



Economic and Social Council

Distr.: General
18 November 2014

Original: English

Committee on Economic, Social and Cultural Rights Fifty-third session

Summary record of the 49th meeting

Held at the Palais Wilson, Geneva, on Friday, 14 November 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10.10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Montenegro (continued) (E/C.12/MNE/1; E/C.12/MNE/Q/1 and Add.1; HRI/CORE/MNE/2012)

1. *At the invitation of the Chairperson, the delegation of Montenegro took places at the Committee table.*
2. **Mr. Gjokaj** (Montenegro) said that a number of amendments had been made to the Law on Prohibition of Discrimination to bring it fully into line with European and international standards. The amendments applied to both the public and private sectors and included changes to the definition of direct discrimination, a comprehensive definition of hate speech and definitions of gender identity and sexual orientation. A strategy for the period 2013–2018 had been adopted to improve the quality of life of lesbian, gay, bisexual and transgender (LGBT) persons. The latest report issued by the Council for Protection against Discrimination highlighted a number of measures that were under way or had already been completed, including training for civil servants, members of the judiciary, law enforcement officers and others on combating discrimination. Materials had been disseminated to promote tolerance towards the most vulnerable groups in Montenegrin society, and the Government had signed cooperation agreements with several municipalities on combating discrimination on the grounds of gender identity and sexual orientation. In July 2014, a seminar had been held on improving the legislative framework under which LGBT persons could exercise their rights. A gay pride parade had been successfully held in November 2014 in Podgorica.
3. Thanks to the amendments to the Law on the Protector of Human Rights and Freedoms of Montenegro adopted in June 2014, the Office of the Ombudsman was now a fully independent institution in line with the Paris Principles. Experts from non-governmental organizations (NGOs) were allowed to contribute to the Office's work, the scope of the Office's competence had been expanded, and the Office had been granted greater control over its own finances and staffing decisions. The Gender Equality Department had been established within the Ministry for Human and Minority Rights in March 2013. Its duties included participating in the drafting of action plans on gender equality at all levels of government, coordinating activities to promote gender equality, and monitoring the implementation of international standards on gender equality. The action plan for achieving gender equality during the period 2013–2017 had been formulated in accordance with international human rights instruments and the recommendations of human rights treaty bodies. Amendments to the Law on Gender Equality were currently being drafted to, inter alia, bring the definition of gender into line with European legislation, establish further penalties for violations of the provisions of the Law, and harmonize the Law on Gender Equality with the Law on Prohibition of Discrimination.
4. The Gender Equality Department focused its efforts on the most vulnerable groups of women, such as Roma women and women living in rural areas. It had signed a number of cooperation agreements with local governments and expected that all municipalities would adopt their own action plans on gender equality. A 25 per cent quota had been set for women in parliament, and following the May 2014 elections women's representation in local assemblies had increased from 16 per cent to more than 24 per cent. In 2013, the Office of the Ombudsman had received three complaints of gender-based discrimination.

5. Relations between the different religious groups in the country were generally good. Religious minorities, such as the Roman Catholic, Muslim and Jewish communities, were fully satisfied with their legal status and the rights they held.
6. **Mr. Sadi** requested further information about the training on the Covenant provided to judges and asked who conducted those training sessions. He requested clarification regarding the statement that the Roma were integrated in Montenegrin society.
7. **Ms. Shin** also requested further information about the training offered to government officials, judges and members of the public on international instruments in general and on the Covenant and its Optional Protocol in particular. She asked the delegation to provide statistical data on the number of complaints received of discrimination on grounds other than gender.
8. **Ms. Bras Gomes** expressed her appreciation for the detailed information provided on anti-discrimination provisions in the country's employment law but asked what grounds for discrimination were covered by the more general legislative framework.
9. **Mr. Kerdoun** (Country Rapporteur) asked who presided over the 10-member Judicial Council that appointed judges and by what type of act or decree those appointments were made. If appointments were made by presidential decree, then judges' independence might be called into question.
10. **Mr. Kojović** (Montenegro) said that the President of the Judicial Council was one of the four reputable lawyers who sat on the Council. The Law on Courts and the Law on the Judicial Council guaranteed the independence of judges.
11. **Ms. Kalezić** (Montenegro) said that the Judicial Training Centre provided various kinds of training to both judges and prosecutors. While most of the training was conducted at the Centre itself in Podgorica, e-learning programmes were also being developed. The teaching staff included experienced Supreme Court judges, supreme State prosecutors and national and international legal experts. Her delegation would provide further information in writing on the different types of training offered.
12. **The Chairperson**, speaking as a member of the Committee, requested further clarification about the procedure followed when nominating candidates for judges' positions and about the entity that made the final decision concerning their appointment as judges. He also asked about the status and composition of the Judicial Council.
13. **Mr. Kojović** (Montenegro) said that judges were appointed on the basis of an open competition. The final decisions on candidates' appointments were taken by the Judicial Council, which also had the competence to dismiss judges. Those decisions could be appealed before an administrative court. The Council was made up of five judges, including the President of the Supreme Court, four reputable lawyers and the Minister of Justice. Two of the lawyers were nominated by the President of the nation, while the other two were nominated by a parliamentary committee. The agreement of a majority of the 10 members was required for the Judicial Council to issue a decision. Both the President and Vice-President of the Judicial Council must be chosen from among the four reputable lawyers who sat on the Council. Decisions to appoint judges were issued by the Judicial Council without the involvement of any member of the executive or legislative branches of government.
14. **Mr. Gjokaj** (Montenegro) said that the Roma were more integrated in Montenegrin society than they had been in the past. Montenegro was celebrating the Decade of Roma Inclusion and was willing to join other similar initiatives. In total, there were about 6,200 Roma living in Montenegro, of whom about 5,200 spoke the Roma language. The Government allocated about €500,000 annually for the implementation of the Roma integration strategy, and various ministries, local authorities, NGOs and other entities

helped to monitor that implementation. There was no segregation of Roma students in the education system. Roma children received free textbooks and were invited to attend summer and winter camps during school holidays. The number of Roma students currently enrolled in school was four times greater than it had been in 2001.

15. The Roma were becoming increasingly active in the political sphere; they worked in the Government as civil servants, joined political parties and established their own NGOs. Particular attention was paid to gender equality among the Roma, and that had achieved significant results. Especially encouraging was the fact that at the preschool and primary levels Roma girls outnumbered Roma boys in school. In accordance with the principle of affirmative action, the Roma and all other vulnerable groups had access to free education and health care, and there were no unemployed Roma university graduates. The Government was thus making efforts to build capacity among the Roma so that they might integrate more successfully.

16. **Ms. Nikolić-Vučinić** (Montenegro) said that her delegation would provide in writing further statistical data on complaints received by the Office of the Ombudsman.

17. **Mr. Gjokaj** (Montenegro) said that the Criminal Code contained provisions punishing crimes committed for reasons of discrimination based on race, sexual orientation and other grounds.

18. **Mr. Sadi** requested clarification about the status of members of the Egyptian community, who were not immigrants yet still seemed to be treated differently from other Montenegrin citizens.

19. **Mr. Gjokaj** (Montenegro) said that 2,054 persons of Egyptian origin lived in Montenegro, the majority of whom spoke Albanian as their mother tongue. The Government had worked in partnership with NGOs in order to strengthen relations between ethnic minority communities and the State, and issues affecting the Roma, Ashkali and Egyptian communities were addressed as a whole under the Strategy for Improvement of the Position of Roma, Ashkali and Egyptian Populations. Persons of Roma, Ashkali and Egyptian origin had the same rights and access to public services as other Montenegrin citizens and were well integrated into Montenegrin society.

20. **Ms. Nikolić-Vučinić** (Montenegro) said that the Social Council, a tripartite body comprising Government, employer and trade union representatives, was responsible for advising parliament on employment matters, including the minimum wage which currently stood at €193 per month. The minimum wage had risen significantly over recent years to take account of the sharp rise in living costs and was reviewed on a six-monthly basis.

21. The Labour Law provided clear guidance on employment conditions, and temporary employment contracts were closely monitored by the labour inspectorate to ensure that they complied with the relevant labour regulations. Employment agencies were responsible for supplying companies with temporary workers and ensuring that those employees received a fair wage and had good working conditions. The Labour Law clearly stipulated that employee salaries must be paid in full, and on time, and the labour inspectorate had introduced an employee hotline so that workers could anonymously report any labour regulation violations. The Government had also launched an awareness-raising campaign to inform the general public of their labour rights and regularly published a list of companies that failed to meet labour standards, including those which failed to make the requisite tax and social security contributions.

22. Concerning health and safety in the workplace, there had been a slight decrease in workplace accidents in the previous seven years, from 60 cases in 2007 to 44 cases in 2013. The number of workplace fatalities had also dropped over the same period, from nine cases in 2007 to six cases in 2013.

23. The national unemployment rate had fluctuated since 2007, owing, in part, to the global economic crisis, but had improved slightly in recent years and currently stood at 18.6 per cent. While Montenegro had a high rate of unemployment, particularly long-term unemployment, in comparison with other Western European countries, its economy and its labour market had fared better over time than those of other neighbouring countries in the Balkan region. The north of the country, however, continued to suffer particularly high unemployment rates. The Government had taken a series of measures to stimulate job creation and lower unemployment, including through the introduction of an entrepreneurship initiative which provided low-interest loans to unemployed persons to start their own small or medium-sized businesses. Under the entrepreneurship scheme, over 12 loans totalling around €95,000 had been awarded in 2014, €75,000 of which had been granted to persons living in the north of the country. Unemployed persons could also claim unemployment benefit, which was set at 40 per cent of the minimum wage.

24. The Government had implemented a number of measures to address the high youth unemployment rate, which currently stood at 32.5 per cent, including the introduction of paid work experience for university graduates and a tax incentive scheme for employers hiring young persons. Around 4,000 young persons had benefited from paid work experience in 2013, and the Government continued to contribute several million euros per year to the employer incentive scheme.

25. As for promoting vocational and professional rehabilitation and access to employment for persons with disabilities, the Law on Professional Rehabilitation and Employment of Persons with Disabilities contained provisions designed to remove barriers to employment and make reasonable accommodation for persons with disabilities in the workplace. In 2014, 81 persons had attended professional rehabilitation courses, 15 of whom had some form of disability. The Government had also earmarked around €2 million in the national budget for vocational and professional rehabilitation initiatives, which included travel allowances for persons with disabilities and their assistants and monetary incentives for employers. Disabled persons' organizations had been consulted on all national disability policies and would continue to play a key role in guaranteeing access to employment for persons with disabilities.

26. Lastly, she stressed that the Government recognized the negative impact of the informal economy on national development and economic growth. It had conducted a survey on informal employment in 2007 which had shown that around 23 per cent of employees worked in the informal sector. The construction and seasonal agricultural industries employed a particularly large number of informal workers, as did newly established private companies in an effort to reduce their overheads and increase their market share. The Government, with support from the United Nations Development Programme (UNDP), intended to conduct another study on informal employment in the near future. It would take all steps necessary to transfer informal workers to the formal sector and had made informal employment a priority issue in the national employment strategy for the period 2016–2020.

27. **Mr. Martynov** asked for details of the vocational training programme for university graduates. He would also welcome information on the unemployment rate for persons with disabilities.

28. **Mr. Sadi**, drawing the delegation's attention to the fact that the minimum wage in Montenegro was not enough to ensure a decent living for workers and their families, as provided for in article 7 of the Covenant, asked whether there was any discrepancy between the official unemployment rate and the real situation. He also wished to know why youth unemployment figures were quoted for persons aged 15, who ought to be in school.

29. **Mr. Kerdoun** asked what restrictions applied to the trade union rights of members of the army and the police force.
30. **Ms. Nikolić-Vučinić** (Montenegro) said that there was a Government-funded system whereby employers registered the positions they had available and university graduates submitted applications for the offers of interest to them. The graduates were then taken on for a nine-month period, during which the Government monitored the training provided by means of monthly reports submitted by the employer.
31. The minimum wage was set by law and the Government was aware that, because of budget restrictions, it did not currently meet workers' needs. It hoped that an increase would be possible in the near future. The official unemployment figures were based on data from the national employment agency, which used a system that conformed fully with International Labour Organization standards. Unemployment figures for 15-year-olds were given because the survey quoted considered the 15-to-24 age group. In respect of trade union rights, the Constitution did permit strikes by the police, the army and other public services, subject to restrictions to protect the public interest, for instance, in the case of a strike that might jeopardize public water, power or basic food supplies.
32. **Ms. Bras Gomes** requested information about the excessive use of fixed-term labour contracts in the private sector.
33. **Mr. Schrijver**, noting that the Government was preparing a bill on the legal status of religious communities, asked for information about the relations between the different communities and what responsibility the Government had for promoting religious freedom.
34. **Ms. Ravenberg** asked for disaggregated data on the 5 per cent of children aged between 6 and 15 years who did not attend school, and information on the education available to children with disabilities, including whether they were provided with psychosocial support in mainstream schools. Noting that the results of the Programme for International Student Assessment (PISA) survey for Montenegro had not been good, she asked what the Government was doing to improve the overall quality of education.
35. **Mr. Abashidze** asked whether there were clear legal or other criteria for the recognition of minorities.
36. **Mr. Marchán Romero** (Country Rapporteur) asked how the Fund for Minorities was organized and whether it functioned as intended. He noted that serious allegations had been made in a parallel report in regard to conflicts of interest in the administration of the Fund and its non-implementation of a ruling of the Administrative Court.
37. **Mr. Kerdoun** asked what share of the budget was set aside for the protection and promotion of cultural rights and scientific development.
38. **Mr. Martynov** asked whether more recent statistics than those from 2003 were available on the percentage of the population that used the official Montenegrin language compared to those who used Serbian.
39. **Mr. Vučinić** (Montenegro) said that the new Law on Social and Child Welfare, regulating social benefits paid and their beneficiaries, had been introduced in 2013. Persons resident in Montenegro, whether citizens or foreigners with temporary or permanent residence permits, were entitled to various unemployment and disability benefits on the basis of criteria related to income, capacity to work and property and land ownership. With the help of UNDP, the Government was introducing a Social Card as part of its efforts to achieve a fairer social system. The Card would be linked to information from a central registry that would allow a "one-stop shop" social welfare centre to determine applicants' eligibility for benefits and other services. It was hoped that the Cards would reduce costs, relieve social workers of much of the burden of administration, increase transparency and

make it easier to monitor needs with a view to policy formulation. Montenegro had adopted a strategy for combating poverty and social exclusion for the period 2007–2011 that comprised specific activities targeted at risk groups.

40. The labour inspectorate, which dealt with both public and private businesses, currently had 30 labour inspectors and 2 vacant posts; there were also 9 safety and health inspectors, with 4 vacant posts. The European Commission progress report for Montenegro had given a positive evaluation of the Government's attempts to combat the informal economy, but found that more inspectors were needed. An additional eight posts were being planned.

41. **Ms. Đurić** (Montenegro) said that the Government had plans for addressing the problem of homelessness, which affected internally displaced persons and the Roma community in particular. One of the two shelters run by NGOs had closed down. The adoption of the social and child welfare reform, together with guidelines on the minimum provision of accommodation, food and health care in shelters, gave a framework for dealing with the issue. However, shelters could only offer a temporary solution; education, literacy and retraining programmes were being provided along with help in job seeking from the employment agencies in various towns to allow people to regain control of their lives. As far as possible, people were kept in the community, but accommodation in a foster family or an institution could be provided where necessary. The Law on Social Housing had been introduced only three months previously and therefore the data did not yet show any significant impact, but housing had been provided for poor families and other vulnerable persons. Such services could be offered by private as well as State agencies, and an office dealing with implementation of the Law on Social and Child Welfare was to open before the end of the year.

The meeting rose at 1 p.m.