

DOTCOM: The Disability Online Tool of the Commission

Montenegro

A. UN Convention status

A1. Ratification or conclusion of the UN Convention

Montenegro signed the UN CRPD on 27 September 2007. The Parliament ratified the Convention on 15 July 2009 by adopting the Law on Ratification of the CRPD that was published in the 'Official Gazette of Montenegro - International Treaties' No 02/2009 on 27 July 2009 and entered into force on the eighth day of its publication.

Links

Law on Ratification of the CRPD (Zakon o ratifikaciji Konvencije UN o pravima osoba sa invaliditetom sa Opcionim protokolom)

<http://www.mrs.gov.me/biblioteka/zakoni>

A2. Ratification or accession to the Optional Protocol

Montenegro signed the Optional Protocol to the UN CRPD on 27 September 2007. The Parliament ratified the Optional Protocol on 15 July 2009 by adopting The Law on Ratification of the Optional Protocol to CRPD that was published in the 'Official Gazette of Montenegro - International Treaties' No 02/2009 on 27 July 2009 and entered into force on the eighth day of its publication.

Links

Law on Ratification of the OP to the CRPD (Zakon o ratifikaciji Konvencije UN o pravima osoba sa invaliditetom sa Opcionim protokolom)

<http://www.mrs.gov.me/biblioteka/zakoni>

A3. Declarations, Reservations and Objections

There are no declarations, reservations or objection to the CRPD or Optional Protocol by Montenegro.

A4. Comprehensive review

In August 2018, informal Coalition of organisations of persons with disabilities in Montenegro prepared and submitted Alternative Report on implementation of the UN Convention on the Rights of Persons with Disabilities. This Report provides an overview of the situation in the field of rights of persons with disabilities' protection, including relevant information on legislative framework, as well as a daily practice in the field of education, employment, accessibility, social and healthcare of persons with disabilities, that is very specific compared with the UN CRPD.

Also, Alternative report on implementation of CRPD states: "Analyses of compatibility of regulations in Montenegro with the Law on Prohibition of Discrimination of Persons with

Disabilities and the UNCRPD was adopted where it is concluded that "it is necessary to change legal regime of deprivation of legal capacity which is contained in the Family Law and Law on Out Contentious Procedure, and which implies possibility of deprivation of some rights and freedoms of person about whose legal capacity is decided."

It is necessary to change norms which prescribe legal capacity as one of the conditions for recognition or exercising some material or procedural rights and freedoms in other special laws. Considering that change of legal regime of deprivation of legal capacity, according to the UN Convention standards, requests comprehensive analysis of the legislation and work on many prescriptions with different legal force, it is necessary to adopt an action plan, in which direction and dynamics of changes and

amendments of specific prescriptions will be defined.

Links

Alternative Report on implementation of the UN Convention on the Rights of Persons with Disabilities

<http://umhcg.com/wp-content/uploads/2018/06/lzvjestaj-ENG.pdf>

Analyses of compatibility of regulations in Montenegro with the Law on Prohibition of Discrimination of Persons with Disabilities and the UNCRPD (Analiza uskladenosti Zakona o zabrani diskriminacije lica sa invaliditetom sa CRPD)

<http://www.mmp.gov.me/biblioteka?query=analiza&sortDirection=desc>

A5. Focal point

The Directorate for Promotion and Protection of Human Rights has been established within the Ministry for Human and Minority Rights as governmental service responsible, among other activities, for analysing international and EU standards on human rights and freedoms and harmonising national legislation with the relevant international standards; monitoring the development of the EU *acquis communautaire* and international standards on the protection of human rights and freedoms; fulfilment of obligations arising from international agreements related to monitoring measures of anti-discrimination policy; preparing analysis, information and reports on human rights and freedoms for the needs of state bodies that are not within the jurisdiction of other ministries. However, there is no specific body exclusively charged of the implementation of the UN Convention. Different public authorities, in relation to their competence and scope of work, carry out activities aimed at improving the quality of life and equal opportunities for people with disabilities, in accordance with the Convention. Competences and responsibilities of the Directorate are closely regulated in Article 3 of the Rules on internal organisation of the Ministry for Human and Minority Rights (as of 26 February 2015).

Links

Directorate for Promotion and Protection of Human Rights

http://www.mmp.gov.me/rubrike/Direktorat_za_unapredenje_i_zastitu_ljudskih_prava/

Rules on internal organisation of the Ministry for Human and Minority Rights (Pravilnik o unutrašnjoj organizaciji i sistematizaciji 2018. godine)

<http://www.mmp.gov.me/ResourceManager/FileDownload.aspx?rId=236501&rType=2>

A6. Coordination mechanism

The Council for the Care of Persons with Disabilities, as an expert governmental body, was established in 2003, following the initiative of persons with disabilities. The Council consisted of representatives of relevant ministries and national organisations of persons with disabilities. The main tasks of the Council were: the protection and promotion of the rights of persons with disabilities in the areas of social and health care, education, professional rehabilitation and employment; initiating the adoption of regulations for the development and promotion of the rights of persons with disabilities; proposing measures to improve the quality of life of these persons; informing the public about the rights, opportunities and needs of persons with disabilities in order to eliminate prejudices and barriers in relation to these persons. The mandate of the Council was five years, and the last Decision on the establishment of the Council was adopted by the Government in March 2012 (published in the 'Official Gazette of Montenegro' No. 17/2012). The latest Council included five representatives of organisations of persons with disabilities representing persons with disabilities by type of disability, and eight representatives of governmental and other state bodies. However, the Government adopted the decision in 2013 on rationalising the number of its working bodies. In this way, the Council was relocated within the jurisdiction of the Ministry of Labour and Social Welfare. This decision caused disappointment among the organisations of persons with disabilities who protested against the discriminatory and degrading Government's act, claiming that this Decision represents a violation of the EU and international standards on the protection of persons with disabilities.

Links

Decision on establishing the Council for the Care of Persons with Disabilities (Odluka o obrazovanju Savjeta za brigu o licima s invaliditetom)

<http://www.mrs.gov.me/ResourceManager/FileDownload.aspx?rid=313200&rType=2&file=ODLUKA-Savjet%20za%20brigu%20o%20licima%20sa%20invaliditetom.pdf>

Protest of organisations of persons with disabilities against the Government's Decision on relocating the Council within the jurisdiction of the Ministry of Labour and Social Welfare

<http://umhcg.com/saopstenje-za-javnost-povodom-ukidanja-savjeta-za-brigu-o-licima-s-invaliditetom/>

A7. Independent mechanism

There is no independent monitoring mechanism for the CRPD established in Montenegro. The Law on the Prohibition of Discrimination (Official Gazette of Montenegro 46/10, 18/2014 and 42/17) established the Protector for Human Rights and Freedoms as the independent national mechanism against discrimination on any ground, including disability. The Law on the Protector for Human Rights and Freedoms (Official Gazette of Montenegro No. 42/11, 32/14 and 21/17) states the Protector's competence to deal with complaints of victims of human rights violations; to provide required information to the complainant who believes to be discriminated by any authority, business entity, other legal person, entrepreneur or any person. The Law also explicitly gives the Protector the right to submit a special report on discrimination issues.

Links

Law on the Protector for Human Rights and Freedoms (Zakon o zastitniku/ci ljudskih prava i sloboda Crne Gore)

<http://www.mmp.gov.me/biblioteka/zakoni>

Protector's Report on Prohibition against Discrimination 2018

http://www.ombudsman.co.me/docs/1541165543_izvjestaj--diskriminacija-01.011--31.07.2018.pdf

Protector's Annual Report 2018

https://www.ombudsman.co.me/docs/1554124685_final-godisnji-izvjestaj-2018.pdf

Law on the Prohibition of Discrimination

https://www.ombudsman.co.me/docs/Zakon_o_zastitniku_ci_ljudskih_prava_i_sloboda_Crne_Gore.pdf

A8. Official reporting

Montenegrin Government prepared the Initial report on the implementation of the Convention on the Rights of Persons with Disabilities in December 2013. Although the Report should be submitted in 2011, a delay of two years was justified by the need for preparing a comprehensive Report. The report was prepared by the Ministry of Labour and Social Welfare, with coordination and input from other relevant ministries and state institutions, but without the participation of non-governmental and disabled people's organisations. However, the Association of Youth with Disabilities submitted their comments to the Report during the very short-lived consultations, negatively evaluating the same. The Government adopted the Initial report in January 2014, submitted it to the UN Committee on the Rights of Persons with Disabilities and officially deposited it at the UN on 13 March 2014.

Links

Link to all UN reporting cycle documentation

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=116

State reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=116&DocTypeID=29

A9. Shadow reporting

An alternative report on implementation of the UN CRPD was submitted by the Informal Coalition of organizations of persons with disabilities of Montenegro and it includes all key findings related to the legal framework and public policies, as well as the situation in practice, with a focus on legal, administrative, social and physical barriers in exercising the rights of persons with disabilities. The Alternative Report notes that there is no unique database on people with disabilities, and institutions in charge do not use a definition of persons with disabilities, which is in line with the Convention.

Links

Alternative Report on the implementation of the UN CRPD

<http://umhcg.com/en/publikacije/>

Civil society reports to the UN Committee

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=116&DocTypeID=14

B. General legal framework

B1. Anti-discrimination legislation

Article 8 of the Montenegrin Constitution prohibits discrimination, either direct or indirect, on any grounds. The same article stipulates the measures of affirmative action, i.e. positive discrimination, so as to adopt regulations and implement specific measures aimed at creating the conditions for achieving overall equality and protection of persons on any grounds in an unequal position. Special protection of persons with disabilities is provided under Article 68 of the Montenegrin Constitution. The Law on the Prohibition of Discrimination (Official Gazette of Montenegro 46/10, 18/2014, 18/2014 i 42/2017), in its Article 2, prohibits discrimination on any grounds, and distinguishes between direct and indirect discrimination. The grounds of discrimination explicitly listed in the Law include race, skin colour, national affiliation, social or ethnic origin, affiliation to the minority nation or minority national community, language, religion or belief, political or other opinion, sex, sex change, gender identity, sexual orientation and / or intersex characteristics, health conditions, disability, age, material status, marital or family status, membership of a group or assumed membership of a group, political party or other organisation. This provision also leaves open the possibility for other 'similar personal characteristics' to be interpreted as grounds of discrimination. In regards to discrimination against persons with disabilities, the following situations, in particular, shall be considered: preventing or hindering access to health care, and denial of medical care, regular medical treatment and medications, rehabilitation means and measures; denial of the right to education; denial of the right to employment and rights of employment, in accordance with the needs of the person; denial of the right to marry, family and other rights related to marriage and family relations. Unavailability of access to facilities and areas used by the public to persons with reduced mobility and persons with disabilities, or preventing, restricting or impeding the use of these facilities, in a manner which is not a disproportionate burden on the legal or natural person who is required to provide it, is considered discrimination. The Law on the Prohibition of Discrimination against Persons with Disabilities, in Article 2, prohibits any form of discrimination against persons with disabilities of any kind. Consent of a person with disability to discrimination does not relieve the person who discriminates. Article 4 defines that discrimination based on 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 a person in relation to a person with disabilities, for which the person with a disability impairs or nullifies 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. Article 4 also states that 'Discrimination on the basis of disability also includes inviting, helping, encouraging,

inciting or instructing someone to discriminate, as well as disturbance and the announced possibility that a particular person or group of persons with disabilities are exposed to discrimination'.

Links

Law on the Prohibition of Discrimination of Persons with Disabilities (Zakon o zabrani diskriminacije lica sa invaliditetom)

<http://www.mmp.gov.me/biblioteka/zakoni>

Law on Amendments to the Law on Prohibition of Discrimination

<http://www.mmp.gov.me/en/library/zakoni?alphabet=lat>

B2. Recognition of legal capacity

The Constitution, in Article 19, provides that everyone is entitled to equal protection of rights and freedoms. The laws dealing with the position of persons with disabilities in Montenegro are: the Criminal Procedure Code ('Official Gazette of Montenegro' nos. 57/2009, 49/2010, 47/2014, 2/2015, 35/2015 and 58/2015, 28/2018), the Law on Non-Litigation Procedure ('Official Gazette of Montenegro' nos. 27/06, 20/15, 75/18) and the Civil Procedure Code ('Official Gazette of Montenegro' nos. 76/2006, 48/2015, 51/2017, 75/2017 and 62/2018). The Law on Criminal Procedure, Article 69 states: 'If the defendant is a person with special needs and not capable to protect his/her own rights in the proceeding or the proceeding concerns the criminal offense punishable by the longest prison sentence, the defendant must have a lawyer during the first interrogation', while Article 106 prescribes cases in which an interpreter for hearing of the accused person must be provided. Law on Non-Litigation Procedure in Article 29 states that 'in the process of losing and returning of the legal capacity the court investigates whether an adult person is capable for normal reasoning and protection of his/her rights and interests and decides on the total/partial guardianship, or the total/partial returning of legal capacity when the reasons for the complete or partial guardianship do not exist anymore.' The person against whom the proceeding for the guardianship has been initiated must be examined by a medical expert of the appropriate specialty who will give a report and opinion on his/her mental state and ability to judge. The legal framework on access to justice for people with disabilities can be considered a good one. The most common problem in practice is insufficient education of employees in the judiciary and administrative bodies who work with people with disabilities. Accessibility of the court rooms and administrative bodies, as well as an insufficient number of sign language interpreters are also huge problems. Persons with disabilities are recognised by the law as persons who have legal capacity. When it comes to the protection of their right to work in practice, this right is not implemented in a proper and sufficient way. There are no available data on the number of disabled people who lost their legal capacity as well as information on their property.

Links

Civil Procedure Code (Zakon o parnicnom postupku)

<https://www.paragraf.me/propisi-crnegore/zakon-o-parnicnom-postupku.html>

Law on Non-Litigation Procedure (Zakon o vanparnicnom postupku)

<https://www.paragraf.me/propisi-crnegore/zakon-o-vanparnicnom-postupku.html>

Criminal Procedure Code (Zakon o krivicnom postupku)

<https://www.paragraf.me/propisi-crnegore/zakonik-o-krivicnom-postupku.html>

B3. Accessibility of voting and elections

The Law on Election of the Members of the Parliament (Official Gazette of Montenegro, No. 46/11, 14/14 and 47/14, 12/16, 60/17, 10/18) provides for persons with disabilities the possibility of indirect exercise of voting rights. A voter who is unable to vote in person at the polling station (a blind, disabled or illiterate person) has the right to elect a person who will vote for him/her, in a way that he/she determines. The vote cannot be cast by any member of the voting committee nor any member of the electoral list. During the Presidential elections held in April 2013, the Ministry for Human and Minority Rights, in cooperation with the Association of the Blind of Montenegro and the Association of Youth with Disabilities of Montenegro, implemented a procedure to provide visually impaired and blind persons the necessary conditions, using of the ballot forms, to exercise their political right to vote independently and secretly. The possibility of independent voting for the visually impaired was realized so that each polling place had one of the ballot forms through which blind people can vote without an escort, even if they do not know Braille. This pilot project has demonstrated the advantages this social group can use to independently cast their vote for the selected representatives.

Links

Law on Election of Members of Parliament (Zakon o izboru odbornika i poslanika)

https://www.paragraf.me/propisi-crnegore/zakon_o_izboru_odbornika_i_poslanika.html

B4. Official recognition of sign language

In Montenegro, Sign Language is not recognized as an official language, but it is standardised by the Ministry of Education. The General Law on Education (Official Gazette of Montenegro, No. 04 /08, 21/ 09, 45/10, 45/11, 39/13, 44/13 and 47/2017) defines that the primary education is compulsory for all children aged six to 15 years, and 'education for people who use sign language, or a separate alphabet or other technical solutions is performed in sign language and by means of the language'. The Law on Interpreters was adopted in 2016 and prescribed that interpreters are, also, those who translate the sign language. The presidents of the courts, heads of state prosecutors' offices and the head of the bodies conducting the procedure shall submit to the state administration body competent for the judiciary (Ministry) the request for interpreters for a particular language, or sign language (gesture). Based on the established need for interpreters, the Ministry publishes a public call for interpreter(s) in one of the print media in Montenegro and on its website.

Links

General Law on Education (Opsti zakon o vaspitanju i obrazovanju)

<http://www.mps.gov.me/biblioteka/zakoni>

Law on Interpreters (Zakon o tumacima)

<http://www.mpa.gov.me/biblioteka/zakoni?pagerIndex=2>

B5. National disability strategy and action plan

The Strategy for the Integration of Persons with Disabilities 2016-2020 was adopted by the Montenegrin Government in September 2016 with the aim of improving the situation of persons with disabilities and their involvement in all areas of society on equal basis. Bearing in mind the commitment of Montenegro towards accession to the EU, this Strategy follows the fields of action and time framework of the European strategy for persons with disabilities 2010-2020, with special emphasis on the results of the previous strategy, the existing legal framework and the current situation of persons with disabilities in Montenegro, determining on the basis of the strategic objectives in each field and specific measures and activities for achieving strategic objectives in each of the analysed fields. Action plan 2018-2019 for the implementation of the Strategy was adopted prescribing concrete activities aimed on fulfilling key strategic objectives.

Links

The Strategy for the Integration of Persons with Disabilities 2016-2020 (Strategija za integraciju osoba sa invaliditetom)

<http://www.mrs.gov.me/en/library/strategije>

Action plan 2018 - 2019 (Akcioni plan)

<http://www.mrs.gov.me/biblioteka/strategije?alphabet=lat>

C. Accessibility

C1. Transport accessibility

The Law on the prohibition of discrimination against persons with disabilities established the prohibition of discrimination in the field of access to public facilities and public spaces as well as public transportation. The Strategy for the Integration of Persons with Disabilities 2008 - 2016 prescribes ensuring accessibility to all public services and public transports and the provision of an accessible environment in accordance with the principles of universal design. According to the Law on Road Traffic Safety (Official Gazette of Montenegro, nos. 33/2012, 58/2014 i 14/2017), in public transportation vehicles two to six seats closest to the entrance of the vehicle shall be reserved for persons with disabilities, and a notice about the number of such seats shall be displayed in a visible place. The Law on Obligations and Basic Property Relations in air traffic defines that the air carrier is obliged to give priority to the transport of persons with reduced mobility and their companions or certified guide dogs and children without escort.

Links

The Strategy for the Integration of Persons with Disabilities 2008-2016 (Strategija za integraciju osoba sa invaliditetom)

<http://www.mrs.gov.me/biblioteka/strategije?alphabet=lat>

Law on Road Traffic Safety (Zakon o bezbjednosti saobraćaja na putevima)

<https://www.paragraf.me/propisi-crnegore/zakon-o-bezbjednosti-saobracaja-na-putevima.html>

C2. Built environment accessibility

The Law on Spatial Planning and Construction (Official Gazette of Montenegro nos. 64/2017, 44/2018, 63/2018 and 11/2019) provides standards of safety and accessibility and requires that buildings are designed and constructed in such a way that particularly takes into account the accessibility and use by persons with reduced mobility and persons with disabilities. It provides obligations, planning rules and professional supervision that include controls and checks on the quality of execution of all types of work and application of regulations, standards and technical norms, including standards of accessibility. The Minister of Sustainable Development and Tourism prescribes in more detail the technical standards of accessibility. The Law also provides penalties for the investor and the responsible person if accessibility for persons with disability is not provided, in compliance with the accessibility standards. Amendments to the Law on Spatial Planning and Construction, by a plan of temporary facilities (access ramps, elevators, etc.) made possible to provide conditions for access and movement of persons with reduced mobility. In this way, it is possible to build ancillary facilities in a faster, easier and cheaper way, which should provide access, movement and a stay of persons with reduced mobility, because the construction of the same is treated as the construction of temporary facilities. This will overcome the current problem in the construction of access ramps, elevators and the like which required obtaining urban-planning requirements and building permit, as well as for any other building facilities. An Ordinance on the conditions and manner of adjustment of facilities for access and movement of persons with reduced mobility (Official Gazette of Montenegro, Nos. 48/2013 i 44/2015) prescribes the conditions and manner of providing unobstructed access, movement, stay and work of persons with reduced mobility in public facilities, residential buildings and housing and commercial building and establishes the requirements and simple way to adapt accessibility to residential, housing and commercial buildings.

Links

Law on Spatial Planning and Construction (Zakon o uređenju prostora i izgradnji objekata) <https://www.paragraf.me/propisi-crnegore/zakon-o-planiranju-prostora-i-izgradnji-objekata.html>

Ordinance on the conditions and manner of adjustment of facilities for access and movement of persons with reduced mobility (Pravilnik o blizim uslovima i nacinu prilagođavanja objekata za pristup i kretanje lica smanjene pokretljivosti i kretanja lica sa invaliditetom <http://www.uip.gov.me/biblioteka/pravilnici?pagerIndex=11>

C3. ICT and Web accessibility

The Law on National Broadcasting Services and Television of Montenegro (Official Gazette of the Republic of Montenegro, Nos. 79/2008, 45/2012, 43/2016 and 54/2016) regulates the rights and obligations of national public service broadcasters in the media system in Montenegro. Pursuant to this law, the public broadcasting service is designed to observe high standards of professional ethics and quality, without discrimination, to protect the public interest through its programme content at the national and local levels through informational, cultural, educational, sports and entertainment programmes, paying particular attention to children and youth, minority nations or other minority groups, persons with disabilities, socially disadvantaged and other specific groups, which results in the promotion

and respect of human rights and freedoms. The Electronic Media Law (Official Gazette of the Republic of Montenegro, Nos. 46/10, 53/11, 6/2013, 55/2016 i 92/2017) regulates the relations in the field of audiovisual media services based on, among others, the principle of non-discrimination. Audio-visual media services should not be allowed to spread hate or discrimination based on, among other things, disability and genetic heritage. The Regulation on the minimum set of services included in the Universal Service (Official Gazette of Montenegro, No. 46/14) determines the minimum set of universal services that must be available to all users at an affordable price, regardless of their geographical location in the territory of Montenegro. The minimum set of services included in the Universal service, among other, includes certain benefits for persons with disabilities, enabling them to have adequate access to publicly available telephone services and their use, including access to services, phone booths, directory and information service. The Association of Youth with Disabilities of Montenegro in cooperation with the Ministry for Information Society and Telecommunications in 2011 established a web portal (the link is given below). This is the only Internet portal in Montenegro which handles all issues related to disability. It contains information about the most important areas of life of people with disabilities, such as education, employment, independent living, accessibility, human rights, health and the like. The portal is based on the principles established by the UN CRPD.

Links

Law on National Broadcasting Services and Television of Montenegro (Zakon o nacionalnim javnim emiterima i televiziji Crne Gore)

<http://www.hracion.org/wp-content/uploads/Zakon-o-nacionalnom-javnom-emiteru-Radio-i-Televizija-Crne-Gore.pdf>

Web portal of the Ministry for Information Society and Telecommunications

<http://www.disabilityinfo.me/>

Electronic Media Law (Zakon o elektronskim medijima)

<https://www.paragraf.me/propisi-crnegore/zakon-o-medijima.html>

D. Independent living

D1. Choice of living arrangements

Specific regulations related to the services of support to people with disabilities do not exist, except partially in the Law on Social and Child Protection, which in Articles 60 - 72 defines the role of the Centre for Social Work and types of services of support to social endangered categories of persons. Under this law, social work services' competences are: prevention, diagnostics, treatment and counseling, and therapeutic treatment. Social protection services consider support for community life; counseling and therapeutic and social-educational services; providing accommodation, immediate intervention and other services. The Local Government Law (Official Gazette of Montenegro, No 2/18) stipulates that the municipalities shall conduct activities that are of direct and common interest to the local population and, according to their abilities, participate in the provision of conditions and improvements in the areas of: health care, education, social and child protection, employment and other areas of interest to local residents. Article 27 of this Law defines that local governments shall regulate and address the housing needs of persons in need and people with special needs, as well as the work of humanitarian and non-governmental organisations in these areas. Rulebook on

detailed conditions for the provision and use, norms and the minimum standards of support services for the community living (Official Gazette, No. 30/15) was adopted in 2015. This Rulebook determined the standards for personal assistance service, which is particularly important. The service of personal assistance is provided to the beneficiary of allowance for care and assistance who is employed, or included in higher education system or adult education system.

Links

Local Government Law (Zakon o lokalnoj samoupravi)

<https://www.paragraf.me/propisi-crnegore/zakon-o-lokalnoj-samoupravi.html>

Law on Social and Child Protection (Zakon o djecijoj i socijalnoj zastiti)

<https://www.paragraf.me/propisi-crnegore/zakon-o-socijalnoj-i-djecjoj-zastiti.html>

Rulebook on detailed conditions for the provision and use, norms and the minimum standards of support services for the community living (Pravilnik o detaljnim uslovima za pružanje i korišćenje, norme i minimalne standarde usluga podrške za život u zajednici)

<http://www.csrcg.me/images/Dokumenti/Pravilnici/Usluge%20socijalne%20i%20dje%C4%8Dje%20za%C5%A1tite%201/8.%20Pravilnik%20o%20bli%C5%BEim%20uslovima%20za%20pru%C5%BEanje%20i%20kori%C5%A1%C4%87enje,%20normativima%20i%20minimalnim%20standardima%20savjetodavno-terapijskih%20i%20socijalno-edukativnih%20usluga%2032%2015.pdf>

D2. De-institutionalisation

Social and child protection is provided to citizens through a network of public institutions (centres for social work, homes for the placement of children or adults, day care centres, services at the local level). In July 2017, the service of accommodation of children with no parental support and children whose development was hindered by family situation was provided in the Public Institution 'Children's Home Mladost' in Bijela, where 88 children stayed. The service of accommodation of children and youth with behavioural disorders was provided by Public institution 'Center Ljubović' in Podgorica, where 16 children stayed. There are also ten day care centres for children with developmental disorders. The service of accommodation of persons with intellectual disabilities and disabilities from the autism spectrum was provided in Public Institution 'Institute Komanski' in Podgorica, where 113 users stayed. The service of accommodation of adults with disabilities and the elderly was provided by Public Institutions 'Elderly Home Grabovac' in Risan, where 220 users stayed and 'Elderly Home Bijelo Polje' in Bijelo Polje, where 144 users stayed. For those users for which the service of accommodation cannot be provided in Montenegro, it is provided in institutions outside the territory of Montenegro. The service of accommodation in institutions outside the territory of Montenegro was used by 63 users. However, there is no evidence on exact number of persons with disabilities residing in these institutions and centres considering that statistics has been provided on total number of users of these services.

The Law on Social and Child Protection defines that social and child protection is based on the principles of respect for the integrity and dignity of beneficiaries, non-discrimination, user information, individual access to and active participation of users, taking into account the best interests of the users. The strategic objective in the field of social protection in Montenegro by 2020 is to ensure the inclusion of persons with disabilities into society through the establishment of sustainable and modern social protection system with the

improvement of living standards of all persons with disabilities in Montenegro, with particular attention to persons who need the highest level of support, and who, due to their health condition and the inaccessibility of various services, are not able to earn for themselves and ensure living standards in accordance with international standards. Unfortunately, state institutions still lack capacities to develop non-institutional support services for people with disabilities. This is a process that requires time and serious material resources.

Links

Law on Social and Child Protection (Zakon o socijalnoj i dječijoj zaštiti)

<https://www.paragraf.me/propisi-crnegore/zakon-o-socijalnoj-i-djecjoj-zastiti.html>

D3. Quality of social services

The area of social protection is generally regulated by the Constitution in its Article 67, prescribing social insurance of employees as mandatory and the obligation of state institutions to provide material security to the person who is unable to work and has no other funds for survival. However, in practice, support services for people with disabilities to allow them independent living are lacking. In addition to the symbolic material benefits in the form of social assistance (family allowance, one-time assistance and child allowance) and compensational rights (personal disability compensation and compensation for care and assistance of another person), people with disabilities and their families have no other assistance to cover the costs associated with disability. During the procedure of awarding social and child protection, people with disabilities are faced with obstacles. On the one hand, people with disabilities are assessed by relevant commissions through the prism of the inability since the assessment of their disability is based on the disease (damage) derived from legal definitions of lack of ability to work or to achieve independent living, instead of assessing their individual needs. Assessment of the person's disability usually serves as the basis for referring the person with disability to special programmes and services while discouraging their involvement in mainstreamed systems and services intended and available for all citizens. On the other hand, the Government of Montenegro made commitments to continued work on improving the situation of persons with disabilities and establishing the broadest legal framework for defining the policies towards persons with disabilities in accordance with the 'social model of disability'. There is a permanent commitment when it comes to the status of persons with disabilities in Montenegro regarding their inclusion in all fields of society on an equal basis.

Links

Law on Social and Child Protection (Zakon o socijalnoj i dječijoj zaštiti)

<https://www.paragraf.me/propisi-crnegore/zakon-o-socijalnoj-i-djecjoj-zastiti.html>

Montenegrin Constitution (Ustav Crne Gore)

<https://www.paragraf.me/propisi-crnegore/ustav-crne-gore.html>

D4. Provision of assistive devices at home

In addition to the by-law which is partly related to this area - Regulations on the process of exercising the right to medical - technical aids (Official Gazette of Montenegro, nos. 17/2017, 29/2017, 90/2017, 86/2018 i 5/2019 and 19/2019), there are no specific regulations governing this area. In the field of aids and assistive technologies, the situation, comparing to

the previous period, has improved in terms of providing assistive supplies that better meet the needs of people with disabilities. However, a number of tools that would enable people with greater disabilities to better address their basic needs such as various canes, electric carts with possibilities for adjusting the height, backrest, etc. are missing. The Rulebook on detailed conditions for the provision and use, norms and the minimum standards for support services for life in community (Official Gazette of Montenegro, no. 30/15) laid down detailed conditions for the provision and use of services, norms and the minimum standards of support services for life in community.

Links

Regulations on the process of exercising the right to medical - technical aids (Pravilnik o ostvarivanju prava na medicinsko-tehnicka pomagala)

<http://www.mzd.gov.me/biblioteka/pravilnici?query=pomagal&sortDirection=desc>

Rulebook on detailed conditions for the provision and use, norms and the minimum standards for support services for life in community (Pravilnik o detaljnim uslovima za pružanje i korišćenje, norme i minimalne standarde usluga podrške za život u zajednici)

<http://www.csrcg.me/images/Dokumenti/Pravilnici/Usluge%20socijalne%20i%20dje%20i%20za%20C5%A1tite%201/8.%20Pravilnik%20o%20bli%20C5%BEim%20uslovima%20za%20pru%20C5%BEanje%20i%20kori%20C5%A1%20C4%87enje,%20normativima%20i%20minimalnim%20standardima%20savjetodavno-terapijskih%20i%20socijalno-edukativnih%20usluga%2032%2015.pdf>

D5. Availability of personal assistance schemes

At the moment, there is no information available on long-term solutions on services and measures developed as a support to independent living of persons with disabilities. The State has not ensured available independent living schemes, including personal assistance according to the CRPD and other international standards. Personal assistance is implemented by NGOs and is not provided to all persons with disabilities who need it, nor is it available in the necessary scope and duration. For several years now the Employment Agency has implemented the public programme 'Personal assistance and assistance in the classroom', as a social service aimed at increasing the employability of assistants and support for persons with disabilities from an early age, in schools, and throughout their adulthood. Personal assistance services and assistants in teaching are provided by associations of disabled persons, associations of parents of children with disabilities and other organisations and institutions. However, personal assistance is being provided through ad hoc projects that are not sustainable.

Links

Study Analysis: Personal Assistance: Key for independent living (Perosnalna asistencija: ključ za samostalni život)

<http://umhcg.com/wp-content/uploads/2015/01/Personalna-asistencija-klju%C4%8D-za-samostalni-%C5%BEivot-2.pdf>

Law on Vocational Rehabilitation and Employment of Persons with Disabilities (Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba sa invaliditetom)

<http://www.zzzcg.me/wp-content/uploads/2018/01/Zakon-o-profesionalnoj-rehabilitaciji-i.pdf>

Employment Agency of Montenegro

<http://www.zzzcg.me/zaposljavanje-osi/>

D6. Income maintenance

The Law on Pension and Disability Insurance stipulates that parents, who have a child who is user of the personal disability benefit, regardless of the age of the child, are entitled to a retirement pension after 20 years of working experience, regardless the age of the parent. The amount of the pension for a parent of a child with severe developmental disabilities, who is the user of the personal disability benefit, increases by 20%.

The personal disability benefit is paid to persons with disabilities out of work as disability pension. The procedure for exercising the right to disability pension is initiated at the request of the insured person, ie the ex employer, as well as on the proposal of the health organisation that provided the insurance to the insured person with health care. The procedure for exercising the right to a financial compensation for physical damage shall be initiated at the request of the insured person on the basis of medical documentation. The procedure for exercising the right to compensation for physical injuries shall also be initiated ex officio, on the basis of the opinion of the expert body on the occasion of the disability assessment, in accordance with the general act of the Fund, covered by medical documentation.

The medical documentation shall be obtained from health institutions designated by the state administration body competent for pension and disability insurance activities, upon previously obtained opinion of the state administration body competent for health.

A person with a disability insurance, whose disability was caused by a non work-related illness or injury aged less than 30 years, is entitled to a disability pension under favourable conditions; a person up to the age of 20 will be entitled to a disability pension regardless of the length of the insurance; and a person aged between 20 to 30 years old will be entitled to a disability pension if, before the onset of the disability, he/she had a total of at least one year of service.

However, the amounts of social benefits are largely symbolic, fixed and do not reflect the real costs of living, and do not to account for different needs and costs of beneficiaries with and without disability. The State also does not monitor separately growth of costs of living of persons with disabilities and consumer basket compared with other citizens.

Links

Law on Pension and Disability Insurance (Zakon o penzijskom i invalidskom osiguranju)
<https://www.paragraf.me/propisi-crnegore/zakon-o-penzijskom-i-invalidskom-osiguranju.html>
 Law on Social and Child Protection (Zakon o djecijoj i socijalnoj zastiti)
<https://www.paragraf.me/propisi-crnegore/zakon-o-socijalnoj-i-djecjoj-zastiti.html>

D7. Additional costs

There is no information applicable for the additional costs.

D8. Retirement income

The Law on Pension and Disability Insurance (Official Gazette of Montenegro, Nos. 14/2007, 47/2007, 79/2008, 14/2010, 78/2010, 34/2011, 40/2011, 66/2012, 39/2011, 36/2013,

38/2013, 61/2013, 6/2014, 60/2014, 10/2015, 44/2015, 42/2016 and 55/2016), prescribed the continuation of the pension and disability insurance reform in Montenegro started in 2004. This Law stipulates the right of the insured person to be entitled to a retirement pension when he /she attains 67 years of age and has completed at least 15 years of pensionable service. The insured person shall be entitled to an old-age pension after having completed 40 years of insurance service. The insured person shall be entitled to an old-age pension when he/she attains 30 years of service, of which at least 20 years is effectively spent in workplaces where the length of insurance, e.g. in the mines, is calculated at an increased duration.

This law stipulates that parents who have a child (who is user of the personal disability benefit, regardless of the age of the child), is entitled to a retirement pension after 20 years of working experience, regardless of the age of the parent. The amount of the pension for a parent of a child with severe developmental disabilities, who is the user of the personal disability benefit, increases by 20%. A person with disability insurance whose disability was caused by illness or injury not work-related, aged less than 30 years is entitled to a disability pension under favourable conditions; a person up to the age of 20 will be entitled to a disability pension regardless of the length of the insurance and a person aged between 20 to 30 years old will be entitled to a disability pension if before the onset of the disability, he/she had a total of at least one year of service.

Links

Law on Pension and Disability Insurance (Zakon o penzijskom i invalidskom osiguranju)

<https://www.paragraf.me/propisi-crnegore/zakon-o-penzijskom-i-invalidskom-osiguranju.html>

E. Education

E1. Special schools

The education of children with disabilities in Montenegro is regulated by the General Law on Education, Law on Pre-School Education, Law on Primary Education, Law on Secondary School, Law on Vocational Education, and Law on the Education of children with special educational needs. The Law on the Education of children with special educational needs defines that the education and rehabilitation of children with special educational needs is required from the moment when the special educational need of the child is detected. This law makes it clear that children with disabilities and special needs shall attend kindergarten/school with their peers, and only exceptionally be referred to a special institution, when it is in his best interest. In accordance with the law, a parent, adoptive parent or guardian of a child with special educational needs has the right to participate in the choice of the program of education. The parent, or the child with special educational needs has the right, during the training, to change the curriculum in accordance with the law. The school and a resource centre shall, as a rule, within 30 days of the admission of the child, make an individual development and educational program for the child with special educational needs, in partnership with parents. The Law on the Education of Children with Special Needs created a legal basis for the inclusion of children with disabilities in the mainstream system. The Law defines children with special needs as children with physical, sensory or mental impairments; behavioural problems; severe chronic illnesses; emotional disorders; combined disabilities; children with long-term illnesses and other children with

learning disabilities (Article 4). Under this Law, the education of such children is carried out either in: a) mainstream pre-school establishment and school with use of technical aids and additional professional assistance, if required; b) special groups or classes in mainstream schools with joint classes on some subjects or extracurricular activities or in special institutions with joint classes on some subjects with peers from the neighbouring school; c) special institutions, if children cannot be educated in the mainstream school due to the kind of assistance they require and the fact that their education and rehabilitation are closely intertwined; and d) at home. The decision on the referral of a child to one of the specific types of education is made by the municipal bodies in charge of education issues on the basis of a proposal by a special commission, made up of a pediatrician, doctors specialized in the relevant area, psychologist, pedagogue, disability specialist and a social worker. Parents and teachers are allowed to take part in the work of the commission. The schooling of children with special needs is financed out of the state budget and the policy framework was enhanced in 2008 with the adoption of the Government Strategy on Inclusive Education.

Links

Strategy for Inclusive Education 2014 - 2018 (Strategija za inkluzivno obrazovanje)

<http://www.mpin.gov.me/biblioteka/strategije>

Law on Education of children with special educational needs (Zakon o vaspitanju i obrazovanju djece sa posebnim obrazovnim potrebama)

<http://www.mpin.gov.me/biblioteka/zakoni>

E2. Mainstream schools

The Strategy for Inclusive Education (2014 - 2018), which is part of the reform process relying on international and European targets, aimed at the economic and social development of society, poverty reduction, and to provide quality and accessible education for children, students and adults with disabilities. The current system of education of children and youth with disabilities is organised in three main forms: institutions for children with disabilities, special classes in mainstream schools, regular classes in mainstream schools. In the first two forms, the system is organised so that children with the same type of disability attend special schools or special classes. Other children with disabilities or some other sort of special needs are placed in classes in mainstream schools along with other children, with the secured professional support. Regardless of the type of education, schools and institutions have a duty to develop an individual education plan for each child with special needs in cooperation with the child's parents. The Department of Education organises specialised mobile teams, engaging professionals from specialised institutions and those in the mainstream system, who are trained in inclusive education. They are included into mainstream schools where children with disabilities are educated, depending on the type of disability. The aim of these teams is to help children with disabilities, parents, teachers, and provide professional services in schools that educate children with disabilities. The orientation towards the appropriate form of education for each child is conducted by the Commissions for orientation, which are organised at the local level and operate in all municipalities in Montenegro. Their task is to recommend the best solution for the education of every child with special educational needs. The proposal for orientation is based on pedagogical, special-pedagogical, psychological and other documentation received from relevant institutions.

Links

Strategy for Inclusive Education (Strategija za inkluzivno obrazovanje)

<http://www.mpin.gov.me/biblioteka/strategije>

E3. Sign language and Braille in school

The General Law on Education (Official Gazette of Montenegro, Nos. 04 /08, 21/ 09, 45/10, 45/2011, 36/2013, 39/2013, 44/2013 and 47/2017) defines that the primary education is compulsory for all children aged six to 15 years, and that classes for individuals who use Sign Language, or a separate alphabet or other technical solutions shall be performed on Sign Language and using appropriate means. Textbooks that would allow learning of Braille for children with disabilities and visual impairments are prepared and published on the basis of projects and donations. The Department for Education and Professional Rehabilitation of Children and Youth with Disabilities (Resource Centre for children and young people with physical, sensory and combined developmental disabilities) is equipped with three Braille machines. The Law on Interpreters was adopted in 2016 and prescribed that interpreters are, also, those who translate Sign Language. The presidents of the courts, heads of state prosecutors' offices and the head of the bodies conducting the procedure shall submit to the state administration body competent for the judiciary (Ministry) the request for interpreters for a particular language, or Sign Language (gesture). Based on the established need for interpreters, the Ministry publishes a public call for interpreter in one of the print media in Montenegro and on its website.

Links

General Law on Education (Opsti zakon o vaspitanju i obrazovanju)

<https://www.paragraf.me/propisi-crnegore/opsti-zakon-o-obrazovanju-i-vaspitanju.html>

E4. Vocational training

The Labour Law (Article 15) explicitly prohibits direct and indirect discrimination in 'education, vocational training and advanced vocational training'. The Law on the Prohibition of Discrimination establishes discrimination in the area of education and vocational training as a form of discrimination. Namely, its Article 15 provides that discrimination in the field of education and vocational training is taken to occur when a person with disabilities is prevented from enrolling in an education institution and university and from choosing an educational programme regardless the level of education; when the student with disabilities is excluded from the mentioned institution; or denied the possibility of attending classes and participating in other educational activities; or any classification of children, pupils, participants in education and students, abused or subject to any other unjustified differentiation or unequal treatment based on any ground referred to the Law. The vocational training of persons with disabilities is regulated by the Law on Vocational Training (Official Gazette of Montenegro, nos. 049/07, 045/10, 039/13, 047/17).

Links

Law on Vocational Training (Zakon o strucnom obrazovanju)

<http://www.cso.gov.me/biblioteka/zakoni>

E5. Higher education

The provisions of the Higher Education Law (Official Gazette of Montenegro, nos. 44/2014, 52/2014, 47/2015, 40/2016, 42/2017, 71/2017, 55/2018, 3/2019 and 17/2019) prohibit discrimination on the basis of disability in the exercise of the right to higher education. Article 6 of this Law states: "Higher education is accessible to all and cannot be limited on the basis of skin color, race, marital status, sex, religion, language, nationality, ethnic or other characteristics, material wealth and disability or similar characteristics, in accordance with special law on prohibition of discrimination." The Association of Youth with Disabilities maintains a database on the number of students with disabilities at individual university units (which includes the number of students who use wheelchairs or have walking difficulties, students with visual impairments, hearing impairments, and others) as well as data collected from the University on measures that are implemented so that students with disabilities have equal opportunities in higher education as other students. Some faculties of the University of Montenegro (Architecture, Faculty of Natural Sciences, Faculty of Engineering) have not provided access to students with disabilities. In consequence, these persons are not enrolled at these university units, while other units ensure accessibility and create equal conditions for studying (e.g. ramps, elevators, computers with speech software in the reading rooms). In November 2010 at the Faculty of Law a board with the plan of the building and the inscriptions was set up in Braille. The big problem of all higher education institutions is the lack of books available for students with visual impairments. Also, there is a lack of Sign Language interpreters at the universities.

Links

Higher Education Law (Zakon o visokom obrazovanju)

<https://www.paragraf.me/propisi-crnegore/zakon-o-visokom-obrazovanju.html>

F. Employment

F1. Non-discrimination in employment

The Constitution of Montenegro in Articles 62, 63 and 64 provides that 'everyone has the right to work, to the free choice of a profession and employment, to humane conditions of work and protection during unemployment' (Article 62). Article 63 prohibits forced labor. Article 64 regulates the rights of employees prescribing that young people, women and disabled persons shall enjoy special protection at work. The Labour Law defines direct discrimination as every treatment which puts a person seeking employment or an employee in a less favorable position compared with other persons in the same or similar situation, on the grounds of sex, birth, language, race, religion, skin colour, age, pregnancy, health or disability, ethnicity, marital status, family duties, sexual orientation, political or other affiliation, social background, material status, membership in political and trade union organisations or some other personal characteristics (Article 6). Labour Law provides that provisions of the law, collective agreement and labour contract regarding special protection and assistance to certain categories of employed persons, and especially the ones regarding the protection of persons with disabilities, women during pregnancy and maternity leave and leave from work in order to care for a child, are not to be considered discrimination. Law on Vocational Rehabilitation and Employment of Persons with Disabilities prohibits direct and indirect discrimination in vocational rehabilitation as well as employment of persons with

disabilities. The Law on the Prohibition of Discrimination provides that direct discrimination exists if a person or a group of persons, in the same or similar situation in respect to other person or group of persons, is brought or were brought, or may be brought in an unequal position by an act, action or failure to act, on any ground proposed by the Law, including disability. Discrimination in work shall also refer to the payment of unequal salary or remuneration for work of equal value to a person or a group of persons, on the basis of disability.

Links

Law on Vocational Rehabilitation and Employment of Persons with Disabilities (Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba sa invaliditetom)

<http://www.zzzcq.me/wp-content/uploads/2018/01/Zakon-o-profesionalnoj-rehabilitaciji-i.pdf>

Labour Law (Zakon o radu)

<https://www.paragraf.me/propisi-crnegore/zakon-o-radu.html>

F2. Public employment services

The Law on Vocational Rehabilitation and Employment of Persons with Disabilities prescribes the manner and the procedure of enforcement of the right to vocational rehabilitation of persons with disabilities, measures and incentives for their employment, way of financing and other important issues. The Employment Agency of Montenegro, as a mediator working towards the employment of the unemployed, initiates and in the initial stage, supports the establishment of specialised organisations for vocational rehabilitation and employment of persons with disabilities, as they require special longer professional treatment for a number of barriers that affect their employment. Along with the implementation of the programme in the vocational rehabilitation centres, the process of training included eight persons employed by the Agency who will work as advisors for professional rehabilitation. In accordance with the Law, the Employment Agency of Montenegro established a Fund for the professional rehabilitation and employment of persons with disabilities. The Fund's resources are provided out of the special contribution paid by employers in the Budget of Montenegro.

Links

Law on Vocational Rehabilitation and Employment of Persons with Disabilities (Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba sa invaliditetom)

<http://www.zzzcq.me/wp-content/uploads/2018/01/Zakon-o-profesionalnoj-rehabilitaciji-i.pdf>

F3. Workplace adaptations

The Law on Vocational Rehabilitation and Employment of Persons with Disabilities provides that persons with disabilities can be employed under special requirements in special organisations (sheltered employment) if they are not able to find employment on the open labour market and under general conditions on the basis of their working and health capabilities. In this context, it should be noted that employers who employ persons with disabilities, as well as persons with disabilities who are self-employed, employed in an agricultural family households or owners of commercial enterprises are entitled to subsidies from the state. These subsidies include, among others, grants for adaptation of the working posts and conditions of work to persons with disabilities. However, the Law on Employment and Professional Rehabilitation of Persons with Disabilities does not provide for reasonable

accommodations duties, accessibility of working place and conditions. There are no measures of affirmative action in the working process, and it gives employers the possibility of choice whether they will employ a person with disability or pay special contribution as a kind of fine to Fund for Professional Rehabilitation and Employment of Persons with Disabilities.

Links

Law on Vocational Rehabilitation and Employment of Persons with Disabilities (Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba sa invaliditetom)

<http://www.zzzcq.me/wp-content/uploads/2018/01/Zakon-o-profesionalnoj-rehabilitaciji-i.pdf>

F4. Financial incentives

Article 36 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities provides supports in order to stimulate employers to hire people with disabilities. These supports include: grants for adapting the workplace and working conditions for the employment of persons with disabilities; loans granted on more favourable terms for the purchase of machinery, equipment and tools needed for the employment of persons with disabilities; financing of expenditures for engaging personal (work) assistants for persons with disabilities, as well as a subsidy income for employing persons with disabilities. It should be noted that employers who employ persons with disabilities, as well as persons with disabilities who are self-employed, employed in an agricultural family farm or who are owners of commercial enterprises are entitled to subsidies from the state. According to Article 4 of the Decree on subsidies for employment of certain categories of unemployed persons (Official Gazette of Montenegro, No. 080/15, 077/16, 086/17), the employer is released of the contributions for: pension and disability insurance at the rate of 15.0%, the contribution for health insurance at a rate of 8.5% and a contribution to insurance from unemployment status at the rate of 0.5%. The vulnerable groups who are beneficiaries of the Decree are, among others, persons who are in the records of the Employment Agency in previous six months and person older than 50 years of age or living as a single person with one or more dependents.

Links

Law on Vocational Rehabilitation and Employment of Persons with Disabilities (Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba sa invaliditetom)

<http://www.zzzcq.me/wp-content/uploads/2018/01/Zakon-o-profesionalnoj-rehabilitaciji-i.pdf>

G. Statistics and data collection

G1. Official research

The National Statistical Agency is the official body charged with statistics and data collection. However, there are no special regulations requiring that data is collected regarding persons with disability, except in the Law on the Population, Households and Dwellings Census 2011. Article 5 of this Law prescribes that the data about persons covered by the Census includes data on disability by types and causes of disability. The disability questions are optional in the questionnaire, according to the law. Joint cooperation and multi-sectorial networking of institutions at the local, regional and central levels should be ensured in order to provide systematic support for children and youth with disabilities. The plan began to be

implemented in late 2010, with the establishment of formal services for children with disabilities, which are located in the centres for social work, in all municipalities in Montenegro. Their main role is to establish a database of all children with disabilities from the territory belonging to the municipality. A file for each child is established that contains all relevant information about who, how and when has been working with the child, which collectively serves as a framework of an individual support plan for the child. Parents are introduced to all kinds of rights and services available to them in the field of social and health protection and in the education system, at the national, regional, or local level. The UN CRPD Committee recommended that Montenegro "analyse and remedy any disincentives to employment", including legislation to sanction employers under the quota scheme, and reform of the assessment procedures." It also requested the collection of "disaggregated statistical data on the employment rate and situation of persons with disabilities, disaggregated by sex, age, type of employment and salary."

Links

Law on Census of Population, Households and Dwellings for 2011 (Zakon o popisu stanovništva, domaćinstava i stanova u 2011. godini)

<http://www.mif.gov.me/biblioteka/zakoni?query=popis&sortDirection=desc>

G2. Census data

The Population and Housing Census 2011 for the first time collected data on the existence of obstacles to perform everyday activities. The data was collected on the basis of people's statements regardless of the existence of medical records as proof of disability. The questions in the Questionnaire, which was filled for each person separately were: 1) whether a person faces difficulties in carrying out everyday activities due to a long-term illness, disability or old age; 2) types of disabilities; and 3) cause of disability and types of devices that the person uses.

Links

Law on Census of Population, Households and Dwellings for 2011 (Zakon o popisu stanovništva, domaćinstava i stanova u 2011. godini)

<http://www.mif.gov.me/biblioteka/zakoni?query=popis&sortDirection=desc>

Census 2011 data (Montenegro)

<http://www.monstat.org/eng/page.php?id=393&pageid=57>

G3. Labour Force Survey

The Statistical Office of Montenegro (MONSTAT) is the competent body for the production of official statistics. As the statistical leader, MONSTAT is obliged to collect data, processes and disseminate statistics performed in independent, professional, transparent and highly expert manner. The Labour Force Survey in Montenegro is being implemented since 1994 and includes information on economically active population and all persons working or seeking work in order to earn their living. The Labour Force Survey includes all persons working or looking for work in order to earn their living. Therefore, the main categories included in the survey are total employment, unemployment and demographic, educational, socio-economic and other characteristics of individuals that are in each of the individual group. Also, the National Employment Agency conducts research on employment/unemployment considering,

in general, the employment rate among persons with disabilities. However, Employment Agency, through Labour Force Survey does not provide disaggregate data on the employment/unemployment of people with disabilities.

The State only possesses data in the area of primary and secondary education, disaggregated by gender, as well as data on children with disabilities who attend day care centres and other educational, social and child protection institutions. The State does not have data or statistical information on girls and women with disabilities, including data regarding discrimination and violence on the basis of disability, neither data disaggregated by number, type of impairment, age, and other socio-demographic data.

Links

Statistical reports of the National Employment Agency

<http://www.zzzcg.me/statisticki-izvjestaji/>

G4. Disability equality indicators

It is not possible to summarise disability equality indicators based on public data sources. At the moment, there is no comprehensive and adequate quantitative nor qualitative data related to disability. Official statistics does not monitor disability through the collection of comprehensive regular statistical surveys. However, there is some kind of unofficial evidence developed by the organisations of persons with disabilities. At the beginning of 2012, the Ministry of Labour and Social Welfare signed an agreement to implement the project 'Social card – Information system of social care in Montenegro' with the United Nations Development Programme (UNDP) in Montenegro. This project represents one of the pillars of further promoting the reform of social protection systems, and the introduction of the information system of social welfare (ISSS) will allow the creation of a single 'social card' of citizens involved in social welfare programmes, as well as the exchange of information between relevant institutions at the national and local levels. The Ministry of Labour and Social Welfare has established a working group for the development of uniform criteria for disability expert evaluation, as well as the establishment of a single body of expertise. The process of adoption of a Single list of impairments is ongoing, which will ensure standardisation of criteria across areas (the area of social protection, employment and veterans' disability and pension system). This means that, once the list of impairments is standardised and finalised, officials who apply the law will always adopt the same decisions for persons with the same type and degree of disability. Currently, persons with disabilities, with the same diagnosis, are in an unequal position because of the lack of the standardised List of impairments. For example, there is a situation in which one person with a disability can exercise, based on the decision of the relevant officials, any of the rights in the field of social care, while another person with the same disability cannot achieve the same protection. This list shall be open to amendment pursuant to its application in practice, and the development of medical diagnostics. The Association of Youth with Disabilities of Montenegro in partnership with the USAID during 2011 conducted a research on the challenges faced by women with disabilities, and the situation of women with disabilities in the Montenegrin society. During the selection of the target group of the survey, gender, age, education, socio-cultural, material and other characteristics were taken into account. In addition, the research has been done on a cross-disability basis, and includes all types of disabilities. Besides these methods, the study

included statistical data on persons with disabilities, research programs that include people with disabilities in general and differentiated programs that include certain groups of persons with disabilities, the definition of disability, the publication in which women with disabilities are mentioned, and the data from the field of employment. Persons with disabilities, in practice, often do not know, for which purpose specific data are collected and requested from them, nor where they are kept and for which purposes, and they are not available to persons with disabilities in accessible forms. Therefore, different institutions, firstly in areas of health, social and child protection, education and justice possess different data, which they usually collect only on the basis of medical documentation.

Links

Research on the challenges faced by women with disabilities (2011)

<https://www.usaid.gov/sites/default/files/Women-with-Disabilities-EE-Region-FINAL-2012.pdf>

H. Awareness and external action

H1. Awareness raising programs

There are several raising awareness projects on disability implemented by non-governmental organisations. State provides very low financial support for the implementation of media programs, No training of media staff has taken place so far. Often, the State acts as a partner or mediator in the activities of media and organisations of persons with disabilities, and not as the main actor for awareness raising about disability and persons with disabilities.

Links

Web portal on Projects and activities for persons with disabilities

<http://www.disabilityinfo.me/>

H2. Training for teachers

The Strategy for the Development of Social and Child Care 2018–2022 has been adopted setting up several priorities aiming at:

1. improvement of the normative framework and system of quality in social and child protection in relation to: standards of services of social and child protection, system of licensing of service providers, system of licensing of professional workers, system of accreditation of trainings, organisation, normatives, standards and manner of work in the centers for social work and supervisory support;
2. further development and improvement of services of social and child protection;
3. further decrease of users who are placed in institutions of social and child protection with a special focus on children;
4. further development of the service of family accommodation - foster home with a special focus on non-family accommodation;
5. participation of local self-governments in the improvement of quality of

social and child protection in local communities;

6. participation of civil society organisations, NGOs, commercial organisations, entrepreneurs and individual persons in the provision of services of social and child protection in a sustainable manner.

One of the main sub-objective of this Strategy is to develop training programmes for professional workers, professional advisors, advisors and volunteers in order to maintain and improve professional competencies and the quality of professional work. However, trainings of teaching staff on how to use Sign Language and Braille are not regularly conducted and on all levels of education. Previously conducted trainings were performed on a project basis. Moreover, very few persons with disabilities are employed as educational staff.

Links

Strategy for Development of Social and Child Care 2018-2022 (Strategija za razvoj socijalne i dječije zaštite)

<http://www.mrs.gov.me/biblioteka/strategije>

H3. Training for lawyers

There is no information available about the organisation of trainings for lawyers.

H4. Training for doctors

Up until the end of 2009, six centres for children with special needs were established in health centres. Counseling services for reproductive health, maternity, neonatology departments, selected pediatricians and others, are referring the high-risk newborn and children with a developmental disability to these centres. The centres are organising training for professional teams (pediatricians, nurses, psychologists, speech therapists, physiotherapists and special education teachers), who were previously trained by special programmes to provide services to children with disabilities up to the age of 14. The work content of these teams include: early detection, monitoring and treatment of children with psychomotor dysfunction, as well as development of programmes for the inclusion of children with disabilities in education institutions. In addition, support centres organise counseling services for children with other chronic diseases, which can affect their normal growth and development. Through the work of these counseling services, children and their parents receive information and advice on how to respond to the needs of children living with disability. However, there is a lack of awareness among doctors about the rights of persons with disabilities, specially in what concerns the protection of the patients' privacy. Therefore, many persons with disabilities witness medical staff communicating about their health condition with each other. Women with disability informed DPOs that they were informed about their primary diagnoses outside of the medical institution. The right to privacy and protection of data about the health condition of persons with hearing impairment is constantly violated due to the fact that the medical staff is not trained to communicate in Sign Language. Persons with disabilities do not receive information about their health condition and needed services in accessible formats . Especially persons with visual impairment state that they do not receive information in accessible formats, and therefore others have to read everything to them, which violates their privacy.

H5. Training for engineers

Currently, there is no information available about organisation of trainings for engineers.

H6. International development aid

There are ongoing projects funded by the European Union aimed at the protection of the rights of persons with disabilities: 1. The project 'Transition from education to the world of work for students with disabilities in Serbia, Bosnia and Herzegovina and Montenegro' (Trans2Work), has been implemented through Erasmus+ with the aim of multi-month animation of employers for inclusion the students with disabilities in the mobility program, with the engagement of all relevant stakeholders from the region, promoting the internet platform through its website and 2. Sectoral Operational Programme for Employment, Education and Social Policy (2015-2017), Action 4.6.1 Improving the labour market and increasing employability.

According to the Alternative Report on the Implementation of the CRPD submitted by the Coalition of DPOs to the UN Committee, the State has never consulted nor included Montenegrin organisations of persons with disabilities in the work of organisations, institutions and bodies at international level. It has never included representatives of organisations of persons with disabilities in study visits or other forms of international cooperation. The State has never, before or after such activities, organised consultative and informative events with representatives of DPOs, nor has it informed them about the outcomes and results of those activities. The State also does not invest in raising the capacities of persons with disabilities or their professional development abroad.

Links

The project 'Transition from education to the world of work for students with disabilities in Serbia, Bosnia and Herzegovina and Montenegro'

<http://trans2work.eu/projects/dissemination-exploitation/>

Sectoral Operational Programme for Montenegro on Employment, Education and Social Policy (2015-2017)

https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/montenegro/ipa/2015/ipa_2015_2017_037895_me_sectoral_operational_programme.pdf