



**Convention on the Rights
of Persons with Disabilities**

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**Consideration of reports submitted by
parties to the Convention under article 35**

List of issues in relation to the initial report of Montenegro

Addendum

Replies of Montenegro to the list of issues*

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* The present document is being issued without formal editing.

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A. Purpose and General Obligations (Art 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/MNE/Q/1)

1. The Government of Montenegro in late 2007 adopted the 2008 — 2016 Strategy for the Integration of Persons with Disabilities in Montenegro. This is the first strategic document to analyze the current situation of people with disabilities, with a range of measures and recommendations to be taken in the eight-year period to improve the situation of the population. Census of population, households and apartments in 2011 for the first time collected data on the existence of obstacles in the performance of everyday activities. Significant activities were carried out in the area of accessibility and will continue in the future. However, there is no single general law in Montenegro which would deal with the accessibility of persons with disabilities to all aspects of life, but the issue is regulated by a variety of regulations. The field of accessibility includes: accessibility to facilities (physical environment), i.e. the removal of architectural barriers in buildings, accessibility in transportation, and accessibility to information (information and communication technologies).

2. When it comes to participation, there have been improvements in this area so that: amendments to the Law on Election of Councilors and Members of Parliament enabled persons with disabilities to fully participate in the election process; Law on Non-Governmental Organizations equated DPOs status with the position of other NGOs; amendments were adopted to the legal regulations, by which legal preconditions were created in respect of sports, leisure, recreational and cultural facilities for persons with disabilities; when it comes to cultural property, in accordance with legal procedure, their adjustment for people with disabilities is only possible if the intervention does not distort the authenticity of cultural property.

3. The fundamental rights are the basis of every civilized society and legal system of a state. In preparation for the negotiations on accession to the European Union in the field of the EU acquis, the Government of Montenegro opened the negotiation Chapter 19 — Social Policy and Employment, as well as negotiation Chapter 23 — Judiciary and Fundamental Rights, which to the greatest extent deal with the issue of persons with disabilities. Special part of Chapter 23 is dedicated to the institutions and bodies in charge of the exercise, promotion and protection of human rights in the legal system of Montenegro, and the relationship between citizens and public administration. To monitor the compliance of regulations with the EU acquis, Montenegro has adopted a number of regulations which guarantee full respect for human rights of persons with disabilities. The most important legislation in this area are: Anti-Discrimination Law and the Law on the Prohibition of Discrimination against Persons with Disabilities.

4. Law on Professional Rehabilitation and the Employment of Persons with Disabilities, which was adopted in 2008 and amended in 2011, comprehensively regulates professional rehabilitation and the employment of persons with disabilities. The aim is to improve in the future period conditions for increasing the employability of people with disabilities and their equal participation in the labor market, by removing barriers and creating equal opportunities for greater employment of persons with disabilities in Montenegro through their education, training and vocational training, as well as adjustment of the labor market to persons with disabilities.

5. When it comes to the education of children with disabilities and developmental impairments, and that of the persons with disabilities, it is organized in three main forms: regular school classes — as the first choice, special classes in regular schools (primary schools), resource centers — when it is the only and the best interest of the child. In the previous period, there has been a visible progress in the implementation of inclusive education. Despite visible progress, there is much room for improvement, particularly in the creation of adequate conditions (available space, equipment, tools, tailored means for the provision of services), the more intensive development of support systems, and the development of inter-sectoral cooperation, which will allow a better flow of information.

6. Social and child protection for persons with disabilities has improved in the past eight years, through the introduction of new rights relating both to financial support, but also services, and also by increasing the amount of financial support. As regards normative regulations in this area, in addition to the Law on Social and Child Protection (“Official Gazette of Montenegro,” No. 27/2013) several new laws were adopted, while some of the existing ones were amended. Relevant in this area are the Social Housing Law, the Law on the Movement of Persons with Disabilities with the Assistance of a Guide Dog, the Law on Pension and Disability Insurance, Law on Travel Benefits for Persons with Disabilities and the Law on the Prohibition of Discrimination against Persons with Disabilities (“Official Gazette of Montenegro,” Nos. 35/15 and 44/15), as well as a whole range of legislation, which created preconditions for the better social protection of vulnerable population.

7. Healthcare is an activity of public interest. The new Law on Health Insurance (“Official Gazette of Montenegro”, No. 6/2016) regulates the rights of insured persons, paying compulsory and supplementary health insurance (Articles 5, 16, 18 and 20). Law on Patients’ Rights (“Official Gazette of Montenegro”, No. 40/2010) regulates patients’ rights. The Law on Amendments to the Law on the Protection and Rights of Persons with Mental Illness (“Official Gazette of Montenegro,” No. 27/2013) has been adopted. The Law on Data Collections in Healthcare (“Official Gazette of Montenegro,” Nos. 80/08 and 40/11) comprises the Registry on the health care of children and youth with psychophysical developmental disabilities and psychosocial disabilities. Currently applicable is the Regulation on the exercise of the right to medical and technical aids (“Official Gazette of Montenegro,” Nos. 24/13 and 26/14), which defines the indications, types of aids and deadlines. The Ministry of Health in collaboration with the Resource Center Kotor conducted training for the use of sign language among health workers at all levels of health care from December 2013 to June 2015.

8. To implement 2016-2020 Strategy for the Integration of Persons with Disabilities and achieve the intended objectives, it is necessary to determine the necessary financial resources for its implementation. Funds that are earmarked for the 2016-2020 Strategy for the Integration of Persons with Disabilities are primarily provided from the budget of the State and local governments and other sources.

9. The Ministry of Labor and Social Welfare, together with local government representatives, NGOs and other social actors in the implementation of this Strategy, plan to carry out continuous monitoring and evaluation of the results achieved and in accordance with such knowledge propose appropriate measures and activities. The success in the implementation of this Strategy will be monitored using indicators to measure the efficiency and effectiveness of the proposed measures. The evaluation team monitors and evaluates the activities and the results of this Strategy, as well as Action Plans and projects developed on the basis of Action Plans and reports periodically, on an annual basis. Team for monitoring the implementation of the Strategy prepares a Report on the implementation of the Action Plan of 2016-2020 Strategy for the Integration of Persons with Disabilities in the first quarter of the calendar year for the previous year.

10. The Parliament of Montenegro adopted a Conclusion by which it committed the Government, for the purpose of the implementation of the Law on the Prohibition of Discrimination against Persons with Disabilities, to carry out an analysis of all regulations in the areas defined by the United Nations Convention on the Rights of Persons with Disabilities, which are covered by the Law on the Prohibition of Discrimination against Persons with Disabilities, in particular the areas of information and electronic communications, transportation, independent living and community life, family and marital relations; then the laws regulating the legal, procedural and business capacity, as well as education and vocational training, health care, social and child protection, adequate living standard, and political and public life; and to as soon as possible prepare proposals for amendments to laws in the field of transportation, health care, social and child protection, while involving in all phases of the preparation of aforementioned regulations representatives of organizations of persons with disabilities and the Committee for Human Rights and Freedoms of the Parliament of Montenegro.

11. Based on the adopted Conclusion, the Ministry of Human and Minority Rights has prepared and the Government of Montenegro at its session of 22 September 2016 adopted

the Analysis of the harmonization of legislation in Montenegro with the Law on the Prohibition of Discrimination against Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities. This document analyzed 60 laws and defined recommendations for the adjustment of 34 laws. The Government of Montenegro at its session of 15 December 2016 adopted a 2017-2021 Strategy for the Protection of Persons with Disabilities against Discrimination and Promotion of Equality with the 2017-2018 Action Plan. The areas to which the Strategy applies are: respect for the dignity of persons with disabilities, discrimination in the field of accessibility (physical environment, information and communications, public transportation, discrimination in access to public and private goods and services, discrimination in proceedings before the competent authorities, discrimination in private and family relations, discrimination in the field of education and vocational training, discrimination in the field of vocational rehabilitation, labor and employment, discrimination in the field of social security and adequate living standards, discrimination in health care, discrimination in political and public life, discrimination in sports, culture, and recreation.)

12. The Ministry of Human and Minority Rights has prepared a Draft Law on Amendments to the Anti-discrimination Law. The Draft Law is in the process of the revision of comments made by the European Commission, for further improvement of the law, prior to its submission to the Government for consideration and adoption. Draft Law on Amendments to Anti-discrimination Law on the agenda of the government is scheduled for Q2 2017.

13. In accordance with the Law on Social and Child Protection, a person with disability is a person who has long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder full and effective participation of such individual in society on an equal basis with others.

Reply to the issues raised in paragraph 2 of the list of issues

14. The preparation of the 2016-2020 Strategy for the Integration of Persons with Disabilities, and Action Plans for the implementation of the Strategy involved an interdepartmental working group composed of representatives of relevant ministries, and representatives of NGOs dealing with the rights of persons with disabilities. The integration of disability issues in all sectors was therefore respected, through the direct involvement of end users, both in policy-making and in monitoring the implementation of target measures and activities. Also, representatives of civil society are members of the Council for the care of persons with disabilities.

15. The government and local self-governments include representatives of organizations of persons with disabilities in the composition of the working groups for the drafting of regulations and policies relating to disability, which needs to continue in future, while fully respecting the views and opinions of representatives of organizations of persons with disabilities in accordance with the Regulation on the manner and procedure for cooperation between the public administration and non-governmental organizations (“Official Gazette of Montenegro,” No. 7/2012).

B. Specific rights

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 3 of the list of issues

3 (a)

16. In order to implement anti-discrimination policy, Montenegro has adopted the Anti-discrimination Law as an umbrella law and Law on the Prohibition of Discrimination against Persons with Disabilities as a special law, as well as the Law on the Protector of Human Rights and Freedoms as a national institutional mechanism for the protection against discrimination.

Anti-discrimination Law recognizes disability as a ground of discrimination. The provision of Article 18 of the Anti-discrimination Law stipulates that “Discrimination against persons with disabilities” includes:

“Inaccessibility of facilities and surfaces in public use for persons with reduced mobility and persons with disabilities, or the prevention, restriction or impediment in the use of such facilities, in a manner that represents no disproportionate burden on a legal or natural person who is obliged to provide such access, shall be considered to be discrimination within the meaning of Article 2 of this Law.

Discrimination against persons with disabilities exists where specific measures are not taken to eliminate the limitations or unequal position of such persons.”

17. The Constitution of Montenegro, the Anti-discrimination Law and the Law on the Protector of Human Rights and Freedoms define the competencies of the Protector of Human Rights and Freedoms as an independent, institutional mechanism for the protection of human rights and freedoms and the protection against discrimination. Anti-discrimination Law provides a procedure for filing complaints with the Protector of Human Rights and Freedoms by anyone who believes to be discriminated against by an act, action or failure to act by authorities or other legal entities and individuals. In addition to filing complaints with the Protector of Human Rights and Freedoms, the Anti-discrimination Law provides for an appeal to the court for protection against discrimination, as well as action by inspection authorities when a violation of law or other regulations occurred or anyone was discriminated against. The Protector may initiate proceedings for protection against discrimination before the court or appear as an intervener if the party renders probable, and the Protector determines that the conduct of the respondent discriminated against on the same grounds against a group of persons with same personal traits.

18. The Anti-discrimination Law also stipulates that “the Courts, State Prosecutor’s Offices, misdemeanor bodies, the administrative body in charge of policing and inspection authorities shall be obliged to keep separate records of submitted complaints, the procedures and decisions made within their competence, relating to discrimination.

19. The provisions of Article 33 of the Anti-discrimination Law stipulate that “authorities shall deliver data from separate records to the Protector, no later than 31 January of the current year for the previous year, and at the request of the Protector shall also submit data from such records for a certain shorter period during the year.”

20. Law on the Prohibition of Discrimination against Persons with Disabilities, as a special law, regulates in detail prohibition of discrimination against persons with disabilities in all areas.

21. The Law on the Prohibition of Discrimination against Persons with Disabilities states that

... “Discrimination on the basis of disability is any legal or factual, direct or indirect, intentional or unintentional discrimination or unequal treatment or non-treatment of a person or group of persons with disabilities in relation to other persons, as well as exclusion, restriction or giving priority to any person in relation to a person with disability, which is why the recognition, enjoyment or exercise of human rights and freedoms in the political, educational, economic, social, cultural, sports, civil and other areas of public and private life by a person with disability is impaired or denied.

Discrimination on grounds of disability shall be considered to be an invitation, aiding, abetting or instigating, instructing, harassing, or announcing possibility that a person or a group of persons with disabilities shall be discriminated against.

Discrimination on grounds of disability shall not be considered to be legislation and the introduction of special measures aimed at creating conditions for equal recognition, enjoyment and exercise of human rights and freedoms and achieving real equality of persons with disabilities with others, as well as the promotion of respect for their inherent dignity, if such regulations as well as the introduction of

special measures are objectively justified by lawful cause, using means that are considered appropriate and necessary.

The consent of persons with disabilities to discrimination on the basis of disability does not relieve a person who discriminates.”

22. The said Law prescribes a fine ranging from € 10,000-20,000 for an offense made by a legal entity, a fine ranging from € 1,500 to 2,000 for an offense made by the responsible person in the legal entity, the responsible person in state authority, public administration body or local self-government unit, a fine in the range of € 5,000-6,000 for an offense made by an entrepreneur; and a fine in the range of € 150-2,000 for an offense made by a physical person who occupies, uses, utilizes or destroys furniture or accessible toilet intended for persons with disabilities in public buildings and spaces or areas for public use by a person with no disability.

(b)

23. In the field of social and child protection, Socio-Medical Commissions were established on the basis of whose findings and opinions, Centers for Social Work determine the entitlement to social and child protection: allowance for care and assistance, personal disability allowance and incapacity for the purpose of exercising the right to allowances. The Commission is formed as Trial Socio-Medical Commission and the Appeal Socio-Medical Commission. The Commissions have three members, who are physicians of respective specialty.

24. In the field of education, at the level of local governments, 18 commissions were established for the orientation of children with special educational needs in the educational system. Commission consisting of experts of different profiles proposes a program, additional professional assistance, staff, space, material and other requirements.

25. In the field of employment, in order to implement the measures and activities of professional rehabilitation and the employment of persons with disabilities and other hard-to-employ persons, the Employment Agency established the first and second instance commissions for professional rehabilitation.

(c)

26. The provision of Article 18 of the Anti-discrimination Law regulates discrimination against persons with disabilities in a manner which provides that *“Inaccessibility of facilities and surfaces in public use for persons with reduced mobility and persons with disabilities, or the prevention, restriction or impediment in the use of such facilities, in a manner that represents no disproportionate burden on a legal or natural person who is obliged to provide such access, shall be considered to be discrimination.”* Paragraph 2 stipulates that *“Discrimination against persons with disabilities exists where specific measures are not taken to eliminate the limitations or unequal position of such persons.”*

27. The provision of Article 5 of Anti-discrimination Law established grounds for the adoption of special measures and regulations that contribute to the overall equality and protection of persons who are on any grounds in an unequal position. Thus, Article 5 of the Anti-discrimination Law stipulates:

“Regulations and special measures aimed at creating conditions for the exercise of national, gender and overall equality and protection of persons being in an unequal position on any ground, may be adopted, that is, implemented and enforced, within the competences and powers of state authorities, public administration bodies, local government authorities, public enterprises and other entities performing public powers (hereinafter referred to as authorities), as well as other natural and legal persons.

28. *The measures referred to in Paragraph 1 of this Article shall apply in proportion to the needs and opportunities and shall last until the goals set out by those measures are achieved.”* The introduction of measures of affirmative action for persons with disabilities, with special emphasis on certain areas is further justified by Article 5 of the Law on the Prohibition of Discrimination against Persons with Disabilities:

*“Regulations and special measures**Article 5*

State authorities, public administration bodies, local government bodies, public enterprises and other entities performing public powers (hereinafter: authorities), as well as other legal and natural persons, within their competences and powers, shall be obliged to adopt, that is introduce and enforce regulations and special measures, which are aimed at creating conditions for the realization of equality and the protection of persons with disabilities, which are on any grounds in an unequal position in respect of others.

Regulations and special measures are adopted or taken in the following areas: spatial planning and construction of structures, information, transportation, education and employment, labor, health services, social welfare, culture, public and political activity, as well as in other areas of social life where there are reasons for their adoption or implementation within the meaning of paragraph 1 of this Article.

Special measures referred to in paragraph 1 of this Article shall apply in proportion to the needs and opportunities and last until the achievement of goals set out by such measures.”

Reply to the issues raised in paragraph 4 of the list of issues

29. As part of its ongoing activities, the Ministry of Human and Minority Rights each year allocates funds for the implementation of programs that guarantee and promote the exercise of rights of members of Roma, Ashkali and Egyptian populations, including persons with disabilities. The most important programs are:

30. Provision of free sets of textbooks - continuously allocated funds for the provisions of free textbooks for pupils/students of RE population of 1st, 2nd, and 3rd grades of primary school, (while for other grades of primary education textbooks and supporting teaching material are provided by the Ministry of Education). For the 2016/17 school year € 36,358.40 were allocated for such purpose.

31. Wintering/holidays for the best students of the Roma and Egyptian population with the aim of motivating students mentioned to continue their education, and to reward them for their success in school. Besides a number of recreational activities which children have the opportunity to enjoy in the aforementioned camps, they also attend informal daily classes of Roma language, in order to preserve their native language and culture of their population.

32. Scholarships for high school students and students of Roma and Egyptian population in order to increase enrolment in secondary schools and colleges, for which needs funds in the amount of (EUR 80,000) were provided, with a monthly scholarship of 60.00 euros for high school students, while college students receive a monthly scholarship in the amount of 150.00 euros.

33. Medical examinations — to raise awareness about the importance of prevention and protection of health, preventive gynaecological and ultrasound examinations for women from Camp Konik in Podgorica are organized every year. The Ministry organizes this activity in cooperation with the Health Center Danilovgrad and the Red Cross. Ultrasound examinations were done for thyroid gland, breast, lung, while mammography was done in women over 40 years of age, and the next action will include abdominal ultrasound.

34. Campaigns/Trainings for parents, children, Roma and Egyptian activists, officials/civil servants on protection against domestic violence and juvenile forced marriages among the Roma population. — In accordance with the 2016 Action Plan for the implementation of the 2016-2020 Strategy for Social Inclusion of Roma and Egyptians in Montenegro, the Office for Combating Trafficking in Human Beings, Police Directorate, members of the Roma Council, the Center for Roma Initiative and other NGOs, organize every year in all Montenegrin cities with a significant number of inhabitants of the Roma and Egyptian population, a one-day campaign and trainings for parents, children, Roma and

Egyptian activists, officials/civil servants on protection against domestic violence and forced juvenile marriages among Roma population.

35. Trainings are implemented to strengthen the participation of the Roma and Egyptian population in political and public life, with special emphasis on women.

Women with disabilities (art. 6)

Reply to the issues raised in paragraph 5 of the list of issues

36. In addition to the Anti-discrimination Law, Montenegro adopted the Law on Gender Equality, which regulates the manner of provision and exercise of rights based on gender equality, in accordance with international regulations and generally accepted rules of international law, as well as measures to eliminate discrimination based on gender and the creation of equal opportunities for the participation of women and men, as well as persons of different gender identity in all areas of social life. Gender Equality Law stipulates that gender equality shall be provided under the general and special measures.

37. According to the Report on the implementation of the implementation program of the 2015-2016 Action Plan for Achieving Gender Equality for 2016, the Employment Agency during 2016 implemented educational and training programs for 454 unemployed. Females participated in these programs with a share of 59%. The Employment Agency in 2016 implemented a training program for work with the employer. This program included 250 long-term unemployed who have not been employed in the last 12 months because their knowledge and skills were not enough for employment. 46%, or 114 participants, were females. In order to mitigate the effects of long-term unemployment, the Employment Agency in 2016 implemented a training program for independent work. The training program for independent work was carried out less than two years ago for 71 unemployed persons with acquired secondary education, who have no experience in their education level. Females are represented with a share of 42% (30 women). Public works were conducted in cooperation with ministries, local governments, public institutions, NGOs, employers and other entities, through social protection programs, environmental, educational, cultural and other similar programs, based on socially beneficial and non-profit work that creates no unfair competition at the market. The public works employed for a definite period for the average duration of six months, 1,096 difficult to employ unemployed persons registered with the Agency. The share of women in these programs amounted to 69%.

38. The program “Youth are our potential, give them a chance” covers 60% females. This program includes persons aged up to 30 years, with higher education, work experience in their education level, advanced computer skills and knowledge of English.

39. Pilot program of training and employment of youth at jobs aimed to prevent gray economy “Stop the informal economy” engaged 100 persons from the register of the Agency up to 29 years old, with higher education and work experience in their education level. 56% of the persons employed were females.

40. During 2016, the professional rehabilitation measures included 210 persons (205 persons with disabilities and five other less employable persons). Of the total number involved, 118 were women (56.19%). In 2016, measures of counselling, motivating and encouraging people with disabilities to actively seek employment, and determining the remaining working capacity included 120 people with disabilities (70 women). During 2016, the measures: analysis of a specific job and working environment of persons with disabilities, development of a plan of adjustment of the workplace and working environment for persons with disabilities, development of a plan of necessary equipment and resources for the work of persons with disabilities, included 39 persons (23 women). The measures: assistance in accepting own disability and exploring the possibilities of involvement in training and work, assistance in choosing the appropriate professional goals and development of social skills, involved 45 persons with disabilities (26 women) in the reporting period. The measures of vocational training in work place, in the course of 2016, included two women with disabilities. The measure of tracking persons with disabilities in the workplace after employment, during 2016, included 21 persons with disabilities (10 women). Contractors of professional rehabilitation in 2016 carried out evaluation of the

rehabilitation process for each person with disability (measure 13) for 20 persons with disabilities (eight women). On 31 December 2016, 144 employers exercised the right to subsidized wages for 222 employees with disabilities (94 women). During 2016, the active employment policy programs involved 22 members of the Roma and Egyptian populations (eight women, or 36.36%).

Children with disabilities (art. 7)

Reply to the issues raised in paragraph 6 of the list of issues

41. Children with disabilities are entitled to financial support and to services, depending on the financial situation of the family and the health status, as follows: cash benefit, allowance for care and assistance, personal disability allowance, health care, one-time fee, compensation for a parent or guardian-carer of a person who is the user of personal disability allowance, placement in a social care institution and foster family, while parents are entitled to a compensation for a parent or guardian — carer of the person who is the user of personal disability allowance.

42. Increased allowance for children in the amount of 26, 56 euros for the user of the allowance for care and assistance and 32. 98 euros for users of personal disability allowance;

43. The right to personal disability allowance. The amount of personal disability allowance is 111.34 euros per month and the exercise is not affected by the financial situation of the family, while the right is exercised by 680 children;

44. Compensation to a parent or guardian - carer of a person who is the user of personal disability allowance. From 1 January 2016 began the implementation of the said law. The amount of compensation to a parent or guardian — carer of a person who is the recipient of a personal disability allowance is 193.00 euros per month and the exercise is not affected by a financial situation, while the right is exercised by 1,793 persons.

45. The right to old-age pension after 20 years of service, regardless of age, is vested in a parent who has a child with severe developmental impairments, or guardian with custody of such child, regardless of the age of the child, who is the user of personal disability allowance. Since the beginning of the validity of the cited provision of the law, **329** employees were entitled to old age pension. The average pension is € 257.43.

Reply to the issues raised in paragraph 7 of the list of issues

46. The Ministry of Labor and Social Welfare for several years conducted intensive reform of social and child protection system, especially for the inclusion of disadvantaged, socially excluded groups and improving access to comprehensive, inclusive and sustainable services that are provided to the family and community. We are very committed to the process of de-institutionalization of children placed in institutions of child protection.

47. In accordance with the UN Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children, our Law on Social and Child Protection defined the obligation of all those who work on child protection to take every effort to help the survival of the child in the family by providing family support, and if this is not possible or is not in the best interests of the child, to provide family placement-foster care. Law on Social and Child Protection provides that a child under three years of age shall not be accommodated in an institution, and that the placement of the child in an institution shall be allowed only when all other possibilities have been exhausted, and shall be reviewed at least once every six months. In order to create the necessary preconditions for full family support, prevention of institutionalization and acceleration of the process of deinstitutionalization of children placed in institutions, the Ministry of Labor and Social Welfare organized systematic education in the field of family counseling in order to strengthen preventive work with families at risk, and adopted the National Strategy for Foster Care Development. Montenegro in 2007, through the Family Law and the Law on Social and Child Protection, defined foster care as a priority form of alternative care for children and strengthened the state's obligation in terms of providing cash benefits for

families and individuals who provide accommodation and services for children, as users of accommodation, and introduced a system of licensing of foster families.

48. The Protocol on Cross-Sectoral Cooperation in the Prevention of Child Abandonment between the Ministry of Labor and Social Welfare, the Ministry of Education and the Ministry of Health was signed in 2014. Strengthening inter-sectoral cooperation in order to prevent the separation of children from their families is one of the key activities of the reform of social and child protection in line with the government policy of deinstitutionalization. The implementation of the Operational Plan for the transformation of the Child's Home in Bijela is ongoing, which is the only institution in Montenegro for placement of children without parental care, so to reduce pressure on the institution and return children to families, relocate them to alternative forms of protection, i.e. foster care or other services in the community. Transformation of the institution will expand its activity, through the development of services to support families and communities, which will result in higher quality care for most children. In parallel with the reduction in the number of children in institutions, there was an increase in the number of children in foster care, especially non-kinship care. Montenegro has traditionally well-developed foster care within the extended family, so we worked further on developing non-kinship foster care. In 2010, foster care included 313 children and at the end of 2016, 362 children, an increase of 15.7%. Non-kinship foster care families in 2010 accommodated 9 children and 31 children at the end of 2016, representing an increase of 344.5%. At the same time, the Child's Home Mladost in Bijela in 2010 accommodated 156 children, and at the end of 2016, 91 children, representing a decrease of 41.7%. The institutions do not accommodate children under the age of 3 years. The implementation is ongoing of the pilot project Family Outreach, aimed at preventing the separation of children from families and their placement in institutions. It is necessary to ensure the viability of the services as one of the priorities of reforms, without which the deinstitutionalization may not be implemented.

49. In addition to the rights that may be exercised by children with developmental impairments, forms of support to families of children with developmental impairments are: daycare centers, travel benefits, which also apply to a parent as a companion, and a subsidy of monthly bills for electricity. Also, parents of users of personal disability allowance are entitled to a monthly compensation in the amount of 193.00 euros per month and the exercise of such right is not affected by financial situation of parents. The family has the right to housing through local authorities; the right to a reduction in utility costs through competent companies, and the like.

Reply to the issues raised in paragraph 8 of the list of issues

50. The number of day care centers for children with disabilities increased from 1 as it was until 2009 to 11 operating in 2016. The first small group community for children without parental care began to operate in Bijelo Polje in 2015, and accommodates 5 children with disabilities. The challenge before us is above all to strengthen the natural family, provide even greater support to mother and child and create conditions for their greater social and financial independence. We will continue with the further strengthening of foster care within the extended family, and the development of standard-professional foster care, with special emphasis on children aged 0-3 years. Montenegro will work on the provision of all necessary preconditions for the full implementation of the legislative and policy framework, and continue to strengthen cooperation between all relevant sectors in order to prevent placement of children in institutions. What follows is a continuation of the inter-sectoral training for health and social workers in order to prevent institutionalization. We have adopted Cross-sectoral Protocol on Preventing Institutionalization of Children, with special emphasis on children aged 0-3 years, adopted the standards that closer define foster care, organized mass campaigns to raise public awareness about the importance of family for the child and the benefits and importance of fostering as the most desirable alternative form of protection for the child, and continued training of social workers in order to raise the quality of such services.

51. The day care center is an institution of social and child protection, which provides day care services for children with disabilities in the framework of which they acquire basic skills. In the context of day care centers, children should get additional technical support,

treatment, interactive activities of self-care. The key thing is for day care centers to be aware that segregation shall not be encouraged and that they should not become a new form of “special schools”.

Awareness-raising (art. 8)

Reply to the issues raised in paragraph 9 of the list of issues

52. The Ministry of Human and Minority Rights every year implements the education on and promotion of anti-discriminatory behavior and practices through trainings for a large number of those who are directly and/or indirectly involved in the implementation of anti-discrimination legislation. The trainings were intended for professionals, and all those who in any way come into contact with cases of discrimination. Training plan, in the current period, included representatives of the judiciary, ombudsman offices, non-governmental organizations dealing with human rights and freedoms, then representatives of all regional units and branches of the police in Montenegrin towns and representatives of local governments, representatives of all inspection services in Montenegro, representatives of all CMOs in Montenegro and the Prosecutor’s Offices and representatives of Centers for Social Work. Training, as of 2016, takes place through 6 seminars and 6 accompanying workshops, one of which is dedicated to the prohibition of discrimination against persons with disabilities. In 2017, trainings will be conducted for the representatives of the state authorities and institutions, i.e. contact persons in these institutions that are responsible for working with vulnerable groups.

53. Media campaign on non-discrimination and the promotion of anti-discriminatory behavior aims to raise awareness of the general population about the discrimination, create tolerant environment and sensitize the public to all vulnerable groups, including persons with disabilities. Campaigns represent continuing activities related to the promotion of non-discrimination. The campaigns include: broadcast of TV video clips, broadcast of radio jingles, newspaper ads in color on the editorial pages, inserting flyers (adapted for the visually impaired, i.e. printed in Braille) through the circulation of daily newspapers, the promotion of non-discrimination, tolerance and respect of diversity through a network of billboards.

54. In an effort to raise public awareness and influence the changing attitudes and practices when it comes to the inclusion of children with disabilities into society, a comprehensive campaign was carried out, “It’s about ability”. Monitoring the effects of the campaign indicated the growing attitudes towards the acceptance of children with disabilities: it was pointed to their potentials, encouraged the interaction of the general citizenry with this population, promoted access to facilities, provided funds for the work of these children, created a strong coalition which includes the government, local communities, NGOs, media, private sector, children, parents. Through the project with SE “Regional Support for Inclusive Education,” a campaign was carried out with the aim to promote inclusive education, the fight against negative attitudes, stereotypes and prejudice (for the general and professional public). Inclusive Day was organized and screened documentary film on inclusive education. In schools, activities are regularly conducted aimed at developing an inclusive culture, policies and practices, that is, schools based on the Index of Inclusion, prepare their action plans, which, among others, include the promotional measures. In order to promote non-discrimination and strengthen inclusive atmosphere and culture in schools, program package for students is in preparation, in the framework of which workshops will be organized on equal rights and non-discrimination, which are to be carried out at the schools, and the like. This is an informative material on rights in the field of non-discrimination for teachers, while trainings will be further organized and/or counselling to staff, monitored the application.

55. Training of professional workers from Centers for Social Work and Directors for the opening and operation of day care centers for children with disabilities was implemented in 2016, by the Institute for Social and Child Protection. The trainings were attended by 20 experts from day care centers.

56. The training of skilled workers for the development of individual plans for the day care centers was organized in 2016 for employees of day care centers for children with disabilities. The training was attended by a total of 29 professional workers.

Accessibility (art. 9)

Reply to the issues raised in paragraph 10 of the list of issues

57. The Law on the Prohibition of Discrimination against Persons with Disabilities in Article 8 of the definitions defines “universal design”. The provision of Article 8 stipulates that “*Universal design means the design of products, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design for persons with disabilities, which does not preclude the existence of additional resources and aids for particular groups of persons with disabilities where this is needed.*”

58. Also, Article 14 regulates “Discrimination in the provision of public and private goods and services” in a way that it stipulates that such discrimination shall be considered to be:

- (1) rejection, preventing, hindering or limiting the provision of goods and services;
- (2) preventing, restricting or impeding the provision of goods and services by non-compliance with the principles of universal design, unless the provision of goods and services would endanger the life or health of persons with disabilities or another person;
- (3) the provision of goods and services under different and less favorable conditions than those under which the goods and services are provided to other users, unless the provision of goods and services would threaten the life or health of persons with disabilities or another person;
- (4) intentional delay or delays in the provision of goods and services, although the person or a group of persons with disabilities required and meets the conditions for the timely provision of goods and services before others; and
- (5) increasing prices of public and private goods and services due to incremental costs directly arising from the provision of public and private services

59. In order to create an accessible environment for persons with disabilities, the Law on the Prohibition of Discrimination against Persons with Disabilities in Article 12 stipulates that “*The authorities shall be obliged to provide for persons with disabilities signage in Braille and in easy to understand formats in buildings used by the public and the areas and surfaces of public purpose.*”

60. The provisions of Article 22 of this law provide for a fine of € 10,000 €-20.000 for an offense made by a legal person if..2) failing to provide to a person with a disability signage in Braille in public buildings and spaces and areas for public use (Article 12, paragraph 2); for an offense made by the responsible person in the legal entity, the responsible person in the state authority, public administration bodies and local government bodies, a fine is prescribed of 1,500 euros to 2,000 euros; for an offense made by an entrepreneur, a fine ranging from 5,000 euros up to 6,000 euros has been prescribed.

61. The provisions of Article 33 of the Anti-discrimination Law regulate the application of the Law, stating that:

“State authorities, public administration bodies, local government bodies, public enterprises and other entities exercising public powers shall provide for persons with disabilities signage in Braille, in easy to understand formats, in accordance with Article 12, Paragraph 2 of this Law, within 18 months from the date of entry into force of this Law.”

62. Acting in accordance with Article 12 of the Law on the Prohibition of Discrimination against Persons with Disabilities, the Ministry of Human and Minority

Rights made the rooms of this authority accessible to persons with impaired vision as it has set the name of the authority in Braille, orientation plan of movement, and signs with names of officials at the cabinet doors.

63. The concept of “Universal Design” in the field of building construction is regulated by the Law on Spatial Planning and Construction of Structures and the Rulebook on detailed conditions and methods of adjusting facilities for access and movement of persons with reduced mobility.

64. The Law stipulates that the construction of public buildings shall be carried in a way to allow persons with disabilities and persons with reduced mobility an unimpeded access, movement, stay and work. The construction of residential and commercial buildings is carried out in a manner to allow persons with disabilities and persons of reduced mobility access and mobility in joint rooms. Residential and commercial buildings with 10 or more units must be built in a way to provide for easy adjustment of the buildings, of at least one housing unit on every 10 apartments for unimpeded access, movement, stay and work of persons with reduced mobility.

65. The Law also specifies that the entire process of the construction of facilities, from issuing of Urban and Technical Requirements, the preparation of project documentation, the audit thereof, as well as during the construction of facilities, supervision, technical inspection and issuance of the occupancy permit requires that all participants in the construction pay special attention to requirements for access and movement of persons with disabilities and persons with reduced mobility. Rulebook on detailed conditions and methods of adjusting facilities for access and movement of persons with reduced mobility defined accessibility standards.

66. Improvement of the accessibility to public buildings is carried out through the implementation of the Action Plan to adapt public buildings for access and movement of persons with reduced mobility and persons with disabilities.

67. The popularization of the concept of universal design is conducted through roundtables, which present accessibility standards defined in the Rulebook, as well as legal provisions referring to the obligation to respect the accessibility of buildings for persons with disabilities in the process of construction.

68. Round table during which the target group were architects was held at the Ministry of Sustainable Development and Tourism, with the theme: “The role of architects in the harmonization of regulations in the field of accessibility of buildings to persons with disabilities and persons with reduced mobility”.

Situations of risk and humanitarian emergencies (art. 11)

Reply to the issues raised in paragraph 11 of the list of issues

69. The issue of rights of persons with disabilities, i.e. their participation in disaster risk reduction is defined in most detail in protection and rescue plans in Montenegro, which are prepared at three levels: national, municipal and entrepreneurial protection and rescue plans. Entrepreneurial plans that are being developed by companies, other legal entities and entrepreneurs, must comply with national and municipal plans, and they most comprehensively analyze and specify the issues of protection and rescue of persons with disabilities in individual buildings.

70. Directorate for Emergency Situations in cooperation with UNICEF conducted a project entitled “Risk Assessment for the Most Vulnerable Children,” in which they made plans for protection and rescue from fire for resource centers where persons with disabilities are accommodated (PI RC for Children and Youth Podgorica, PI RC “1st June” Podgorica, PI RC for education and rehabilitation of persons with hearing and speech disorders Kotor). These plans include all relevant information on the protection and rescue of persons with disabilities (protection and rescue measures, means of evacuation, command and coordination for protection and rescue, human and material resources to be engaged in an emergency, the duties and tasks of all employees in resource centers, etc.),

which completed the process of adequate planning and action by persons with disabilities in case of fire.

71. We believe that in the future, in the same way, activities should be undertaken to develop protection and rescue plans for resource centers that exist in many municipalities in Montenegro and are occupied by persons with disabilities on a daily basis.

72. Members of protection and rescue services through a variety of workshops, trainings and exercises were trained and also continuously educate and cooperate with organizations representing persons with disabilities, to put the safety of such persons in all situations of risk at the highest possible level.

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 12 of the list of issues

73. In the period from 31 December 2016 until 1 April 2017, competent courts at the territory of Montenegro, according to the proposal of family members living with a person against whom the proceedings were brought for deprivation of legal capacity, i.e. according to the proposals of Centers for Social Work, ex officio, ended 32 procedures for the complete deprivation of capacity, 3 procedures for partial deprivation of capacity, while 3 requests were withdrawn, whereas in the said period 2 procedures for restoring capacity were in progress. Centers for Social Work continue to provide professional assistance to individuals, who are partially or completely incapacitated, and if grounds for which they are incapacitated terminate, they propose to court to restore their legal capacity. What is also necessary to point out, when it comes to further monitoring of persons who have been deprived of legal capacity, is the obligation of the guardians to annually submit a work report, which is analyzed, and if necessary control is performed more frequently, depending on the specifics of the case. CSWs are taking all preventive actions in order to avoid deprivation of capacity, which is an end measure when a person comes into a situation to endanger himself.

Access to justice (art. 13)

Reply to the issues raised in paragraph 13 of the list of issues

74. Centers for Social Work continuously provide professional assistance to persons with disabilities. One of the services in the field of social and child protection is an advisory-therapeutic and socio-educational service. When it comes to the representation of persons with disabilities in the courts, the professionals from the Center for Social Work act as guardians in special cases when representing their best interests. Center for Social Work within its competences also takes measures, initiates and participates in judicial and other proceedings.

75. Law on Social and Child Protection is based on the principle of non-discrimination of users on the grounds of race, gender, age, ethnicity, social background, sexual orientation, religion, political, trade union or other opinion, property status, culture, language, disability, the nature of social exclusion, membership in a particular social group, or other personal traits.

76. The Law on Administrative Procedure and the Law on Administrative Dispute define the rights and obligations of the parties to the proceedings and their representation, the role of witnesses, experts, etc., and in case of need a right to an interpreter when it comes to persons with disabilities. Also, the Law on Free Legal Aid provides a procedure for exercising the right to free legal aid.

77. The Ministry of Interior provides delivery services to clients, at their request, at home: of copies of civil registry certificates, certificates from the Register of Citizenship and the certificate of residence in the e-supported way, at tight deadlines. For people with disabilities and other persons who are not able to personally submit requests for the issuance of personal documents, identity cards or passports, they take over the same. The implementation of the use of mobile station for taking biometric or other data at the address

of the applicant continued, including the provision of power of attorney to a person who will take official action on behalf of the applicant.

78. The Constitution of Montenegro, the Anti-discrimination Law and the Law on the Protector of Human Rights and Freedoms define the competencies of the Protector of Human Rights and Freedoms as an independent, institutional mechanism for the protection of human rights and freedoms and the protection against discrimination. Anti-discrimination Law provides a procedure for filing complaints with the Protector of Human Rights and Freedoms by anyone who believes to be discriminated against by an act, action or failure to act by authorities or other legal entities and individuals. In addition to filing complaints with the Protector of Human Rights and Freedoms, the Anti-discrimination Law provides for an appeal to the court for protection against discrimination, as well as action by inspection authorities when a violation of law or other regulations occurred or anyone was discriminated against. The Protector may initiate proceedings for protection against discrimination before the court or appear as an intervener if the party renders probable, and the Protector determines that the conduct of the respondent discriminated against on the same grounds as a group of persons with same personal traits. The Anti-discrimination Law also regulates that “the Courts, State Prosecutor’s Offices, misdemeanor bodies, the administrative body in charge of policing and inspection authorities shall be obliged to keep separate records of submitted complaints, the procedures and decisions made within their competences, relating to discrimination.”

Liberty and security of person (art. 14)

Reply to the issues raised in paragraph 14 of the list of issues

79. In line with the regulatory framework in the health system, placement of patients in psychiatric institutions, including persons with disabilities, is at sole discretion of patients, except in cases where a medical doctor - a psychiatrist assesses that it can have negative consequences for the patient, his health or possibly for the environment, taking in consideration the fact that very often, because of health disorders, there might be eventual aggression, regardless of therapeutic treatment.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Reply to the issues raised in paragraph 15 of the list of issues

80. Police detention facilities of the Police Directorate, Ministry of Interior: CB Podgorica has a dedicated ramp and room for retention of persons with disabilities, as well as adequate accessibility to toilets and bathroom.

81. Security Centers — Niksic, Pljevlja, Bijelo Polje, Berane, Bar, Budva, Herceg Novi and the Security Departments — Cetinje, Danilovgrad, Kolasin, Ulcinj, Plav, Rozaje, Zabljak, Kotor, Tivat, Pluzine, have no adapted rooms for inmates with disabilities and no adequate accessible toilets and bathrooms, or adequate access to the buildings.

82. Ministry of Justice — Institution for the Execution of Criminal Sanctions: Prison for short sentences Bijelo Polje — provided the conditions for access to all rooms to convicted persons with disabilities, who use wheelchairs, while toilets and bathrooms are not accessible.

83. Law on Social and Child Protection under Article 8 stipulates that an employee of an institution or another service provider shall be prohibited from any form of violence against children, adults or elderly, from physical, emotional and sexual abuse, exploitation of the users and other practices that threaten the health, dignity and the development of the user.

Freedom from exploitation, violence and abuse (art. 16)**Reply to the issues raised in paragraph 16 of the list of issues**

84. When it comes to social and child protection during 2016, Centers for Social Work in Montenegro recorded 228 cases of violence against children, of which 121 girls and 107 boys. 12 cases of sexual violence against children have been reported to the Centers.

	<i>Child</i>	<i>Domestic battery</i>	<i>Non-family violence</i>	<i>Negligence</i>	
Montenegro	Total	228	46	122	396
	Male	107	24	57	188
	Female	121	22	59	202

85. In accordance with the Law on the Protection against Domestic Battery, multidisciplinary teams were established in all Centers for Social Work. In 2016, the Centers for Social Work recorded 586 victims of violence, of which 453 women and 133 men. CSWs reacted advisory; provided psychological support, made risk assessment, individual plans for the victim, provided legal aid to victims, and determined trusted persons of the Center for Social Work.

86. Ministry of Labor and Social Welfare, in accordance with the commitments made under the Action Plan for Negotiation Chapter 23 conducted activities aimed at establishing a unified and free helpline for victims of domestic battery, in partnership with the UNDP Office in Montenegro and the NGO Helpline for Women and Children Victims of Violence in Niksic. Unique national, free helpline started operating on 9 September 2015. The line is operated by a team of seven people, composed of coordinator, three telephone operators — consultants, two volunteers and professional associate — psychologist. Service “National Helpline for Victims of Domestic Battery” has been successfully implemented in the period April-December 2016. The service “Family Outreach Worker” is implemented successfully in the period from January 1-June 30 2016.

87. The Ministry of Justice has prepared a Draft Law on Amendments to the Criminal Code of Montenegro, which is currently adjusted to the recommendations and suggestions made by the European Commission.

88. Article 6 of the Draft Law amended Article 42a of the Criminal Code, and as a special circumstance for sentencing for a criminal offense committed out of hatred prescribed disability as an aggravating circumstance. Therefore, if an offense is committed against a person belonging to a vulnerable category of persons (children, persons with disabilities and others), the court takes this circumstance as aggravating while establishing a sentence for the perpetrator.

Living independently and being included in the community (art. 19)**Reply to the issues raised in paragraph 17 of the list of issues**

89. The Law on Social and Child Protection, passed in 2013, significantly improved the services, in particular services relating to the support of community life and living, home care, supported housing etc. Special emphasis was placed on the development of services related to the daycare for children with disabilities and for the elderly, as well as assistance in home. The service of accommodation in an institution was also developed. Secondary legislation closer prescribed the norms and standards for the provision of services. Norms and standards include in particular the use of services for children, especially adults.

90. The right to vacation and leisure was used by children beneficiaries of financial support and children who are placed in institutions or foster care, for sports and recreation, cultural, entertainment and educational purposes. This entitlement is on average used by 3,100 children in shifts lasting for 7 seven days. Also, during the winter, vacation and recreation was provided for 600 children.

91. Children without parental care and children whose development is impeded by family circumstances are provided with accommodation in the Child's Home "Mladost" in Bijela and family placement services — foster care. In late December 2016, the Child's Home "Mladost" Bijela accommodated 91 children, while 362 children were placed in foster care.

92. Children with disabilities and special needs are provided with accommodation in a social and child protection institutions or family placement-foster care, with child allowance and assistance in education. Law on Amendments to the Law on Social and Child Protection in 2016 ("Official Gazette of Montenegro", Nos. 27/13 and 01/15) introduced compensation for a parent or guardian - carer of a person who is the user of personal disability allowance.

93. In 2016, work continued to expand the network of day care centers in Montenegro. In 2016, the activities were conducted aimed at the opening of day care centers in Danilovgrad and Kotor. In accordance with the plans of local governments day care centers will open in other municipalities as well.

94. A small community group was established in Bijelo Polje in order to adequately protect children with disabilities and developmental impairments, who are deprived of parental care, for their socialization and integration into the community based on the principles of equal opportunities and in accordance with their capabilities. There are three children with developmental impairments accommodated in the small community group. It is planned to expand services of this type in the future.

95. Persons with disabilities (physical, mental or sensory disability) and elderly persons exercised their right to placement in an appropriate institution of social and child protection, as well as family placement service if they cannot be provided with or it is not in their best interest to remain in the family. The right to placement in an institution is exercised in a public institution for the elderly "Grabovac" in Risan (235 users), PI Care Home "Bijelo Polje" in Bijelo Polje (147 users) and the Public Institution "Komanski most" in Podgorica (112 users). Persons who could not have been provided with the accommodation in an appropriate institution in Montenegro obtained accommodation outside of Montenegro. These are mostly institutions in the Republic of Serbia and the Federation of Bosnia and Herzegovina. The number of users placed in institutions outside of Montenegro in 2016 ranged from 65 per month to 71 users.

96. Local services are implemented in 17 municipalities, provided to 109 persons. Of all the developed services, most services are intended for the elderly: 28 services, which make up 21.9% of all identified services. Follow services of day center centers in Niksic with a capacity of 3 to 20 users, two in Danilovgrad and one in Mojkovac, also with the capacity for 20 users.

97. The Analysis "Findings and Recommendations for the Development of Social Services in the Local Community" was also prepared, which, as regards services for elders, recognized aged single people as priority group of beneficiaries, especially in remote mountain villages, as well as disadvantaged elderly. According to the service provider, single elderly in the city center are in a particularly difficult position. Service providers recognize that particularly vulnerable is a target group of beneficiaries, a group of elderly people with dementia, for whom there is no adequate service or necessary institutional capacity for their accommodation.

98. Through the project "Continuation of the Reform of Social and Child Protection," Home Assistance for the Elderly was implemented in 6 municipalities in the period of 9 months, for 236 users. Support to this service through a new competition extended to 16 municipalities for 9 months. Providers of services are Centers for Social Work, while the project engaged 109 caretakers, who provide services to about 1000 users.

99. Personal assistant service is provided by NGOs dealing with persons with disabilities. NGOs secure funding for such activities in accordance with the Law on Games of Chance, and from local governments, in accordance with their regulations.

100. In 2016, a large number of social services and support services for persons with disabilities and children with disabilities were provided by the NGO sector, funded by the

State through Public Works of the Employment Agency of Montenegro, the competition for the allocation of revenues from games of chance, donations provided by the capital city of Podgorica, and the like.

Personal mobility (art. 20)

Reply to the issues raised in paragraph 18 of the list of issues

101. In accordance with the Law on Travel Benefits for Persons with Disabilities, a person with disabilities and his companion can use travel benefits for 12 trips during the year in the local and the long-distance rail transport. The right is exercised by a person with disabilities and his companion, if they use their own car as well. Entitlement to the benefit is realized before the competent Center for Social Work, at the price of public transport.

102. Law on Safety in Traffic under Article 147 provided the opportunity to add audio devices at the traffic lights.

103. Rulebook on detailed conditions and methods of adjusting facilities for access and movement of persons with reduced mobility and persons with disabilities, laid down the conditions and ways of ensuring unimpeded access, movement, stay and work of persons with reduced mobility and persons with disabilities in public buildings, residential and residential-business facilities. Also, the Rulebook defines mandatory accessibility elements in the construction of public buildings, such as: accessibility elements for overcoming height differences, accessibility elements of independent living and accessibility elements of public transportation. At the level of local governments, Decisions were adopted on the conditions for the installation, construction and removal of access ramps, elevators and similar facilities for access and movement of persons with reduced mobility and persons with disabilities, which enable significant simplification of procedures for obtaining the necessary documentation. Local governments are engaged only in defining procedures for obtaining approval for access to the facility.

104. Decision on public car parks on the territory of the capital city and local governments defined the obligations of municipal authorities responsible for transportation to specify percentage of parking lots at general parking areas for the vehicles of disabled persons who are blind, deaf or have a physical disability, as well as for vehicles which are used by children with physical, mental or sensory disability, who are entitled to disability allowance and to care and assistance of another person.

105. In order to implement the measures defined in the 2008 — 2016 Strategy for the Integration of Persons with Disabilities and Action Plans, which define the activity aimed to raise awareness in this area, the competent ministry held a series of roundtables and workshops to discuss topics related to the accessibility of buildings, especially the accessibility to specific buildings in zones of Maritime Domain and national parks, tourist facilities and facilities under the protection of cultural monuments, beaches, traffic communications and accessibility of facilities with tellers type of business (bus, train stations, airports, post offices, banks ...). Montenegro has adopted an Action Plan for the adaptation of 13 public buildings used for access, movement and use by persons with reduced mobility and persons with disabilities in 2014, which, according to representatives of non-governmental organizations involved in its development, were identified as a priority. So far 5 of 13 priority buildings were customized, while the implementation of the remaining activities envisaged by the Action Plan is in progress. Action Plan for the adjustment of facilities used by the public for access and movement of persons with reduced mobility and persons with disabilities was adopted by two municipalities: the capital Podgorica and Bijelo Polje municipality. Analysis of accessibility to public buildings was done by five municipalities: Berane, Bijelo Polje, Cetinje, Podgorica and Rozaje.

106. Personal assistant service is provided by NGOs dealing with persons with disabilities. NGOs secure funding for such activities in accordance with the Law on Games of Chance, and from local governments, in accordance with their regulations.

Freedom of expression and opinion, and access to information (art. 21)

Reply to the issues raised in paragraph 19 of the list of issues

107. During 2016, the Ministry of Information Society and Telecommunications adopted the Guidelines for the development and management of websites of state authorities, public administration and local government. The Guidelines were developed with clear instructions and recommendations as to the design of web sites, with the aim to highlight the importance and specificity of the same, in order to ensure high quality communication with citizens and businesses. A special section is dedicated to basic standards of e-accessibility and tools for checking e-accessibility.

108. The Ministry of Information Society and Telecommunications organized an educational workshop for administrators of portals and sub-portals of the Government of Montenegro to present the results of the analysis of web portals, as well as Guidelines for the development and management of websites of state authorities, public administration and local government. The workshop is an introduction to the planned activities of the Ministry, aimed at raising awareness about accessible web content intended to persons with disabilities.

109. In order to make the web portal of the Government of Montenegro accessible and apply international and European standards, the Ministry of Public Administration has issued Guidelines for the preparation of electronic documents in accordance with the standards of e-accessibility in December 2016. The aim of this document is to point in a uniform and standardized way to the rules and methods of creation of electronic documents in the right format, to make them accessible to everyone.

110. Based on the expert lecture on “Websites of state authorities with regard to the standard EN 301549 eAccessibility” within the TAIEX program of the European Commission, educational workshops were organized for the officials of the Ministry of Information Society and Telecommunications, in order to adapt the portal to eAccessibility standards.

Respect for home and the family (art. 23)

Reply to the issues raised in paragraph 20 of the list of issues

111. Article 16 of the Family Law stipulates that marriage shall be entered into with the consent of a man and a woman given before the competent authority, in a manner prescribed by law, while Article 20 of the same law stipulates that marriage may not be concluded by a person who, due to mental illness or other reasons, is not capable of judgment.

112. Thus, the existence of a disability in itself does not exclude the right to marriage, which cannot be concluded only by a person who, because of mental illness or any other reason, is not capable of reasoning.

113. Articles 77 and 78 of the Law of Civil Procedure provide that a party who has legal capacity can perform actions in the proceedings (litigation capacity), while a party that does not have litigation capacity shall be represented by a legal representative.

114. In relation to this legal solution, the Ministry of Justice has no information on the actions taken regarding the withdrawal of the law, which prevent persons with disabilities who are under guardianship to exercise their right to marry or independently start divorce proceedings.

Education (art. 24)

Reply to the issues raised in paragraph 21 of the list of issues

115. Strategic Framework (2008-2013 Strategy for Inclusive Education and 2014-2018 Strategy for Inclusive Education) lays the foundation and direction of development of the education system for children with special educational needs in a way to fulfil and meet their developmental and educational opportunities, to incapacitate them for independent life.

116. The legal framework goes beyond a medical approach. The first choice is inclusive education: children attend regular schools. Those who have moderate or severe impairments are included in special classes in regular schools, while they get instructions for certain subjects together with their peers in regular classes. They are referred to resource centers only when in their best interests.

117. In accordance with the Strategy for Inclusive Education, children with special educational needs should be oriented towards vocational training in the further process of education. The individualization is achieved through modularized programs.

118. To monitor the development and promote inclusive education, it is important to provide for the existence of precise data on coverage of pre-school, primary and secondary school children, as well as data on students with disabilities. Accordingly, it is important to create and continuously update a central database (data on number of persons in the different levels of education, data on the assessment of their needs and those of the school, as well as on the degree of the realization of such needs). The level of achievement is reflected in the establishment of a system and the creation of database for children and students with disabilities at central and local levels, by type of impairment.

119. Using the recommendations of the Commission, educational institutions make Individual Development and Educational Programs (IDEP) for each child. The form of Individual Transition Plan (ITP) was also designed: professional orientation and preparation for employment and independent living. Technical literature was prepared that serves as a support for teaching and professional staff in the field.

120. In accordance with the directions of development in the Strategy for Inclusive Education, the recommendations of the research conducted in order to determine current practices and to offer a model of engagement of assistants, and in accordance with the responsibilities of the Government, the Ministry of Education instructed educational institutions to independently become contractors.

121. Special institutions are reformed into resource centers and are oriented to support inclusive education (early intervention, mobile activities, education, specialized teaching aids, assistive cabinets, etc.).

122. Children who have moderate or serious impairments are involved in special classes in seven regular schools. These pupils attend joint instruction for certain subjects with their peers in regular classes.

123. In order to organize and support the implementation of inclusive education, a division was made of schools with special classes, as branches of resource centers.

<i>Resource Center Ist June</i>	<i>Resource Center Podgorica</i>	<i>Resource Center Kotor</i>
ES "Ilija Kišić" Herceg Novi	ES "Dušan Korać" Bijelo Polje	ES "Boško Buha" Pljevlja
ES "Vuk Karadžić" Berane	ES "Njegoš" Kotor	ES "Olga Golović" Nikšić
		ES "Jugoslavija" Bar

124. Resource Center responsible at the national level for specific developmental impairment is still focused on treatment, intervention, support to inclusion, training and the like. The expert team of the resource center has an educational, advisory and instructive role. According to current legislation, schools have an obligation to comply with accessibility standards. 89 educational institutions adjusted access, toilets were adapted in 57 schools, 9 have a lift,¹ and one a platform. For people with sight impairments, facilities are tailored to a lesser extent. Therefore, schools were provided with the following Guideline: Accessibility of educational institutions and the educational process.

¹ Mainly newly built buildings, with note that the significant number of schools, especially smaller ones, are ground floor only.

(c)

<i>Level of education</i>	<i>Number of students</i>
Primary	3 095
Pre-school	926
Secondary	656
	4 677

<i>Levels</i>	<i>RC "1st June", Podgorica</i>	<i>RC "Podgorica"</i>	<i>RC Kotor</i>
Primary school	37	26	19
Secondary school	34	10	18
Early intervention	20	21 + 1 RC 1st June	9 (3-6) 5 (0-3)

125. Amendments to the Law on Education of Children with Special Educational Needs in order to: Modernize practices; Improve models and basic services and additionally support children with disabilities and special needs, for example, specify the partial inclusion and support for children in regular and special classes, the role of resource centers; Create a legal basis for the prohibition of discrimination; Facilitate the transition to high school through Individual Transition Program; Introduce Ministry's control and the ability to control the orientation; Provide a basis for sustainable, optimal engagement of teaching assistants.

Health (art. 25)

Reply to the issues raised in paragraph 22 of the list of issues

126. Accessibility of sexual and reproductive rights in health services of the health care system is on an equal footing for all citizens, regardless of the kind of diversity, when it comes to women and girls with disabilities, even when it comes to abortion. The question of abortion in Montenegro is regulated by the Law on Abortion, and the decision-making is regulated by the Law on Patients' Rights. In this sense, a patient has the right to self-determination except per report of the doctor if life would be endangered of the patient herself, including a patient with disabilities.

Work and Employment (art. 27)

Reply to the issues raised in paragraph 23 of the list of issues

127. The provisions of Article 22 of the Law on the Prohibition of Discrimination against Persons with Disabilities regulates "Discrimination in the field of vocational rehabilitation, work and employment"

128. The provision of Article 22 stipulates that "Discrimination on the basis of disability in the field of vocational rehabilitation, work and employment shall be considered to be:

- (1) a failure to hire a person with disabilities, who has same or better qualifications, expertise or work skills as a person without a disability, in accordance with the laws governing the labor and area of professional rehabilitation and employment of persons with disabilities;
- (2) the restriction of access to employment, or self-occupation or profession, membership in association of employees or employers, to a disabled person;
- (3) prescribing restrictive rules relating to employment and working conditions, including dismissals and salary for persons with disabilities;

(4) failure to take, and failure to implement measures to adapt the workplace and working conditions to special regulations, in accordance with the laws governing the labor and the area of professional rehabilitation and employment of persons with disabilities; and

(5) prescribing different and unfavorable conditions for a person or a group of persons with disabilities in the exercise of other rights arising from employment, in accordance with the laws governing the employment and the field of professional rehabilitation and employment of persons with disabilities.”

129. As regards penalty provisions, Article 29 of the Law on the Prohibition of Discrimination against Persons with Disabilities prescribes fines ranging from 10,000 euros to 20,000 euros for an offense committed by a legal entity or fines ranging from 1,500 euros to 2,000 euros for an offense committed by the responsible person in the legal entity, the responsible person in the state authority, public administration or local government unit, or fines ranging from 5,000 euros to 6,000 euros for an offense committed by an entrepreneur if:

10) “failing to hire a person with disability, even though she/he has the same or better qualifications and professional skills than a person without a disability, or denying membership in an organization of workers or employers to a person with disabilities, or providing him/her with less favorable working conditions (Article 22, Paragraph 1, Points 1, 2 and 5);”

130. When it comes to the legislative framework, the adoption of the Draft Law on Amendments to the Law on Professional Rehabilitation and the Employment of Persons with Disabilities is in progress, as well as the adoption of the Rulebook on the methodology and financing of special organizations.

131. In 2016, 245 people with disabilities were employed with 181 employers. 65 people with disabilities were employed permanently, while 180 persons for a fixed term (these persons were often employed for a fixed term during the year or their employment terminated). Employers who employed persons with disabilities were entitled to wage subsidy.

132. Law on Professional Rehabilitation and the Employment of Persons with Disabilities prescribes that the Employment Agency of Montenegro shall establish a Fund for Professional Rehabilitation and the Employment of Persons with Disabilities, while the means of the Fund shall preferably be provided from special contributions paid by employers who do not fulfill the necessary quota in the employment of people with disabilities. These funds are paid into the budget of Montenegro.

133. From 1 January 2014, the Fund has allocated an amount of 3,000,000.00 euros through separate budget position in the revenue and expenditure side of the Budget of Montenegro, i.e. the budget of the Employment Agency of Montenegro for the year 2016, for this program. The assets of the Fund pursuant to the Law may be used for: the measures and activities of professional rehabilitation of unemployed and employed persons with disabilities, co-financing of special organizations for employment, active employment policy programs involving the participation of persons with disabilities, subsidies, financing grant schemes and financial assistance for participants in measures of professional rehabilitation.

134. Persons with disabilities are one of the categories of persons with the greatest barriers to employment. On 31 December 2015 the Employment Agency registered 1,640 persons with disabilities as unemployed, of whom 1,064 disabled workers (315 women) and 576 categorized persons (221 women). On 31 December 2015, a total of 93 employers were entitled to subsidized wages for 128 employees with disabilities (49 women). Out of 128 employees with disabilities, 97 were employed for an indefinite period. Most of these people are employed in non-governmental organizations, especially organizations of persons with disabilities and by private employers, while there is no data on the employment in the public sector.

135. In order to implement the measures and activities of professional rehabilitation and employment of persons with disabilities and other hard-to-employ persons, the Agency

established the Trial and Appeals Commission for Professional Rehabilitation. In 2015, the Trial Commissions issued the following findings and opinions: 726 decisions were issued on the established percentage of disability for 462 persons (50% women), 157 persons with disabilities were issued decisions on the inclusion in the measures and activities of professional rehabilitation; decisions on the remaining work capacity were issued for 86, and assessment of employment opportunities for 21 persons with disabilities.

136. The Ministry of Labor and Social Welfare in cooperation with the Employment Agency of Montenegro continuously implemented active employment policy measures, according to the plan and program of work of the Ministry. Of the total number of participants of professional rehabilitation, appropriate measures included 37 employees (16 women). After the completion of the implementation of measures and activities of professional rehabilitation, four persons were employed.

137. During 2016, 53 projects were implemented, related to professional rehabilitation, active employment policies and employment of persons with disabilities. These projects were approved by the decision of the Governing Board of the Agency, after a public invitation of 3 November 2015. 982,695.84 euros were spent in 2016 for the implementation of these projects.

Adequate standard of living and social protection (art. 28)

Reply to the issues raised in paragraph 24 of the list of issues

138. Persons with disabilities are entitled to financial benefits and services, depending on the financial situation and the state of health, as follows: cash benefits, allowance for care and assistance, personal disability allowance, health care, funeral expenses, one-time monetary aid, compensation for a parent or a guardian or carer — of a person who is the user of personal disability allowance, placement in a social care and family accommodation.

139. The above rights are exercised through the procedure prescribed by the Law on Social and Child Protection and the Law on General Administrative Procedure, implemented by the Center for Social Work as the first instance authority.

140. Fees for individual, above-mentioned rights, are:

Financial support on the basis of incapacity: 64.98 euros, if the person has no other family members and has no funds and assets in accordance with the terms prescribed by law;

The right to personal disability allowance. The amount of personal disability allowance is 111.34 euros per month and is not affected by financial status, while such benefit is used by 2,279 persons;

Entitlement to care and assistance. The amount of allowance for care and assistance is 64.84 euros per month and the exercise is not affected by financial situation, while such benefit is used by 15,183 persons;

Compensation for a parent or a guardian — a carer of a person who is the user of personal disability allowance. The implementation of the said law began from 1 January 2016. The amount of compensation to a parent or a guardian — a carer of a person who is the recipient of personal disability allowance is 193.00 euros per month and the exercise is not affected by financial status, while such benefit is used by 1,793 persons.

141. The amount of compensation is determined in accordance with the financial possibilities of the state and is adjusted semi-annually. The way of the adjustment of the amount of compensation is prescribed by Article 38 of the Law on Social and Child Protection.

142. It should be noted that a person with disability, on the basis of realized compensations, may also exercise other rights and benefits, such as: accommodation; home care; based on the Program of the Government of Montenegro persons with disabilities are entitled to a subsidy for monthly electricity bills; the right to housing through local

authorities; the right to reduce utility costs and subscription for TV, mobile phones and others through competent companies, and the like.

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 25 of the list of issues

143. Law on the Prohibition of Discrimination against Persons with Disabilities regulates the area of non-discrimination in political and public life. This law stipulates that “Discrimination on the grounds of disability in the area of political and public life shall be considered to be:

- (1) denying, limiting or hindering the exercise of the right to vote to a person or a group of persons with disabilities in terms of regulations governing the election of councilors and MPs;
- (2) denial of independent voting or voting with the help of an assistant to a person or a group of persons with disabilities, upon request or by choice of a person or a group of persons with disabilities;
- (3) preventing, restricting or impeding movement, work and stay at the premises of political parties;
- (4) limiting or denying rights for candidacy, designation and selection to a public function to a disabled person, if the rights in the same or a similar situation are not denied or limited to other persons;
- (5) failure to enforce regulations and measures by authorities referred to in Article 5, paragraph 1 of this Law to create conditions for full and effective participation of persons with disabilities in the exercise of public functions;
- (6) rejecting the request and determining specific conditions for the membership of a person or persons with disabilities in a non-governmental organization; and
- (7) denial or restriction of rights to a person with disabilities to vote and be elected to the management of public institutions, non-governmental organizations and other institutions, as well as to effectively perform the duties and public functions at all levels of government with the help of technologies for assistance to people with disabilities.”

144. For the purpose of full harmonization of Montenegrin legislation with the Law on the Prohibition of Discrimination against Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities, the Ministry of Human and Minority Rights has prepared and the Government of Montenegro on 22 September 2016 adopted the Analysis of the harmonization of legislation in Montenegro with the Law on the Prohibition of Discrimination against Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities and defined recommendations for harmonization.

145. It is particularly important to stress that the subject of analysis, in addition to other Laws, were the Law on Election of Councilors and Members of Parliament and the Law on Political Parties, as well as two regulations governing citizens’ participation in political and public life.

146. The Analysis showed that the general assessment is that the legislation of Montenegro in this area is partially aligned with the standards of the Law and the Convention. Law on Election of Councilors and Members of Parliament and the Law on Political Parties are partly aligned with the standards of the Law and the Convention.

147. The recommendations were made that the provisions of the Law on Election of Councilors and Members of Parliament and the Law on Political Parties relating to the voting rights and the establishment of political parties, are burdened by the legal regime of the deprivation of legal capacity. It is recommended that after the amendment of this legal regime, in accordance with the standards of the Convention, it is necessary to amend the relevant provisions of these two laws in this area. It is necessary to allow a person with a hearing impairment, which performs a function in collective bodies and authorities, such as

the Parliament of Montenegro, the Assembly of the local self-government, etc., to have equal participation in collective work of these authorities and bodies in a way to prescribe by law the right of persons to the services of sign language interpreters.

148. The Ministry of Human and Minority Rights has prepared and the Government of Montenegro adopted on 16 December 2016, the 2017-2021 Strategy for the Protection of Persons with Disabilities against Discrimination and the Promotion of Equality, with the 2017-2018 Action Plan.

149. In addition, the Ministry of Human and Minority Rights (in cooperation with the Association of the Blind of Montenegro, Association of Youth with Disabilities of Montenegro and the National Election Commission) implemented a pilot project enabling the visually impaired and blind persons to have secret and independent vote, through voting patterns, in the last presidential elections held.

150. This pilot project has shown all the advantages that this social group may use to independently cast their vote for selected representatives. After the realization of the pilot project, the Association of Youth with Disabilities of Montenegro in cooperation with the Ministry of Human and Minority Rights continued with the initiative to amend the Law on Amendments to the Law on Election of Councilors and MPs.

151. Amendments to this Law created the conditions for the election materials, election process and polling stations to become accessible to persons with disabilities, regardless of the type of disability, in which manner persons with disabilities for the first time in local elections in 2014, in 14 municipalities in Montenegro had the opportunity to fully participate in the election of councilors. All future elections shall be organized so to provide fully independent and secret voting for persons with impaired vision.

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 26 of the list of issues

152. The position of DPOs is regulated by the Law on NGOs. According to this law, the DPOs shall be established and act as non-governmental organizations (NGOs) and their position shall be equal in status to the position of all the other NGOs. At the local level, the position of the DPOs is regulated by the Law on Local Self-Government. Also, the 2014-2016 Strategy for the development of NGOs in Montenegro provided further directions in the development of NGOs in Montenegro.

153. Monitoring, collection and consolidation of data relating to the procedures for the exercise of rights to social and child protection, procedures upon submitted appeals to the second instance authorities and procedures according to complaints filed with the Administrative Court shall be conducted through the Information System-Social Card.

154. To monitor the development and promote inclusive education, it is important to provide for the existence of precise data on coverage of pre-school, primary and secondary school children, as well as data on students with disabilities. Accordingly, it is important to create and continuously update a central database (data on number of persons in the different levels of education, data on the assessment of their needs and those of the school, as well as on the degree of the realization of such needs). The level of achievement is reflected in the establishment of a system and the creation of database for children and students with disabilities at central and local levels, by type of impairment. The database contains information on the number of children, conditions that are necessary for the timely and appropriate involvement of such children in the process of education. Based on this database, the needs of children and schools involved are assessed.

International cooperation (art. 32)

Reply to the issues raised in paragraph 27 of the list of issues

155. Based on the expert lecture on “Websites of state authorities with regard to the standard EN 301549 eAccessibility” within TAIEX program of the European Commission, educational workshops for officials of the Ministry of Information Society and

Telecommunications were planned for September 2016 in order to adapt the portal to eAccessibility standards. The training is approved by the European Commission, but the activity has not been realized due to changes in terms that have been planned by hosts of the workshop. Implementation is expected in the coming year.

156. Within the project PREDIM-Support to national institutions in the prevention of discrimination in Montenegro, the Rule of Law Directorate-General, Human Rights Directorate, the Department for Human Rights Policy and Development, Division for the Implementation of Human Rights at the national level of the Council of Europe, organized for representatives of the Ministry of Human and Minority rights and the Ombudsman, a visit to the institutions of the Council of Europe and the presence to the hearing of the Grand Chamber of the European Court of Human Rights regarding the case “Fabian vs. Hungary.” As part of the study visit, representatives of the Ministry and the Protector of Human Rights and Freedoms had an opportunity to learn about the responsibilities of certain Council of Europe bodies, review of the Montenegrin cases before the European Court of Human Rights, the role of case law of the European Court, as well as international documents of the Council of Europe in the field antidiscrimination and human rights.

157. The Ministry of Human and Minority Rights, in cooperation with UNDP, carried out a public opinion survey in Montenegro on the degree of discrimination against persons with disabilities and social distance from persons with disabilities. The survey was conducted during the month of September 2016 at a nationally representative sample of 1,020 adult residents of Montenegro.

158. On 28 December 2016 the 40th anniversary of the Institute “Komanski most” was marked and opened a department for autism, reconstruction of which was financed by the Turkish International Cooperation Agency TIKA.

159. In February 2016, four special education teachers of PI “Komanski most” took part in the “Days of special education teachers of Serbia” in Belgrade. Also, several cycles of workshops on “Prohibition of Discrimination — Comparative Analysis of Montenegrin and the European Legal Framework” were attended by a professional during the year. In September 2016, seven professionals attended the lecture of dr. Lee Sinkovec on “Child and Adolescent Psychiatry in Slovenia — Organization, Experience and Practice in the Work of Specialist Clinics” in PHI Special Hospital for Psychiatry Kotor.

160. From 5-7 October 2016, a representative of the Ministry of Labor and Social Welfare attended the Fifth Meeting of the Ad Hoc Committee of Experts of the Council of Europe on the Rights of Persons with Disability in Strasbourg, where he presented activities when it comes to the integration of persons with disabilities in Montenegro.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 28 of the list of issues

161. The Ministry of Labor and Social Welfare, together with local government representatives, NGOs and other social actors, in order to implement this Strategy, carry out continuous monitoring and evaluation of the results and in accordance with that knowledge propose appropriate measures and activities. The success in the implementation of this Strategy will be monitored using indicators that will measure the efficiency and effectiveness of the proposed measures.

162. A team will be formed to evaluate the implementation of this Strategy. The evaluation team monitors and evaluates the activities and the results of the Strategy, as well as Action Plans and projects developed on the basis of Action Plans, and reports periodically, on an annual basis. Team for monitoring the implementation of the Strategy prepares a Report on the implementation of the Action Plan of the Strategy for the Integration of Persons with Disabilities in the first quarter of the calendar year for the previous year. The report should reflect the actual state of the implemented measures and activities. The success of such measures and activities will be measured based on the results achieved (qualitative and quantitative) as well as specific details of reasons why a particular measure or activity was not realized in a planned volume, and which institution is responsible for such measure.

163. This team consists of members who are representatives of the Ministry of Labor and Social Welfare, local governments, organizations that provide services to persons with disabilities.
