



# Economic and Social Council

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

### Summary record of the 50th meeting

Held at the Palais Wilson, Geneva, on Friday, 14 November 2014, at 3 p.m.

*Chairperson:* Mr. Kedzia

*later:* Mr. Ribeiro Leão (Vice-Chairperson)

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*The meeting was called to order at 3.05 p.m.*

### **Consideration of reports**

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

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

1. *At the invitation of the Chairperson, the delegation of Montenegro took places at the Committee table.*
2. **Ms. Djuric** (Montenegro) said that her Government had ratified the Convention on the Rights of Persons with Disabilities in 2009, but that, as far back as 2007, a working group made up of members of the Government and the administration and representatives of NGOs had formulated a strategy in that area. Subsequently, the NGOs had always been consulted regarding the preparation of the biannual action plans. The Council for the Rights of Persons with Disabilities, set up in 2003, was the main advisory body. Chaired by the Minister of Labour and Social Welfare and made up of 16 members, including 5 representatives of NGOs, the Council put forward initiatives and considered every text submitted to the Government.
3. As part of efforts to safeguard the rights of persons with disabilities as effectively as possible, Montenegro had twice amended the law on the occupational training and employment of persons with disabilities since its adoption in 2009. Furthermore, amendments to the law prohibiting discrimination against persons with disabilities (adopted in 2011) were currently being considered. A human rights-based approach was now taken regarding issues relating to persons with disabilities.
4. Persons with disabilities were better acquainted with their rights thanks to the information campaigns run with the help of the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF). Training courses on the subject had also been organized for teaching staff, health professionals and social service officials.
5. Disability and care benefits were not subject to means testing and were granted purely on the basis of medical criteria. Montenegro had increased the budget for services for persons with disabilities. Although often provided by NGOs, classroom assistance and home-care services were publicly funded. Families in which either the father or the mother had to switch to part-time work in order to care for children with disabilities received financial support from the Government. Parents of children with disabilities could take early retirement after 20 years of work.
6. In the interests of transparency, all the ministries involved in work on the rights of persons with disabilities made efforts to publish data and reports on their websites in both Montenegrin and English.
7. **Ms. Filipovic** (Montenegro) said that, in accordance with eight provisions of the Law on Spatial Planning and Construction, actors in that sector who failed to ensure that public buildings were accessible to persons with disabilities could be prosecuted. With the help of NGOs, a handbook had been prepared with the specific aim of facilitating compliance with the relevant technical specifications. Workshops and information meetings on the issue of accessibility had been held with representatives of NGOs, local officials responsible for transport and telecommunications, architects and engineers. In 2013, the Ministry of Tourism, local authorities and the Organization for Security and Co-operation in Europe (OSCE) had drawn up a decision model, which had been used as a template by

30 of the 41 municipalities concerned, regarding the installation of lifts and access ramps. Montenegro had undertaken to adapt 13 public buildings as a matter of priority, including the parliament, the Ministry of Finance, hospitals and universities, by the end of 2014. In total, €400,000 had been allocated to the implementation of the related action plan. Montenegro had also borrowed money from the German KfW Development Bank in order to fund the adaptation of several educational establishments. In 2014, eight beaches had been made accessible to persons with disabilities.

8. **Mr. Gjokaj** (Montenegro) said that a bill specifically prohibiting discrimination against persons with disabilities was currently being prepared. The aim of that wide-ranging text was to eliminate any discrimination in the fields of education and training, health, sport and leisure activities, to raise the profile of persons with disabilities and to enable them to play a greater part in national political activity.

9. In order to address the problem of unregistered non-hospital births, the Ministry of the Interior had organized information campaigns targeting the Roma and Tzigane communities, two groups particularly affected in that regard. A booklet (in both Romanian and the Roma language) on birth registration had been distributed. The law had also been amended to facilitate that procedure and to enable the updating of the civil registry. Montenegro did not have any data on non-hospital births disaggregated by group of origin.

10. **Ms. Kalezic** (Montenegro) said that 109 boys were born for every 100 girls in her country, compared to the worldwide average of 105 boys for every 100 girls. That imbalance was accounted for by the practice of selective abortion – a demographic and social, as well as medical, issue. Although measures had been introduced over the past 20 years or so to eliminate that practice, no single body was specifically responsible for monitoring their implementation.

11. Rules governing the provision of psychosocial care for offenders had been drawn up but had not been put into practice owing to the lack of a specific implementation programme.

12. In general, both primary and secondary care were easily accessible. However, the same could not be said for tertiary or specialized care, particularly in the fields of ophthalmology, vascular surgery, orthopaedics and invasive diagnostic techniques.

13. As to the use of contraception, a 2003 survey had found that 62.2 per cent of women and 66.1 per cent of men engaging in casual sexual relations used some form of contraception.

#### *Articles 10 to 12 of the Covenant*

14. **Ms. Bras Gomes** congratulated the State party on its local social assistance services development programme and expressed the hope that the next periodic report would include information on the results achieved. That programme should also focus in particular on childcare services, given the segregation of women in the labour market.

15. **Ms. Shin** asked why private pharmacies were more popular than their public counterparts. According to a World Health Organization (WHO) study, the laws prohibiting selective abortion had not had much of an impact. She considered that a law on gender equality would be more effective. By further increasing access to employment for women, such a law would undermine the practice of giving preference to male children owing to their status as future breadwinners within the family.

16. **Mr. Vucinic** (Montenegro) said that his delegation would transmit to the Committee in writing the information it possessed on poverty in general and child poverty in particular

17. **Ms. Milic** (Montenegro) said that, as of the final two years of primary education, schools offered optional classes on healthy living, involving a component on sexual and reproductive health; 40 per cent of primary school students and 30 per cent of secondary students took up that option. There were plans to include a module on sexual and reproductive health in occupational training courses.

18. **Mr. Kojovic** (Montenegro) said that the Criminal Code had been brought into line with European regulations on the prevention of domestic violence. His delegation would provide disaggregated data in writing on convictions for acts of domestic violence and corruption between 2011 and 2014.

19. **Mr. Vucinic** (Montenegro) said that, according to police data, in 2013, 42 perpetrators of acts of domestic violence had been ordered by the courts to leave their homes, another 32 had been served with restraining orders and a further 10 had been ordered to undergo psychosocial treatment.

20. **Mr. Gjokaj** (Montenegro) said that, in cooperation with the UNDP office in Montenegro and with the financial support of the European Union, the Ministry for Human and Minority Rights was implementing a gender-equality programme which focused on three main areas: women's participation in politics, their economic empowerment and action to combat domestic violence. A project on women's economic and social rights was being implemented with the help of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The local authorities and judicial system officials received training on gender equality.

21. The Gender Equality Department within the Ministry for Human and Minority Rights, working with the NGO Centre for Roma Initiative, carried out a number of activities designed to combat the practice of early arranged marriage within the Roma and Tzigane communities, including through awareness-raising campaigns targeting all the stakeholders concerned, such as judges, prosecutors and child-protection officials. The Department was also working to put in place the legal mechanisms required in order to tackle the above-mentioned phenomenon.

22. **Ms. Kalezic** (Montenegro) said that the new Criminal Code contained a definition of trafficking in persons, an issue that, together with arranged marriages, was addressed in civic education classes in schools. Training courses were organized for law enforcement officials, judges and prosecutors, and a working group on the implementation of the strategy to combat trafficking in persons had been set up. That group was made up of 18 members drawn from the competent ministries and organized a range of training activities. She recalled that, as a member of the Human Rights Council, Montenegro had supported Council resolution 24/23 entitled "Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps".

23. **Mr. Vucinic** (Montenegro) said that, with the financial support of the Instrument for Pre-accession Assistance (IPA), the Ministry of Labour and Social Welfare was seeking long-term solutions to the accommodation issues facing displaced persons and was building housing. There were plans to build 90 homes and a community centre at the Konik camp. A number of other construction projects were currently under way, many of which received support from the Council of Europe Development Bank, the Office of the United Nations High Commissioner for Refugees (UNHCR) and OSCE.

24. **Ms. Filipovic** (Montenegro) said that a bill on the legalization of buildings erected without the requisite permit enabled their owners to apply for property title free of charge.

25. **Mr. Gjokaj** (Montenegro) said that the principle of the equality of the various faith communities and freedom of religion were enshrined in article 14 of the Constitution.

26. **Ms. Milic** (Montenegro) said that, according to the Ministry of Education, 99 per cent of children attended primary school. During the 2013/14 academic year, only 14 children had dropped out of primary education (10 boys and 4 girls), while 24 children had dropped out of secondary education (12 boys and 12 girls).

27. Only a very small percentage of children with special educational needs were not covered by the inclusive education system. Those children suffered from a combination of serious physical and mental disabilities. Over the past 15 years or so, Montenegro had put in place an inclusive education system in cooperation with various international organizations and with associations formed by the parents concerned. In total, seven primary schools provided semi-inclusive education; in those schools children with disabilities attended the same classes as other children, with the exception of mathematics and Montenegrin classes (both those subjects being taught by a specialized teacher).

28. As part of preparations for the next Programme for International Student Assessment (PISA) survey, scheduled for 2015, an action plan had been adopted to introduce active learning into school curricula, encourage peer-to-peer training among teaching staff, improve the marking and monitoring system, and raise awareness among parents, teachers and students regarding the forthcoming PISA survey.

*The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.*

*Mr. Ribeiro Leão (Vice-Chairperson) took the Chair.*

29. **Mr. Gjokaj** (Montenegro) said that his Government was doing everything possible to safeguard the cultural diversity that represented the wealth of the country and to guarantee the fundamental rights of all citizens, including members of minorities. The Minority Rights and Freedoms Act governed the mechanisms put in place to protect minorities and their cultural and linguistic identity. Albanian, the Roma language, Bosnian and Croatian were thus protected as minority languages. Albanian was used as a teaching language from preschool to university level and there were a number of Albanian-language media (television channels, public radio stations and newspapers). The Montenegrin Centre for the Preservation and Development of Minority Cultures carried out surveys, kept an updated database, and organized numerous round tables and other workshops to promote the cultural identity of the minorities.

30. **Mr. Kurtagic** (Montenegro) said that the Fund for Minorities supported activities linked to the preservation and development of the national, ethnic, cultural, linguistic and religious identity of minorities and other national minority communities and their members. The Fund was financed by the State, had an annual budget of almost €1 million and was subject to parliamentary oversight.

31. **Mr. Gjokaj** (Montenegro) said that, in order to avoid conflicts of interest, a bill on minority rights and freedoms had been drawn up with a view to amending the operation of the Fund. Employees performing operational duties within the Fund would no longer have the power to make decisions. In addition, under the bill the number of members of the governing body would be reduced to nine (six parliamentarians, two representatives of the Ministry of Human and Minority Rights and one representative of the University of Montenegro). Following approval by the European Commission, the bill would be submitted to parliament.

32. **Ms. Nikolic-Vucinic** (Montenegro) said that the budget allocated to the Ministry of Education and Science, amounting to €4.7 million in 2014, had risen from 0.13 per cent to 0.50 per cent of GDP between 2010 and 2013 and was set to rise again, to 1.4 per cent and then to 3 per cent of GDP in 2016 and 2025 respectively.

33. **Ms. Milic** (Montenegro) said that, according to the latest available information, dating from early 2013, 43.1 per cent of the population spoke Montenegrin and 39 per cent

spoke Serbian. Those figures varied according to the speakers' age group: among under 18-year-olds, 46.6 per cent spoke Serbian and around 40 per cent Montenegrin.

34. **Mr. Kerdoun** (Country Rapporteur) said he had reason to believe that: trade unionists were pressurized by the authorities; that large numbers of children (particularly children belonging to the Roma, Ashkali and Tzigane communities) worked in the informal sector or were forced to beg; and that on occasion persons with mental disabilities were not provided with care in psychiatric hospitals. He requested the delegation to provide additional information on those points.

35. **Ms. Sukovic** (Montenegro) said that, in order to tackle begging among children, her Government had formulated an action plan for the period 2013–2014 with the aim of providing vulnerable children and young people with the means to escape from trafficking networks. The Government had trained trainers from the communities concerned and had planned awareness-raising campaigns targeting all actors and bodies in a position to identify child victims and particularly persons working in the tourism sector on the coast, where child exploitation was rife during the summer months. Specific criteria had also been set in order to enable social workers, police officers and NGO workers active in the field to identify victims of trafficking in persons and sexual exploitation as soon as possible. The plan to combat trafficking was implemented by a team that met twice a year and was made up of representatives of the Ministry of the Interior, the Ministry of Education, the Office of the Supreme Public Prosecutor, the Supreme Court, the Red Cross and six NGOs working in the field.

36. **Ms. Nikolic-Vucinic** (Montenegro) said that freedom of association was enshrined in the Constitution and national labour laws, and that no one could be forced to join a trade union. She did not know of any cases where trade unionists had been pressurized; in such circumstances, the case could be referred to the Social Council (a body made up of representatives of employers, employees and the State, which was competent in terms of labour relations and human rights). The International Labour Organization (ILO) had singled out Montenegro among the countries of south-eastern Europe for its exemplary practices in the area of labour relations.

37. **Mr. Vucinic** (Montenegro) said that the strategy for the improvement of mental health adopted in 2004 by Montenegro had focused on de-institutionalization and the provision of care for patients within the community.

38. **Mr. Kerdoun** thanked the delegation for the fruitful dialogue with the Committee and welcomed the initiatives launched by the State party to ensure that the rights enshrined in the Covenant were respected, particularly the building of social housing units and efforts to tackle corruption, poverty, unemployment and discrimination. He also pointed to the willingness of the State party to integrate the Roma community and to improve the lives of the most vulnerable members of society. However, he noted that, despite the obvious desire of the Government of Montenegro to make progress, public policies were underfunded, which defeated the purpose for which they had been created.

39. **Ms. Nikolic-Vucinic** (Montenegro) thanked the Committee members for their interest in the improvement in the situation in Montenegro and informed them that her Government would take due account of the Committee's recommendations.

*The meeting rose at 5.35 p.m.*