the research is a database of local social services in Montenegro, which contains data on 127 local services in 17 municipalities of Bar, Berane, Bijelo Polje, Budva, Cetinje, Danilovgrad, Herceg Novi, Kotor, Mojkovac, Niksic, Plav, Pljevlja, Podgorica, Rozaje, Šavnik, Tivat and Ulcinj.

employment mediation and day care centre. These services are conducted in eight municipalities of Bar, Berane, Bijelo Polje, Cetinje, Mojkovac, Nikšić, Pljevlja and Podgorica.

289. In order to promote and raise awareness about the reform of the social and child protection, the Internet portal <http://www.inkluzija.me/> was created to exchange knowledge of experiences and information among providers of social services, users and other stakeholders.

290. In the framework of the project “Improvement and realization of the rights and interests of persons with physical disabilities and improving the quality of their life”, financed out of the proceeds arising from the allocation of revenue from games of chance, the Association of Paraplegics of Montenegro in 2012 continued its service of providing home assistance to persons with disabilities in need. In the period from March to the end of December 2012, 10 people with disabilities in need twice a week received free help at home. Help included the provision of services in house cleaning, ironing, cooking, help to go to the doctor, shopping and dressing. Services are offered by two people, specially trained for this type of support to persons with disabilities.

Article 29 – Participation in political and public life

291. The **Law on Election of Members of Parliament**⁹⁹ provides for persons with disabilities possibility of indirect exercise of voting rights. A voter who is unable to vote in person at the polling station (blind, disabled or illiterate person) has the right to elect a person who will in his/her stead, in a way that he/she determines, fill the slip, or do the voting. Voting for voters cannot be done by the voting committee member or authorized representative of the submitter of the electoral list.

292. The Ministry for Human and Minority Rights, (in cooperation with the Association of the Blind of Montenegro, Association of Youth with Disabilities of Montenegro), implements a procedure to provide visually impaired and blind persons the necessary conditions, using the voting patterns, to exercise their political right to vote independently and secretly. These activities were initiated with a pilot project implemented in the presidential elections held in April 2013, and the pilot municipality was Danilovgrad.

293. The possibility of independent voting for the visually impaired in the recent presidential election was realized so that each polling place had one voting pattern through which blind people can vote without an escort, even if they do not know Braille. This pilot project has demonstrated the advantages this social group can use to independently cast their vote for the selected representatives.

294. The Protector of Human Rights and Freedoms made a series of recommendations adopted by the Committee for Human Rights and Freedoms of the Parliament of Montenegro, as a conclusion intended for state authorities, state government, local government bodies and local governments, as well as holders of public authority, in order to make possible equal participation of persons with disabilities in public life, and combat discrimination based on disability: ensure the accessibility of public buildings and spaces for persons with disabilities, develop existing and establish new support services for these individuals, promote activities related to promotion, prevention and protection from discrimination, establish records and databases of all reported cases of discrimination,

⁹⁹ Official Gazette of the Republic of Montenegro, Nos. 4/98, 17/98, 14/00, 18/00, 9/01, 41/02, 46/02, 45/04, 48/06, 56/06, and Official Gazette of Montenegro, No. 46/11.

strengthen the administrative capacity of relevant institutions to combat discrimination against these persons and the like.

Article 30 – Participation in cultural life, recreation, leisure and sport

295. The Constitution outlines that the state, among other things shall encourage and support the development of culture and art, and defines the obligation to preserve the natural and cultural heritage.

296. The **Culture Law**¹⁰⁰ as a matter of public interest defines the development of cultural artistic creation of the handicapped. This recognized the need for the creative potential of people with disabilities through activities carried out by the Ministry of Culture within its jurisdiction to be treated as an important part of the creative expression of each social category. Also, the **Law on the protection of cultural property**¹⁰¹ defined that persons with disabilities shall have access to cultural resources according to their needs, in accordance with the possibilities. The **Law on Copyright and Related Rights**¹⁰² states that taxpayers, in terms of the law, do not pay compensation for devices and sound carries and images intended for reproduction of copyrighted works for the needs of persons with disabilities.

297. As a form of support and encouragement for cultural development, the Ministry in the annual competition for co-financing of programs and projects in the field of cultural and artistic expression 2010 -2012 had an area dedicated to the creativity of people with disabilities. In accordance with the culture law the budget of Montenegro, supported the selected projects, up to 50% of the total funds needed for its implementation.

298. The public institution in the field of culture that encourages and promotes cultural creation of blind people is the Library for the Blind. The library was established in 2004 and the means for the work of this institution were provided through the state budget. The purpose of establishing the library is availability of books in electronic form that users receive in the audio form.

299. The Maritime Museum of Montenegro, during 2007, adapted its facilities for persons with disabilities. In this way, persons with disabilities, via video link, and the plasma, can monitor, accompanied with the appropriate text and baroque music, exhibition items that have been placed in the Museum's 12 departments.

300. TVCG for the past six years has an editorial for persons with disabilities, which produces a weekly 30-minute program on the first channel, which is broadcasted and rerun. The program is called the "Putevi zivota", broadcasted on the satellite programming of TVCG. The show is designed to follow the life stories of people with disabilities, and sometimes it handles multiple topics.

301. Daily events involving people with disabilities are broadcasted in news programs (Dnevnik, Morning Program, Montenegro live).

302. Since September 2012 short news designed for people with hearing impairments is broadcasted daily, translated into sign language (ahead of Daily news at 3.00 pm).

303. Also, in cooperation with the Editors of RTVCG, through the program "Otvoreno" all current topics related to the issues of persons with disabilities are processed:

¹⁰⁰ Official Gazette of Montenegro, Nos. 49/08, 16/11, 40/11, 38/12.

¹⁰¹ Official Gazette of Montenegro, Nos. 49/10, 40/11.

¹⁰² Official Gazette of Montenegro, No. 37/11.

employment of people with disabilities, access to facilities, status of children and their parents affected by this kind of issues.

304. Over the last few years several solo exhibitions of paintings and photographs of persons with disabilities have been organized.

305. The British Council in 2011 implemented the project Inclusive Design, which is dedicated to developing the skills of people with disabilities in the field of design and art crafts in partnership with the Association of Youth with Disabilities, University of Montenegro, Faculty of Fine Arts in Cetinje. The aim of the project is to develop skills and creativity and economically empower persons with disabilities and to draw the attention of the institutions to the necessary measures to facilitate their integration. The workshop was attended by 27 people with disabilities in Montenegro.

306. Children and young people with disabilities as part of the Kotor Art are actively involved in the festival workshops with children without disabilities, attended the performances and the like. During 2012 in the framework of Kotor Art two workshops for children with special needs "Something nice in you" have been organized (modern dance workshops and workshops of fine and applied arts).

307. Member of the Association of Paraplegics of Montenegro is the editor and host of the radio show "Opportunity for All", which is broadcasted once a week at a time from 10:00 to 10:45 am and deals with issues of importance to people with disabilities.

308. The National Museum in collaboration with the Association of parents of children and youth with disabilities in development "Razvitak" from Cetinje made the first joint exhibition 1 +1/ Life & Love through the presentation of exhibits, with the participation of children from preschool age to 18 years from Cetinje. In the custom spaces children and young paint, sculpt and write articles on the subject of life and love.

309. The NGO "Inter-mont" set a theatre play "Categorical demand" of Borislav Pekić, first performance in the world in sign language, which was thematically designed as a drama that follows the issue of lack of understanding of hearing and speech impaired people, set in sign and speech voice so that it can be followed by deaf-mute and hard of hearing people.

310. The Association of the Blind of Montenegro has worked on activities related to the screening of adapted films of conventional models in a film that is "watched by listening".

311. "Zvucna revija"- a magazine for the blind had 12 monthly editions in 2011 and is released digitally on CD in MP – 3 format. The magazine takes an average of 7 hours, which means that during 2011 in 12 numbers, 84 hours of footage were published, which consisted of 560 footages, of which 340 were of the original author or translated footages, while 220 articles were retrieved from the Montenegrin dailies and periodicals. Journal is issued in high circulation, which is constantly increasing, and except for the listeners from Montenegro, there is a very large number of users from all the former Yugoslav republics, as well as a few tens from Germany, Sweden and the United States.

312. Paying particular attention to the musical culture, Union of the Blind of Montenegro organized a music festival of the Blind, where twenty participants from all over the country took participation. The concerts were recorded in audio and video format.

313. Sports organizations of persons with disabilities: In this section it is important to mention the Paralympic Committee of Montenegro, which is the legal successor of the Alliance for Sport and Recreation of Invalids of Montenegro in May 2007. 2011 was the year for the full affirmation of the Paralympic Committee of Montenegro. First, on 21 April the General Assembly of the Paralympic Committee was held, elected the President, inducted new members and adopted the Statute of the Committee. The establishment,

organization and operation of the Paralympic Committee of Montenegro shall be governed by the provisions of the **Law on sport**¹⁰³ governing the establishment of sports organizations and national sports federation.

314. The Paralympic Committee of Montenegro contributes to raising public awareness by encouraging and constantly improving sports for the people with disabilities and their sporting achievements. It should be noted that at the meeting of the Paralympic Committee of Montenegro (POKCG) a decision has been adopted that all competitions must be organized according to the criteria of the International Paralympic Committee (IPC). Also, the Statute of the POKCG is compliant with the new Law on Sport and the recommendations of the IPC.

315. POKCG activities have been followed up by the media, both print and electronic, through a large number of articles, reports and appearances. Strong seal to the promotion left the cooperation with UNICEF within the campaign "It's about ability", which filmed a promotional video for the Paralympic Games, London 2012. The actors of the clip were people with disabilities, Montenegrin paralympic participants of the games in London and a promising swimmer. The video was promoted during the visit of UN Secretary-General Ban Ki-Moon to Montenegro.

316. Also, as part of the campaign, the Paralympic caravan visited the schools in the north of Montenegro, where the athletes mingled with members of student parliaments from schools in Andrijevica, Plav, Berane, Kolašin and Mojkovac and promoted paraolympism and general capabilities and achievements of people with disabilities.

317. The Paralympic Committee, in June 2012, was an associate of the Alliance of the Blind of Montenegro in organizing the Open Championship in Athletics of the blind in Bijelo Polje, which was attended by over 50 people with disabilities from various categories.

318. The greatest success of the Montenegrin Olympic sport is a performance of the athlete, person of short stature at the Paralympic Games in London, where she managed to set up her own record and of six shots, five times shift six meters, which was the Paralympic A standard, thus fulfilling the norm B to perform at the World Championships in Lyon next year.

319. Apart from London, the athletes were very successful in the two competitions. At the Open Championship in Zagreb, in the shot put and long jump.

320. In Montenegro, there is an active basketball club of people with disabilities "Paramount", athletic club of people with disabilities "Vihor," swimming club of people with disabilities Budva, and Recreational Association of the Deaf Pristan from Bar and Ulcinj, etc.

321. The Paralympic Committee was able to, in cooperation with the swimming club of people with disabilities Budva, procure specialist ramp which will during 2013 be installed at the pool in Budva and thus make it accessible to people who use wheelchairs.

322. In September 2012 in Belgrade the European Cup P1 in paracycling was held, where Montenegro was represented by a young man with a disability, who won two silver medals, one at the 23.2 km race, which took place on 22 September and another on 23 September when chronometer of 11.6 km was driven.

¹⁰³ Official Gazette of Montenegro, No. 36/2011.

Part C: Situation of boys, girls and women with disabilities (Articles 6-7)

Article 6 – Women with disabilities

323. Gender equality is prescribed in Article 18 of the Constitution of Montenegro, while the state guarantees the development of the policy of equal opportunities. Law on Gender Equality¹⁰⁴ established the state administration responsible for the achievement of gender equality – the Ministry for Human and Minority Rights.

324. Current legislation in Montenegro contains normative guarantees that express the administrative policy of Montenegro on equal access to the legal and political processes, social services, health and medical care, education, literacy programs, employment, property ownership, and social services.

325. Neither law does explicitly contain discriminatory norms for women or men, on the contrary, all the rights and liabilities relate equally to both men and women. To eliminate gender discrimination and achieve gender equality, special importance is given to the provisions of the amendments to the Labour Law, the Law on Prohibition of Discrimination and the Law on Protection against Domestic Violence.

326. In Montenegro there are 11% of people who have difficulties in performing daily activities because of chronic illness, disability or age. Of the total, 12% of women have interference in the performance of daily activities, while the percentage of men is 10%.

327. The Association of Youth with Disabilities of Montenegro during 2011 conducted research on the challenges faced by women with disabilities, and the situation of women with disabilities in Montenegrin society. The study lasted until the end of February 2012. The survey comprised 40 individuals (22 men and 18 women), using the three sociological methods: a personal questionnaire, telephone/Skype questionnaires and focus groups. During the selection of the target group of the survey, account is taken of gender, age, education, socio-cultural, material and other characteristics. In addition, research has been done on cross disability basis, and includes all types of disabilities. Besides these methods, the study included statistical data on persons with disabilities, research programs that include people with disabilities in general and differentiated programs that include certain groups of persons with disabilities, the definition of disability, the publication in which women with disabilities are mentioned, the data from the field of employment and the like. The study was published in November 2012 and is available at: http://pdf.usaid.gov/pdf_docs/PNADZ326.pdf.

328. The Paraplegic Bar Association, in 2012, held a seminar entitled “The rights of women with disabilities.” The seminar is part of the “Life on the move, without barriers”, which is supported by the Government of Montenegro on the competition for the allocation of revenue from gambling. The seminar participants were persons with disabilities, as well as representatives of the Municipality of Bar, the Centres for Social Work and the Red Cross. In this project, a survey was conducted among women with different types of disabilities for measurable indicators of their position and specific needs that were presented at the seminar.

329. In the section relating to the provision of accessible clinics for persons with disabilities, it is important that Health Centre Pljevlja has a gynaecological hydraulic table, and thus makes the gynaecological clinic accessible to women with disabilities.

¹⁰⁴ Official Gazette of Montenegro, No. 46/07.

Article 7 – Children with Disabilities

330. In Montenegro, there is no difference between the exercises of rights with respect to the gender of the child. Children with disabilities are considered holders of rights on an equal basis with other children.

331. The State guarantees special protection from psychological, physical, economic and any other exploitation or abuse while the child enjoys the rights and freedoms appropriate to their age and maturity, pursuant to Article 74 of the Constitution of Montenegro.

332. The need of special protection for children with disabilities has been recognized in the National Plan of Action for Children 2013–2017 (NPAD).¹⁰⁵ This is a policy document of the Government of Montenegro, which defines the general policy of the country to the children for that period. This document identifies the main problems in achieving, protecting and promoting child rights in the country, as well as the main directions of their resolution. This paper is a continuation of a strategic approach to issues of importance to children in Montenegro, which began with the development and implementation of the National Plan of Action for Children in Montenegro 2004–2010.

333. In NPAD, within Strategic Objective 4 a specific goal was defined related to a developed system of support for children with developmental disabilities and their families.

334. Montenegro in February 2012 in Geneva signed a third Optional Protocol to the Convention on the Rights of the Child. For the first time, children in Montenegro were given the opportunity to access to justice at the international level, through the newly appeal.

335. According to the census of 2011, in Montenegro there are 145,126 children under the age of 18. Their share in the total population is 23.4%, which represents a decline compared to Census 2003 when this share was 25.3% (156,683). Compared to the data of the census that took place eight years ago, in Montenegro there are 11,557 children less than in 2003. The gender structure of children shows that there are 52% boys (or, in the absolute number 75,367) and 48% girls (69,759).¹⁰⁶

336. All children from 0 to 18 years are entitled to a full health care paid by the compulsory health insurance. The rate of natural increase in 2011 amounted to 2.2 which was the lowest rate since 1950. During 2012 population growth rate was 2.5.¹⁰⁷

337. Health care for children with disabilities, as part of general health care for the population, is regulated by the Law on Health Care, Health Insurance Law and the Law on the protection and realization of the rights of the mentally ill. The right to health care, among other things, includes the prevention, examination and treatment of diseases, dental examinations and treatment, rehabilitation, drugs and medical devices and medical-technical devices.

338. In the area of health care for children with disabilities, as part of health care reform at the primary level, it should be noted that the health centres in Montenegro established regional centres for children with disabilities, counselling for reproductive health, maternity, neonatology department, elected paediatricians and others, who are referring the newborn high-risk children with a developmental disability in the centre, with or without instructions. In the centre, training for professional teams is organized (paediatrician, nurse, psychologist, speech therapist, physiotherapist and special educator), who had previously

¹⁰⁵ Adopted by the Government of Montenegro in June 2013.

¹⁰⁶ UNICEF & MONSTAT (2012): Children in Montenegro, Data from the Census 2011.

¹⁰⁷ National Plan of Action for Children 2013–2017.

been trained by special programs to provide services to children with disabilities up to the age of 14. These centres work on: early detection, monitoring and treatment of children with psychomotor dysfunction, as well as creating programs for the inclusion of children with disabilities in educational institutions. Also, support centres organize counselling services for children with other chronic diseases, which can affect their normal growth and development. Through the work of these counselling, children and their parents receive comprehensive information and advice on the methods and style of living with the disease.

339. The **Regulation on the scope of rights and standards of care of the mandatory health insurance** establishes uniform standards and norms of all predicted operators – health care providers in the developmental counselling. Master plan for health development in Montenegro 2010–2013, particularly outlines priority development areas and goals, related to children with disabilities.

340. The education of children with disabilities in Montenegro is regulated by the General Law on Education, Law on Pre-School Education, the Law on Primary Education, Law on Secondary School, Law on Vocational Education, the Law on education of children with special educational needs.

341. Based on a database that is kept on the basis of the decision on orientation¹⁰⁸, the number of children with the decision in mid-2012 was 1,010. According to the database, 619 children with special educational needs¹⁰⁹ are included in the kindergartens. Coverage of children with special educational needs is estimated at about 2%.^{110 111} According to the Ministry of Education, the resource centres for education of children with special educational needs in Montenegro enrolled 202 students in school year 2012/2013, of which female students make up 43.1%.

342. The current system of education for children and youth with disabilities is organized in three main forms: institutions for children with disabilities, special classes in regular schools, classes in regular schools. In the first two forms, the system is organized so that children with the same type of disability attend special schools or special classes. Other children with disabilities or some other sort of special needs are placed in classes in regular schools along with other children, with the secured professional support. The Department of Education organized specialized mobile teams, engaging professionals from specialized institutions and those in the mainstream system, who are trained in inclusive education. They are included into mainstream schools where children with disabilities are educated, depending on the type of disability. The aims of these teams are helping children with disabilities, parents, teachers, and professional services in schools that educate children with disabilities. The orientation towards the appropriate form of education is conducted by the Commissions for orientation, which are organized at the local level and working in all municipalities in Montenegro. Their task is to recommend the best solution for the education of children with special educational needs. Proposal for orientation is based on pedagogical, special-pedagogical, psychological and other documentation received from the relevant institutions.

¹⁰⁸ Source: Data from the Ministry of Education and Sports.

¹⁰⁹ The terminology used in Montenegro is aligned with A, B and C “cross-national” categories proposed by the OECD, so that term children with special educational needs is in the use. These include: children with developmental disabilities (physical, mental, sensory and mixed disorders) and children with difficulties in development (behavioral problems, learning difficulties, severe chronic disease, long-term illness and other problems which cause emotional, social, language and/or cultural deprivation).

¹¹⁰ Data from the Strategy of early and pre-school education (2010–2015).

¹¹¹ Official statistics.

343. Article 74 of the Constitution stipulates that “the child shall enjoy the rights and freedoms appropriate to their age and maturity.” Family law guarantees the right to the child to express his/her opinion in different situations. Thus, the law provides that the guardianship authority shall, before determining the family placement, allow the child to freely express his/her opinion regarding family accommodation and to assess the opinion in accordance with age and maturity of the child. The child has the right to timely obtain all the information needed for him/her to form his/her views. A child who has reached 10 years of age can freely and directly express his/her view in all proceedings in which decisions are made about his rights, and can by himself/herself, or through another person or institution, address the court or the administrative authority and ask for help in the realization of his/her rights.

344. In June 2011 the Protector of Human Rights and Freedoms of Montenegro in cooperation with the UNICEF and the Ministry of Education initiated the project *Obrati se zaštitniku!* in order to achieve direct communication with children who are placed in institutions of the system, including children with disabilities. In December 2011 the Protector of Human Rights and Freedoms and the NGO Action for Human Rights (HRA) began the implementation of projects for the children, *Djeco, pisite Zaštitniku!*.

345. In order to de-institutionalize children, the Operational Plan for Transformation of the Orphanage “Mladost” in Bijela is under development, which is the only institution in Montenegro for children without parental care, in order to reduce pressure on the institution and to return children to their biological families or relocate them into foster families or other services in the community.

346. The Special Institute for Children and Youth “Komanski most” accommodates persons with intellectual disabilities: moderate, severe and profound mental retardation. Also this institution accommodates four children, and there is intensive work to find solutions for moving those children from this institution.

347. Strategic documents provide for the opening of different services for children with disabilities and support to their families at the local level.

348. Ministry of Labour and Social Welfare in collaboration with the Association of parents of children with disabilities, local governments and representatives of international organizations, is implementing the project of establishing a network of day care centres for children with disabilities, 6 of them. Currently a number of municipalities in Montenegro are in various stages of construction and the opening of 5 more centres.

349. In a number of municipalities within the Association of Parents of Children with disabilities there are Playgrounds intended for socialization of children with disabilities.

350. Ministry of Labour and Social Welfare each year provides holidays and winter holidays in the seaside resorts and mountain, for children who are placed in social and child protection institutions, as well as for children who are educated in resource centres or attending day care centres.

351. Ministry of Labour and Social Welfare in collaboration with the Ministry of Education is implementing the project of the procurement of free textbooks for children with disabilities.

Part D: Special obligations (Articles 31-33)

Article 31 – Statistics and data collection

352. According to the Census of Population, Households and Dwellings in 2011 Montenegro has a population of 620,029, of which 50.61% or 313,793 women, 49.39% or 306,236 men. The average age of the female population is 38.4, and men 36.0 years. The largest population is in Podgorica 185,937, which represents 30% of the population, followed by Nikšić and Bijelo Polje. In these three municipalities about 50% of the total population of Montenegro is concentrated. Municipalities with the lowest number of inhabitants are Šavnik 2,070, Plužine 3,246 and Žabljak 3,569. In urban settlements live 392,020 inhabitants, which represents 63% of the total population, while in other areas live 228,009 inhabitants.

353. The Census of Population and Housing 2011 for the first time collected data on the existence of obstacles in performing everyday activities. Persons who have difficulties in performing daily activities are persons who have practical limitations in performing or participating in various activities. This group includes people who experience functional limitations in basic activities such as walking, hearing, seeing, etc., even if the restriction was improved with the use of aids or support environment. The response was collected on the basis of statements of persons, regardless of the existence of medical records as proof of disability. Questions in the Questionnaire i.e. form, which is filled for each person, read does a person face difficulties because of a long-term illness, disability or old age in carrying out everyday activities; types of disabilities; cause of disability and types of devices that the person uses. This question had more than one option of answer because the person may have more than one type of disability.

354. In Montenegro, of the total population, 11% (68,064) has difficulties in performing daily activities because of chronic illness, disability, or age according to data from the Census 2011t. According to the data 5% of the Montenegrin population has a problem with mobility, 2% with vision although they use glasses and lenses, and of the total population 1% has a hearing problem, despite the use of hearing aids. Problems with memory, concentration or communication with others, are faced by 1 % population of and 4% of the population feels the difficulties of another kind.

355. Broken down by age group, the percentage of the population who have difficulties in performing daily activities is growing. In the age group younger than 29 years, 1% of the population reported having difficulty or problem due to a long-term illness or disability, 40 % in the age group of 65 to 84 years of age and 61% of the population over 85 years. The most common cause of difficulty in performing daily activities at 6% of the population is the disease, while 2% of the population declared that the reason is age, 1.2 % of them have a professional illness acquired by a work injury or illness acquired at work. 3,914 people have injury as a cause of disability, which is not acquired at work or in a car accident. Congenital disorders have 3,488 inhabitants, 0.3 % of the total population acquired injury in a car accident while 0.2% of the population does not know the cause of the difficulties they are experiencing. Of the total number of persons with disabilities 54% are women and 46% men. Of the total female population 12% face problems in the performance of daily activities, while the percentage of men is 10%.

356. In accordance with the Law on Social and Child Protection bylaw on records and documentation of the providers of social services and child protection is being developed currently. This bylaw is fully compliant with international standards regarding the protection of personal data, as well as the Law on the Protection of Personal Data. As the new Law on Social and Child Protection ensures pluralism in the provision of social

services and child protection (institutions and social welfare organizations, which are financed from the budget, associations, entrepreneurs, companies and others), this bylaw introduces the regular reporting on the number of users, types of services provided, the implementation of quality standards, the number of complaints, and appeals of users to use of services and more. All of the above includes the services intended for persons with disabilities.

Article 32 – International cooperation

357. Relationship with other countries and international organizations is what is especially provided for by the highest legal act of Montenegro – the Constitution and the laws and regulations of less legal force. In accordance with the rules and principles of international law, Montenegro cooperates and develops friendly relations with other countries, regional and international organizations. Affirmative action measures are taken in order to provide effective and complete protection of human rights, as well as the inclusion of identified vulnerable groups, including people with disabilities.

Article 33 – National implementation and monitoring

358. Public authorities are in charge of the implementation of the provisions of the Convention in relation to their responsibilities and scope of work, which carry out activities aimed at improving the quality of life and the equalization of opportunities for persons with disabilities.

359. The Protector of Human Rights and Freedoms of Montenegro is an independent and autonomous body, which takes measures to protect human rights and freedoms. Law on the Protector of Human Rights and Freedoms prescribes that he/she shall take the necessary measures, under the principles of justice and fairness, in three segments of activity: the public sector, i.e. to take measures for the protection of human rights and freedoms when they are violated by an act, action or lack of action by state authorities; actions of the Protector as the National mechanism to prevent torture and other forms of inhuman treatment and punishment; and actions regarding the application of Antidiscrimination law.
