**ALTERNATIVE REPLIES TO THE LIST OF ISSUES OF THE UNCRPD COMMITTEE**

**JULY 2017**

**Introduction**

This submission has been drafted by an Informal Coalition of all Montenegrin Disabled People’s Organisations working on the national level. This coalition was formed in January 2017 to draft the Alternative Report on the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in Montenegro.

With this submission, the Coalition provides a reply to the List of Issues for the review of the report of Montenegro during the 18th session of the UN Committee on the Rights of Persons with Disabilities, taking place in August 2017.

Purpose and General Obligations (Art 1-4)

1. ***Please inform about the outcomes - including relevant data of the Strategy for the Integration of Persons with Disabilities 2008-2016, as well as about the financial resources allocated to the new strategy (2016 – 2020) and whether the State party envisages to publish reports about the strategy’s outcomes on a regular basis. Please provide information on a timetable for the revision of laws, policies, legal definitions and terminology on disability and different impairments, as well as on the terminology “capacities” to bring them into compliance with the Convention.***

**The State of Montenegro has not provided additional resources** for implementation of the Strategy for Integration of Persons with Disabilities 2008 – 2016, nor for the current Strategy (for period 2016 – 2020), but only concludes that they are necessary and that implementation will be financed from the Budget of Montenegro, local self-government units and other sources, which is confirmed in the p. 8 of the Answers to the List of issues. However, the annual budgets of Montenegro, as well as local self-governments’ budgets do not include a specific **item related to implementation of the Strategy**. The two-year Action Plan for implementation of the Strategy for period 2016-2017 contains for some measures, i.e. ones related to regular/continuous activities, indicative budget amounts[[1]](#footnote-1). Some of these measures are not implemented by state authorities, but other subjects, including DPOs.

During the creation of the new Strategy, the Government did not provide an assessment, **nor description of the outputs and influence of the previous Strategy, its effects, challenges in realization, problems and non-realized measures, and assessment in which degree the State has implemented the previous document**. The **majority of measures of the previous Strategy are transferred to the new Strategy.** The annual Information on the implementation of the Action Plans for its implementation does not report on the activities undertaken, but there it lists everything realized in Montenegro, regardless whether key holder of these measures is recognized in the Action Plan as bearer of the activities or not and regardless whether activity is supported and/or implemented in partnership with some state authority/local self-government. Although the **Government** during adoption of the new Strategy and Action plan for period 2016-2017[[2]](#footnote-2) by the Decision No. 08-1958 **has obliged state authorities to quarterly report on implementation of the Action plan, there are no publicly available reports and information since adoption of the new Strategy, besides annual Information of the implementation of the Action plan for 2016**[[3]](#footnote-3).

Activities stated by the State in the Answer to List of issues by the Committee (p. 1 – 9, 12 and 13) do not reflect results and influence of the Strategy, nor they have arisen as a result of activities and measures defined by the Strategy, but they represent the overall description of the laws, policies and processes, and future plans.

Regarding 2nd question of the Committee in the List of issues, paragraph 1 and Answer of the State in the p. 10 and 11, today different terminology and definitions of disability exist and its incoherence was recognized in the previous Strategy 2008-2016. However, the new Strategy does not include the adoption of an universal definition in the Montenegrin legislation, nor existence of different and discriminatory terminology.

**An analysis of compatibility of regulations in Montenegro with Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities[[4]](#footnote-4)** was adopted in September 2016[[5]](#footnote-5). This Analysis is not comprehensive[[6]](#footnote-6) because it does not cover all areas of rights of persons with disabilities, nor, even in the covered areas, are included all laws which define or should define rights of persons with disabilities. All responsible state authorities have not participation in this exercise. The Analysis is based on the Law on Prohibition of Discrimination of Persons with Disabilities, **but does not assess the compliance with the UNCRPD at the same time**.

1. ***Please inform about structures and mechanisms and available public resources to ensure full and inclusive participation of, and consultation with, organizations representing persons with disabilities.***

Montenegro has a Decree on the realization of cooperation between state administration bodies and non-governmental organizations. However, this Decree does not guarantee for the close involvement and participation of representatives of DPOs, and representatives of PWDs, including parent organisations in decision making working groups and bodies.

The inclusion is usually a **formal participation in the Working groups and bodies** in which representatives of DPOs are always “in minority”. The State has no structured mechanism for the regular consultation and inclusion of PWDs and their representatives compared with other NGOs. Besides not being participative, these processes are not inclusive and accessible for persons with hearing impairments, and, sometimes, persons with visual impairments, cannot participate equally in them, because neither communication, nor information in accessible formats is provided.

**Moreover, no financial resources are granted for an equal participation.**

Also, when the DPOs are being involved, we see no direct impact of our input, nor are we informed on the last version of the proposed laws and policies before its adoption.

The State has never consulted children with disabilities about issues which concern them. The child with a disability is not consulted during school enrolment and “in the decision to direct to a specific type of education.[[7]](#footnote-7)”

**The Council for care about persons with disabilities** is an advisory body of Minister of Labour and Social Welfare since 2013. In 2012, without consultations and informing persons with disabilities it was abolished as an advisory body of the Government. It has a limited role and mandate, and its decisions are not adopted by the Government, but by the Minister, who is a president of the Council, decides about them. Despite disapproval of representatives of PWDs about insufficient influence and possibilities of the Council, the Government does not accept its redefinition. On the local level, councils are not formed in all cities and in ones where they are, their structures and mandates are different. Thus, in some local self-governments these bodies “give advice” to the Mayors, and in some to the local Parliament.

**Recommendations:**

**The urge the Committee to recommends to the State party to:**

* **ensure that all existing and new laws and regulations, and the definitions used therein, comply with the human rights-based model of disability, in accordance with the Convention,**
* **allocate special resources for implementation of laws and policies, especially for the implementation of the Strategy for integration of PWDs and to:**
* systematically, substantially and continuously implementation of the recommendations from the Analysis of compatibility of regulations in Montenegro with UNCRPD.

Committee also recommends to the State party to develop and implement **mechanisms which enable close cooperation with and involvement** of organisations of persons with disabilities in all decision-making processes related to children, woman and persons with disabilities.

***B. Specific rights***

***Equality and non-discrimination (art. 5)***

***3. Please inform about:***

***(a) The definition of discrimination on the basis of disability and about legal remedies and sanctions to uphold the prohibition of disability-based discrimination;***

***(b) The composition of commissions identifying disabilities and safeguards in place to ensure that the determination of disability is in compliance with the Convention and whether these safeguards are regularly reviewed;***

***(c) The availability of reasonable accommodation and affirmative actions, and whether they are in line with the Convention, especially in light of the Law on the Prohibition of Discrimination Against Persons with Disabilities, with particular attention to the lack of recognition of sign language as an official language;***

1. **The Law on the Prohibition of Discrimination Against Persons with Disabilities refers to laws in specific policy areas, such as transport, health, social protection, political participation to identify discrimination. However, these specific norms do not contain provisions on disability discrimination or in some cases are even discriminatory. as it only protects persons with disabilities based at the concrete diagnosis or the percentage of the impairment.**

Additionally, this Law **does not recognize special types of discrimination of persons with disabilities in areas of equal recognition of persons with disabilities before the law, access to justice, privacy, marital and family relations**, because all specific laws which regulate these areas contain discriminatory norms. For example, Family Law, Law on Out Contentious Procedure, Criminal Procedure Code deprive persons with disabilities from legal capacity on the basis of their disability, and are therefore discriminatory.

Additional problem is the fact that decisions on deprivation of legal capacity **are not periodically reviewed,** nor there is unified evidence on the number of persons for whom procedures for deprivation of legal capacity were initiated, how many cases were ended by deprivation, and how many by rejection, who has initiated the procedure, who are set custodians, age and gender of persons whose legal capacity was deprived, and whether, and for how many of them, legal capacity was returned.

The State still does not plan to develop a system of supported decision making, because comments of AYDM on Family Law, sent to Ministry of Justice in 2015 were rejected.

...

**Although many responsible bodies or subjects (different ministries, inspections, police, prosecutors, Ombudsman) can initiate the procedure for protection from discrimination on the basis of disability, we do not have information whether it has been done ever. These bodies also do not keep evidence about procedures for protection from discrimination initiated by persons with disabilities themselves** (p. 18. and 19. of the Answers of the State on the List of issues by the Committee).

**(b)** As the State has stated in the p. 23 – 26, in different areas of life there are **different Commissions which “assess” disability,** and, depending on that assessment, rights in these areas can/cannot be exercised.

So, for example, the same person with a disability can receive the decision on the assessed level of disability with absolutely different percentages of impairment in regard to concrete areas (education, employment, social protection).

The assessment also happens based on a medical approach to disability. For example, the Commission in the area of social and child protection (also called **Socio-medical)** it is composed of three “medicine doctors of appropriate speciality”[[8]](#footnote-8) so in practice it can happen that surgeon, orthopaedist and internist assess level of visual or hearing impairment on the basis of documentation. The members of the Commission also do not change according to the person that will be assessed.[[9]](#footnote-9).

---

In the area of education, the Commission decides whether a child with a disability will enrol in regular school, special class in a regular school or resource centre (former special school). Children that “cannot be included in some of these three types of education”, or in case the parent wants to use services of Day care centre are directed by the Centre for social work to Daily care centre which is a closed institution, and local self-governments have not developed additional, alternative services.

Thus, **inclusive education is implemented in a discriminatory way, because only children with disabilities go through the assessment of “special capacities”, and this results often in the segregation of children with disabilities.**

**(c)** The Law on the Prohibition of Discrimination of Persons with Disabilities does not define reasonable accommodation in line with the CRPD.

Reasonable accommodation and affirmative action is not granted in all areas of life of PWDs. Moreover, the Law does not prohibit discrimination of PWDs in all areas of life, nor it recognizes all types even in the areas in which it has defined prohibition of the discrimination (p 26 – 28 of the State answers to the List of issues by the Committee).

The State limits the interpretation of ‘reasonableness’ to economic reasons and only with regards to comply with the ‘minimum standards’ of accessibility.[[10]](#footnote-10)

**The Constitution of Montenegro** is not directly **prescribing sign language as a language in official use**, nor as an obligation of additional guarantees, because it refuses to adopt the special law, although language codifications were adopted.

1. ***Please inform about specific programmes to promote and ensure the implementation of the rights of persons with disabilities among minorities, in particular Roma, Ashkali and Egyptians.***

The State has never implemented or supported training program related to informing, promoting and protection of the rights of minorities with disabilities among whom are Roma, Ashkalia and Egyptians. Programs mentioned by the State report in paragraphs 30-35 are not related directly to these minorities, but they can include persons with disabilities who are members of Roma, Ashkalia and Egyptians. However, this is not the intent of the State to implement these programs for this group of persons with disabilities. In the universities in Montenegro no student with a disability belongs to the Roma, Ashkalia or Egyptian minority.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

* enable de facto and de jure **equality before the law** and **prohibit discrimination** by the changes of the laws, and to especially protect women and girls with disabilities, especially ones who belong to Roma, Ashkalia and Egyptians,
* **prescribe measures of affirmative action and** provision of reasonable accommodations **in all areas defined by the Convention**, as well as to **recognize sign language as language in official use**;
* **change institute of substitute decision with supported decision making**, with regular revision and review of decisions for deprivation of legal capacity only on the basis of disability,
* develop and implement **harmonized criteria and procedures for assessment of disability and level of impairment for all person with disabilities**, regardless of period of occurrence of impairment, cause of impairment or purpose for which it is assessed.

***Women with disabilities (art. 6)***

1. ***Please provide statistical information on the situation of women and girls with disabilities and information about specific measures, including affirmative actions, to empower women and girls with disabilities and to combat multiple and intersectional discrimination faced by them.***

The State **does not have data or statistical information of girls and women with disabilities**, including data **regarding discrimination and violence on the basis of disability**, neither data disaggregated by number, kind of impairment, age, other socio-demographical data, place of residence (urban and rural areas) etc.[[11]](#footnote-11) The only data that exist concern the total percentage of women (54%) compared with men (46%), who, during the census in 2011, stated that “they have impediments in doing everyday activities” due to disability, old age or long-term illness.

There are no **programs and measures which are especially undertaken by the State in order to protect women with disabilities from all kinds of discrimination, violence, exploitation and all kinds of torture, inhuman or degrading treatment**. In practice, women with disabilities who are victims can seek protection and shelter only from non-governmental organizations which deal with women’s human rights. The State **does not have special protection services**, besides possibility of reporting through national SOS line[[12]](#footnote-12), and **information and other kinds of communication are inaccessible for women with sensory impairments, intellectual or psychosocial disability**.

National law and policy on gender or disability does not contain specific provisions related to women with disabilities. **the multiple discrimination faced by women with disabilities who belong to LGBT population, nor minority nations and communities, especially Roma are also not taken into account** although the official state documents state so. (p. 323 – 325 of the State Report)

Within the new Strategy for Integration of Persons with Disabilities 2016-2020[[13]](#footnote-13) **only one measure ‘Encourage and support the involvement of women with disabilities on the labour market’ was adopted**. However, **this measure existed already in the Strategy for period 2008 – 2016.Reports about its realization do not exist, except for the number of employed women with disabilities**. Therefore, the answers of the State on the List of issues by the Committee in p. 37 - 39 do not contain specific data on women and girls with disabilities.

**Data on violence, or investigate instances of violence and abuse in institutions, or in community support services** (for example those financed from the public funds in projects implemented by NGOs) **among girls and women with disabilities do not exist. There is no assessment on the needs for support services when women and girls with disabilities are victims of violence or abuse.** Due to lack of activity by the State, the State Report in p. 327 – 329 mentions activities implemented or financed by DPOs.

*Although women more often report about discrimination in the public opinion researches, polls ordered by the Ministry of Human and Minority Rights do not contain concrete questions about discrimination of women with disabilities*[[14]](#footnote-14)*.*

Campaigns especially aimed at promoting and protecting the rights of women and girls with disabilities do not exist, nor state organized trainings on antidiscrimination contain a session on protection from violence for women and girls with disabilities.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

1. **develop evidence about girls and women with disabilities**, including those who are victims of violence, exploitation and all other types of inhuman and degrading treatment;
2. ensure that the **special position and rights of women and girls with disabilities are systematically taken into consideration**, e.g. through impact assessments, in the formulation and implementation of laws and policies to promote gender equality and those for persons with disabilities, including measures of **affirmative action** towards girls and women with disabilities.

***Children with disabilities (art. 7)***

1. ***Please inform about the outcome of the implementation of Strategic Objective 4 of the National Plan of Action for Children (2013 – 2017) (para. 333). Please specify- by percentage and numbers- children with disabilities benefitting from universal access to early intervention services.***
2. ***Please inform about efforts to further accelerate the deinstitutionalization of children with disabilities, including updated information on the Operational Plan for Transformation of the Orphanage “Mladost” (para. 345). Please inform about all kinds of support available and provided to families of children with disabilities.***
3. ***Please inform about incentives for foster parenting of children with disabilities and the current outcome of the Strategy for Development of Social and Child Care (2013 – 2017). Please also inform about the day care centres (para 283) and how they form part of the inclusive education system in accordance with the Committees’ General Comment No. 4 (2016) on the right to inclusive education***

**6.** The activities on the rights of children with disabilities under the National Action Plan for Children (NPAD) 2013 – 2017: *collecting, keeping and analysis of the data about children according to the standards of EU and other relevant international standards* were not realized. The State does not collect data about number, age, gender, and kind of impairments of children aged 0-6 years, and services of early identification and intervention provided to them according to the CRPD are not implemented.

The enjoyment of a big number of rights in the early identification and intervention system are conditioned by the right to **personal disability allowance. This right can be exercised by the children with “severe disabilities” and according to the percentage and kind of impairment, i.e. according to the medical diagnosis**[[15]](#footnote-15).

Parents of children with disabilities do not receive the necessary support and information when their child with a disability is born. For example, the Developmental Counselling for Parents within the Clinical Hospital Centre does not have the adequate resources and staff to inform the parents about the condition of their child upon leaving the maternity hospital[[16]](#footnote-16). Parents of children with disabilities often experience very negative and stressful moments when they are informed by the hospital about the disability of their child.

The Centres for support to children with special needs (as mentioned in the State Report in the p. 338) do not have sufficient capacities and educated staff to work with children with disabilities and their parents. Moreover, the services of this Centres are limited to children with disabilities over 14 years.

**7.** All services which are provided to children with disabilities still **represent a permanent or temporary institutionalization or** **segregation. These institutions are often divided according to the impairment of the child.** Assistance in teaching were not sustainable because the State did not finance them from the adoption of the Law till the end of school year 2017[[17]](#footnote-17). The State confirmed the existence of segregation in the area of education of children with disabilities (p. 340 – 342 of the Report), stating that **children who are directed to resource centres[[18]](#footnote-18) and special classes in regular schools are directed on the basis of their impairment. These segregated education facilities however also do not provide** individualized support[[19]](#footnote-19).

Deinstitutionalisation of children with disabilities is not taking place, as it is planned in National Action Plan. When children and youth with disabilities leave one institution, they often enter another type of segregated accommodation (see p. 345 of the State Report). For example, children with disabilities without parents are moved from the Children’s Home “Mladost” to the “Small group community”[[20]](#footnote-20). Some services remain in the pilot phase, without a clear strategic orientation (p. 333 of the State Report). The Answers of the State p. 46 -49 only mention the strategic and legislative framework but not the practice.

Supported living, assistance in home and similar services are not provided to families and parents of children with disabilities.

1. According to the data of Ministry of Labour and Social Welfare, in the last five years in Montenegro, 33 children were adopted; out of which 13 were with disabilities[[21]](#footnote-21), which is a significant contribution of the UNICEF’s campaign “Every child needs a family”[[22]](#footnote-22).

**Only some children with disabilities can enjoy inclusive education. Big number of children are part of the segregated education system.** Children with “simple impediments” are redirected by the Commission to regular schools (inclusive education). Children with “mild impediments” are directed into special classes within regular school due to physical barriers and follow some classes jointly with the peers from the regular classes. Children with “hard impairments” are directed into Resource centres in case of “the only one and the best interest of a child”. Daily centres (according to the Law on Social and Child Protection – daily residences) as part of the system of social and child protection, are services in the community and do not have educational role. However, children are often redirected to the daily centres due to the limited capacities of the Resource centres[[23]](#footnote-23). In April 2017, in 11 daily centres on the national level were 178 beneficiaries.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

* **harmonize all laws which guarantee rights of children with disabilities according** to the general obligations of the Convention and model based on human rights;
* start keeping detailed **evidence about children with disabilities** in the shortest time, including evidence from the earliest age, as well as to **provide early identification and intervention** from the earliest age;
* provide diversity of the services, to especially **develop services in the communities where children with disabilities live**, and to ensure availability of all public services, including health protection.

***Awareness-raising (art. 8)***

***9. Please inform about awareness-raising programmes compliant with the Convention, particularly for media personnel and personnel of public mainstream schools. Please specify the rate of public servants and students reached by such campaigns and whether architects and engineers have also been specifically targeted.***

Although the State obliges the media to produce programs related to persons with disabilities, it provides very low financial support for the implementation of such programs, according to the concept of human rights, **and has never directly trained employees of the media**.

Within the regular educational system children do not learn about human rights of persons with disabilities. **Higher education programs for engineers and architects do not contain practical training on accessibility, and universal design, as this is only taught as an idea**.

**The situation is the same when it comes to promotion of the Convention among PWDs, in which the State, according to our information, has not organized any education or awareness raising campaigns about UNCRPD solely for this target group. Citizens, 43,9% of them think that at first more media campaign in order to change the perception of PWDs should be implemented[[24]](#footnote-24).**

The State lists (see Report p. 70 – 72 and p. 52 – 56 of the Replies to paragraph 9 of the List of issues by the Committee) activities which were realized. However, it does not communicate on their impact on the knowledge on PWDs. The training that is provided takes a limited approach to the issues of persons with disabilities by only covering the legal framework on non-discrimination, but not informing, educating and empowering persons with disabilities about positive approach towards disability according to the goals and general principles of the Convention.

**Recommendations:**

**We recommend the Committee to urge the State Party** to

* develop and support educational programs for employees of the media, including direct educational programs among persons with disabilities, in the shortest time, and to
* develop and adopt the compulsory subject of universal design and reasonable accommodations for students of architecture and engineering.

***Accessibility (art. 9)***

***10. Please inform about measures to mainstream the concept of universal design in accessibility standards, and whether the State party is envisaging adopting a roadmap in this regard. Please also inform about measures to regularly monitor as well as to increase the accessibility of public buildings, websites, the wider built environment, transportation as well as information and communication technology, including through availability of support technologies for all persons with disabilities, and live assistance, such as guides, readers, Braille-related services and professional and qualified sign language interpreters. Please inform on whether the State party is envisaging adopting a roadmap in this regard. Please inform about monitoring compliance with accessibility standards and enforcement of fines for non-compliance.***

The State has neither **adopted a** **comprehensive road map,** nor any other **appropriate measures in order to provide** persons with disabilities, on the equal basis with others, **access to build environment, transportation,** **information and communication, including information and communication technologies and systems, and other products and services intended for public, in urban, as well as in rural areas.**

The first Action Plan for adaptation of 13 “priority” public buildings was adopted by the Government in 2013. However, these buildings should have been made accessible by 2013 according to the **Law on Spatial Development and Construction of Structures**[[25]](#footnote-25). The Action Plan is related to access, movement and stay, including tactile paving and other types of communication for persons with visual impairments in buildings. Only three local governments have Action plans, which are also being realised with a delay. (regarding p. 78 of the State Report).

This Action plan, although its realisation was planned for 2014 has not been completed in the first half of 2017, which is not stated by the State in the p. 66 of the Replies on List of Issues. Besides resources allocated by the State and local self-governments for implementation of the action plans, it **does not provide regular resources for adjustment of the buildings on the national and local level**[[26]](#footnote-26)**.**, 28,2% of citizens were also not aware of the fact that all public buildings and areas should be accessible for PWDs according to the Law[[27]](#footnote-27).

The first **signage in Braille** (besides on the Faculty of Law of the state university, a project of NGO) was provided by the Government only after 2013. Also, **trainings** for the private bodies, entrepreneurs and other relevant subjects which provide services to the public were organized for the first time in 2013, and these trainings are not continuously conducted.

The State does not monitor the accessibility on a regular basis, **nor does it provide evidence about possible sanctions for not respecting the accessibility** as this information is not publicly available. DPOs doubt that these kinds of inspections take place[[28]](#footnote-28).

In Montenegro, **there is no accessible public transport** for persons with disabilities which are used at local or intercity level, besides buses in the local transport of three coastal cities (Tivat, Kotor and Herceg Novi) which operate on some lines, and a train which sometimes operates between two central cities (Nikšić – Podgorica)[[29]](#footnote-29). 50,7% of citizens estimate that the biggest barriers which PWDs face are in transportation[[30]](#footnote-30).

**Electronic services like ATMs, bill-paying machines, and other services are inaccessible for persons with visual impairments.** Public buildings and buildings intended for the public do not have signages in easy to understand formats. **The universal number for emergency situations 112 is not fully accessible for persons with hearing impairment, and Illiterate persons** as the only way of communication is through call and messages. Also, **accessibility elements for persons with hearing impairments, like signal or lights indicators do not exist.**

The State has developed **Guidelines for E-accessibility**. However, it has never implemented comprehensive analysis of the accessibility of sites to screen readers.[[31]](#footnote-31) Information and programs created and broadcasted by media are most often inaccessible to persons with visual impairments (television, newspaper), to persons with hearing impairments (television, radio), to persons with intellectual and psychosocial disabilities (easy to understand forms).

In Montenegro, there are only **seven licensed sign language interpreters[[32]](#footnote-32)**, while there are **no programs for the education of sign language interpreters in Montenegrin universities**.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

* **adopt comprehensive accessibility plan** and implements existing plans without delay, with regular implementation of the **monitoring and impose sanctions** for violators and to implement reasonable accommodation according to the definition from the Convention in all segments,
* enable that public services and systems are accessible for persons with disabilities,
* implement continuous programs and to promote universal design, ensure accessibility of the transportation, services and technologies to PWDs and to provide guides, readers and sign language interpreters, especially in public buildings and offices and during providing public services.

***Situations of risk and humanitarian emergencies (art. 11)***

***11. Please inform about the use of accessible and multiple formats, such as Braille, sign language and easy -read format regarding information relating to - and concrete situations of - risk, humanitarian emergencies, natural disasters and on evacuation plans. Please indicate whether the responsible authorities (a) regularly train relevant professionals on how to improve the safety of persons with disabilities in all situations of risk and emergencies, and (b) cooperate with the representative organizations of persons with disabilities in developing such services.***

Neither **procedures for protection of PWDs in these situations, nor the provision of accessible information and information materials in Braille, easy to understand formats and in sign language exist**.

National or local evacuation plans do not exist, only evacuation plans for individual buildings.

**(a)(b) We are not aware of training for employees to implement procedures towards PWDs in emergency situations**, and such trainings, if they exist, are **not implemented in cooperation with PWDs and DPOs**. The only activities of the simulation of evacuation are implemented in the three resources centres.

The consequence is that often PWDs in crisis situations are exposed to risk, and sometimes, due to lack of knowledge on how to rescue persons with disabilities. In the last half of a year, two persons with disabilities died because of the lack of an evacuation plan during fire[[33]](#footnote-33).

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

- developed **protocol, procedures and measures** for treatment of persons with disabilities in risk and extraordinary humanitarian emergency situations**;**

**- develop and adopt effective system and accessible services** (like: phone lines, applications for text messages, manuals and guidelines in the sign language and in Braille) and comprehensive strategy and protocols in the case of extraordinary situation and situations of risk;

- request from all public authorities to **create plans for evacuation** of persons with disabilities, and to conduct **regular trainings**, all in consultations with representatives of organisations of persons with disabilities, including the local level.

***Equal recognition before the law (art. 12)***

***12. Please provide data on persons currently under guardianship, disaggregated by full and partial guardianship, as well as about persons whose legal capacity have been completely reinstated since the ratification of the Convention. Please inform about steps to reduce the number of persons with disabilities under guardianship and to move to a supported decision-making system.***

The State **does not undertake measures in order to guarantee supported decision making for all persons with disabilities.** The Ministry of Justice has not taken measures to change and take up the comments of AYDM to the Draft of the Law on changes and amendments of the Family Law, despite the campaigns and requests of NGOs.  ( See the Answer of the State in the p. 73).

The Ombudsman in its 2016 Report states that there were some complaints related to the procedure of deprivation of legal capacity. During the procedures to decide on the deprivation of the legal capacity of a person with a disability, this person was **not sufficiently included, or he/she was totally excluded**. Deprivation of legal capacity is based on assessment whether the person’s decision has negative consequences and/or person understands nature and consequences of his/her decision and whether he/she is capable of understanding some information. Persons with intellectual and psychosocial disabilities are almost automatically declared legally incapable[[34]](#footnote-34). The **Ombudsman states that this practice and deprivation of deprivation of legal capacity is not in accordance with the article 12 of the UNCRPD.[[35]](#footnote-35).**

**Decisions on deprivation of legal capacity of persons with disabilities are not periodically revised. The State does not keep data, unified and easy accessible, except for reading individual judgments**. However, all courts do not publicly and regularly publish judgments. The Ministry of Labour and Social Welfare does not keep special evidence, although custodian authority, according to the Law is Centre for Social Work, and **social workers are set as custodians.** They can propose deprivation of legal capacity, and also the parents or other members of close or extended family[[36]](#footnote-36).

No information is available on the numbers, their properties, and management of the finances of the persons deprived of their legal capacity.

Human Rights Action in its report analysed 331 decisions[[37]](#footnote-37) on deprivation of legal capacity. Legal capacity was totally deprived in 284 cases, (160 men and 132 women were deprived of legal capacity) decision on partial deprivation of legal capacity was made in only seven cases (2,1%), and only in one proceeding, legal capacity was restored (0,3%). In 39 proceedings were made decisions by which proposal for deprivation of legal capacity were withdrawn or rejected (11,8%).

The Centre for Social Work initiated 42 proceedings, and 52 proceedings were initiated by unauthorized proposers (nephew/niece, daughter/sister in law etc.) or persons whose relationship with the prosecuted is not clear from the anonymous decisions and therefore it cannot be determined whether he/she belongs to the group of authorized proposers[[38]](#footnote-38) [[39]](#footnote-39).

**Recommendations:**

On the basis of the General Comment by the Committee No. 1 (2014) about equal recognition before the law, **we recommend the Committee to urge the State Party** to:

- **harmonize all its prescriptions**, including ones with less legal force, with the Convention, by **changing substitute decision making with a regime of supported decision making**, which respects autonomy and will of a person and to define transparent legal aids for persons with disabilities whose legal capacity was deprived throughout the country in the shortest time;

**-** to **make revision** of all decisions on deprivation of legal capacity only on the basis of disability of a person and to undertake other measures in order to enable and recognize equality before the law, including protection of the properties, and management of the finances of the persons deprived of their legal capacity.

***Access to justice (art. 13)***

***13. Please inform about accessibility to the justice system, including physical access, available accessible legal aid and registered qualified sign-language interpreters in courtrooms and police stations, as well as about measures to ensure procedural accommodations. Please also provide similar information with respect to other public administrative but non-judicial procedure such as notary service.***

**Children with disabilities do not participate in proceedings directly**, according to our information, and **their interests, rights and obligations are represented by parents and guardians, and sometimes the employees of the Centres for Social Work.** See p. 74 of the Replies to the List of Issues where the State considers these proceedings to be in the best interest of the child.

Effective access for PWDs to relevant authorities, and non-judicial procedures and services is not ensured. The accessibility of the court and prosecutorial authorities is not guaranteed, as confirmed in the State Report on p. 86 – 90. The legal framework, such as **Law on Courts and the Law on Notaries does not include the provision of** reasonable accommodations and procedural accommodations. (see State Report in the p. 117), Therefore all notary services are inaccessible for PWDs.

To the contrary, the Procedural Laws prescribe **exemptions from the rule and way of proceedings when persons with disabilities participate, as they can take place in other buildings and places as the usual ones due to inaccessibility.**

The discriminatory treatment of PWDs in this regard is confirmed by the State in Answer to the List of Issues in the p. 77 in which it states that services from the jurisdiction of Ministry of Interior are provided at home and with the help of mobile teams “due to inability of parties to personally submit requests”, “including the representative[[40]](#footnote-40) who will undertake actions on behalf of a party”.

**The Procedural laws foresee that persons with speech, partial or total hearing impairment will only be provided with a sign language interpreter, if the communication can not be done in writing.** (as confirmed in the p. 76 of the Replies to the List of Issues[[41]](#footnote-41). Such provisions leave **space for misuses and conflict of interests, i.e. incompetence of “interpreter”. The same rules apply for taking the oath with the support of the sign language interpreter, only if** “they do not know neither to read nor write”[[42]](#footnote-42).

Only **three centres and security departments of the Police Department of Montenegro** (hereinafter: SC and SD) **are accessible for PWDs** (SC Podgorica, SD Tivat and Šavnik). Four of them have enabled access to the ground floor of the buildings, SC Nikšić has a ramp, but was built not in compliance with the accessibility standards and cannot be used. Another 13 SCs and SDs are totally inaccessible. None of SCs and SDs have a vehicle for transport of suspects accessible for PWDs. **Trainings with police staff were conducted only within the projects in cooperation with organizations of persons with disabilities**. Police have gone through basic education in communication in sign language, but due to frequent changes of the staff previously conducted trainings does not produce any effect[[43]](#footnote-43).

Persons with visual impairments also are not provided with accessible ways of signing records and other documents. If they are not able to sign for themselves, they will leave a fingerprint of right index finger, **without signing a record with a facsimile, which means that they are classified in the group of illiterate persons**[[44]](#footnote-44).

PWDs **deprived legal capacity cannot be parties to any proceeding, nor can they enjoy their rights in access to justice.** On the other side, **PWDs who have full legal capacity face many barriers just during initiation of proceedings** for exercising or protection of their rights: they are not able to enter offices in which they have to submit request, they are not able to get information where and how to file a complaint, they are not able in practice to file a criminal charge in Braille, nor are they able to report discrimination in the sign language. Majority of PWDs, due to that, is forced to use attorney, although this is not a legal obligation[[45]](#footnote-45).

PWDs face **very long procedures and receive decisions that are less favourable than decision of persons without disabilities.** They wait up to half of a year for a Decision on their Request, and for the Judgement for many years. Forthe violation of their rights and dignity, they receive a very low amounts of non-material damage compensation compared with the amounts of non-material damage compensation provided to persons without disabilities. In this way, persons with disabilities often seek information and support from DPOs and NGOs. In 2016 124 PWDs and/or members of their families asked for legal information, consultations and advocacy from AYDM. The courts have received the requests for free legal aid, since adoption of the Law on Free Legal Aid until the half of a 2016, from 97 PWDs (5,82 % out of total number of requests)[[46]](#footnote-46).

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

- provide transparent, dignified and non-discriminatory **access to justice**, including **participation in proceedings** on the basis of free choice and preferences of persons with disabilities according to the general principles of the UNCRPD, including prescribing and implementation of the **reasonable accommodations and procedural accommodations**;

- strengthen efforts to provide adequate **education about rights** of persons with disabilities to the staff of police, courts and offices for law implementation.

**-** provide availability of non-discriminatory approach to assistive technologies and to provide **registered and qualified sign language interpreters**, as well as providing Braille and other alternative forms in court proceedings, and to ensure righteous deciding in these proceedings.

***Liberty and security of person (art. 14)***

***14. Please inform about measures taken to abolish, under all circumstances, any involuntary placement of persons with disabilities in psychiatric facilities.***

The State Report on p. 147 – 151 and Replies on the List of Issues in the p. 89 – 100 confirms the big number of children and persons with disabilities who are placed in institutions, including psychiatric institutions, as well as the institution „Komanski most“.

The State in its Answer on the question of the Committee on the p. 79 states the legal base on which a person can be placed in the institution, but not its implementation in practice. The state also does not provide information **about the reasons, length of placement, gender, age, kind of impairment**. The State does not provide any information **under which conditions and when these persons can leave institutions**. Although within the reform of the system of social and child protection, the transformation of Home “Mladost” in Bijela and “Komanski Most” to the community based support is planned, in practice these “projects” are not launched. In “Komanski Most” in January 2017 there were 118 beneficiaries, while 8 beneficiaries from the Home “Mladost” were moved to the “Small Group Community” without developed independent living scheme [[47]](#footnote-47).

In psychiatric hospital in Kotor, “140 patients are placed, although the need for their treatment has expired[[48]](#footnote-48).“

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

**-** reduce and wherever is possible to completely abolish placement in institutions, and to provide support to persons with all types of disabilities, on the basis of equality with others in process and decision of placement in institutions.

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

***15. Please inform about findings by the National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment regarding detention facilities where persons with disabilities are detained. Please provide updated information on “Komanski Most” and whether there have been any investigations against alleged perpetrators of ill-treatment.***

The majority of the recommendations of **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** were realised, and we do not have information of any new cases. The Ombudsman as a **National Mechanism for Prevention of Torture** in 2014 has implemented comprehensive monitoring[[49]](#footnote-49). Any irregularities have not recorded as autopsy is not obligatory after the death of persons placed in institutions. In this regard, NPAM has given the recommendation to:

“Ministry of Labour and Social Welfare – PI Institute "Komanski most" Podgorica, to prescribe in by-laws that, after the death of a ward, conduction of autopsy is obligatory.”

F**amilies and parents do not have any or very little contact with persons placed in the institution**. NPAM has recommended to “undertake all necessary measures for promoting parents, custodians and families to keep regular contact with wards and active participation in the process of treatment and rehabilitation.”

It is problematic that the Ministry of Labour and Social Welfare does not regularly report on the situation in the institution “Komanski most”. Moreover, the State did not answer the question of the Committee in paragraph 15 of the List of Issues. Montenegrin NGOs have several times initiated sanctioning and investigation of previous management[[50]](#footnote-50). The investigations done by the CPT are also not made public.

“**Komanski most” is overloaded with the number of beneficiaries**, and the transformation, planned within the reform of social and child protection towards support services in the community, is not being implemented. This was also pointed out also by CPT. To the contrary, Pavilion C in which persons with autism are placed was opened in “Komanski most”.

None **of the beneficiaries were moved from this institution to another type of residence, i.e. support in the community**. The situation is particularly worrying for people living in the institutions who do not have families, or who are totally abandoned by families especially as they are not on permanent medical treatment[[51]](#footnote-51).

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

* develop adequate services in the community and relation with families, wherever it is possible, in order to create alternative for this placement, with regular publishing of the information about staff and administrative conditions and findings of the reports of the relevant institutions.

***Freedom from exploitation, violence and abuse (art. 16)***

***16. Please (a) inform about measures to eliminate all forms of violence against all persons with disabilities in the public and private spheres, with a particular focus on women and girls with disabilities (b) provide data and information on violence, including sexual violence, with a particular focus on gender-based violence, and (c) inform about specific programmes to protect and support all persons with disabilities against violence, with a particular focus on women and girls with disabilities, in line with Sustainable Development Goal 5.2.***

The State **has never developed or implemented trainings on protection against exploitation, violence and abuse of persons with disabilities** The State also does not collect data **on the physical, sexual and other types of violence towards persons with disabilities, and especially towards children and women with disabilities**, which was confirmed in the Replies of the State in the p. 84 – 86 on the List of Issues Moreover, **monitoring of services and programs provided to persons with disabilities** in the institutions are not taken place.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

**-** undertake all administrative, legislative, educational and social measures in order to protect persons with disabilities, especially children and women with disabilities from all kinds of exploitation, violence and neglecting in the shortest time;

- develop and undertake all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services;

- develop adequate mechanisms of monitoring, protection and processing cases of violence, abuse and neglecting persons with disabilities, especially among children and women with disabilities.

***Living independently and being included in the community (art. 19)***

***17. Please inform about efforts made, since the ratification of the Convention, with regards to deinstitutionalization. Please provide numbers and percentage of persons with disabilities, disaggregated by sex, age and impairment, within each institution and whether children and adults with disabilities are separated. Please inform about the development of support services, including personal assistance, to ensure the possibility of independent living in the community, with the involvement of persons with disabilities and their representative organizations, as well as local authorities.***

The State confirms in its Report and Replies that **through the reform of the system of social and child protection, the strategic goal of deinstitutionalization has not been met**. On the contrary, **the State additionally develops institutionalization through new services and development of existing services in local communities for placement and care**, like daily centres for children and youth with disabilities, and from 2016, an **opening of daily centres for adults with disabilities is planned in some municipalities**. **These services are not intermediary services, nor do they have an alternative, i.e. possibility that children and/or persons with disabilities** **to choose** which service they will use, and none **of the services contribute to an independence of PWDs**.

By the Law on Social and Child Protection and the Law on Local Self-Government, the State has not prescribed obligation, but the only possibility of local self-governments to develop services on the local level, and the decentralisation process, i.e. the process of development of services on the local level is still not realized. Considering that development of support services in local communities depends on local powers, **the kind and scope of services offered in specific local communities are different**. Therefore, if the person with a disability decides to **change the place of living, he/she will not be guaranteed same services, neither the same level of accessibility, including transportation**.

The State in the p. 99 and 100 of the Replies on the List of Issues confirmed that **personal assistance service is implemented only by NGOs**, on a project basis. Therefore, this kind of service is not provided for all persons with disabilities who need it, nor it is available in the necessary scope. Additionally, regarding that it is provided on a project basis, sometimes it is offered only for a few months in the year.

Other services which are provided in **homes or communities where beneficiaries live are also limited in scope and duration**, and are also implemented on the project basis, while the State **does not finance service of guide/assistance dogs**, but it only guarantees movement with a dog in public buildings and areas.

When it comes to **personal assistance service**, it is important to highlight that the State does not understand its principles, nor it accepts to precisely define closer conditions and principles of personal assistance according to the international standards, which is confirmed by it in the Report regarding Article 20 of the UNCRPD, p. 156. Because of the stated, in practice the service which is offered to children with disabilities is called personal assistance, that PA is connected and equalized with the service of help in the home, service of geronto housewives, or that service of teaching assistance is called personal assistance in teaching. T**he State through public works of Employment Agency supports different kinds of services which are called “Personal assistant”** with condition that as assistants are chosen unemployed who are in evidence of this institution. This service under this name was used by families, i.e. parents and custodians of persons deprived of legal capacity[[52]](#footnote-52)

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

* develop independent living schemes in cooperation with organizations of PWDs, especially service of personal assistance and to define its goal, choice and control of the service by PWDs, including obligatory financing from the State Budget and local self-governments;
* develop and support other services in houses of beneficiaries and in the communities, they live in, to ensure their continuity and sustainability, with minimization of institutionalization of children and adults with disabilities and without opening new institutions until the development of the services which enable independence of the beneficiary.

***Personal mobility (art. 20)***

***18. Please provide details about the Law on Travel Benefits for Persons with Disabilities, in particular the “travel privilege” and which types of transport are available in this regard. Please explain the procedures and conditions for reimbursements. Apart from the audible pedestrian signals at intersections, please inform about other areas touched upon by the Ordinance on the condition and the manner of adjustment of facilities for access and movement of persons with reduced mobility; and inform about the practice and results of the public work personal assistance system.***

The State in the p. 152 - 159 of the Report, as well as in the p. 101 – 106. of the Replies on the List of Issues expressed basic non-understanding of the right to personal mobility. The State in this part of the Report states prescriptions which neither enable, nor influence encouragement of personal mobility enough, while prescriptions which guarantee personal mobility in the first line, like prescriptions which guarantee the right to aids, and live assistance are stated in the end, without the report on influence and results.

On the basis of the State Report, it can easily be concluded that these rights are limited, so even right to **travel benefits** for PWDs (p. 152 of the State Report) represents compensatory right for specific number of PWDs, which is **conditioned by the right to care and help allowance and personal disability allowance**, for a **limited number of times per year**. Additionally, persons with disabilities who are employed and who work in the same city, regardless of area, city district or suburban area they live in, and regardless of the distance between the place of residence and back, cannot exercise this right. Therefore, for example, the person who lives in Tuzi or Golubovci, and who works in Podgorica, travelling to the working place about 50 km cannot exercise this right, while the person who lives in Danilovgrad and who travels to Podgorica (about 20 km distance) can exercise this right. PWDs can use these benefits in public transportation, and in case they travel by own car, they are reimbursed travel costs in the amount of the cost of the bus ticket (Regarding the question of the Committee in paragraph 18, and Answer by the State in the p. 101).

Procedure for exercising this right is complicated and implies additional costs, in the way it implies that the person with a disability is reimbursed costs after he/she addresses worker of the Centre for social work in the municipality he/she came to (Centres for social work are usually inaccessible, social workers are not on duty after 21:00h) and to receive confirmation that he/she really came to a specific place/municipality. Besides this confirmation, in the case PWD uses own car or taxi, he/she are requested to submit confirmation about the cost of a ticket which is issued on the bus station. These solutions request additional time and procedures from PWDs, therefore they imply costs.

The State again, like in the Report regarding Article 9 of the Convention and in the p. 103 of the Replies on the List of Issues does not state implementation of the accessibility standards, but only things prescribed by them. **Signal indicators and sound signals** on the streets are placed only in some municipalities, however, not in all streets and crossroads, and in municipalities where they exist, they are not serviced regularly. Besides that, the fact that their placement is the responsibility of local self-governments, it does not release the State of obligation to finance them from the Budget (p. 154 of the State Report and paragraph 18 of the List of Issues).

The State in the p. 105 of the Replies on the List of Issues in paragraph 18 is not explaining practice and results of the “Public work Personal Assistant”, especially because their primary goal is the employment of unemployed persons from the evidence of Employment Agency, and just after that implementation of public policies, i.e. “socially useful projects“.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

- provide and ensure financing of live assistance, and other services and standards for personal mobility and movement of PWDs, and to

- ensure travel benefits on the same principles without discrimination and complicated procedure for all persons with disabilities who need them.

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

***19. With reference to the Electronic Media Law, please inform about any roadmap for media service providers to make their services progressively accessible.***

Although all **media laws prescribe obligation of production and broadcasting programs accessible for persons with visual and hearing impairments**, the State in a specific scope supports such programs, therefore only informative broadcast in sign language is broadcasted once per day, in duration of five – ten minutes on the national broadcaster. Broadcasts and **programs accessible for persons with visual impairments, like audio description or programs and broadcasts in easy to understand formats have never been realized by media, with the State support**. Such projects were realized only as individual actions of public institutions and NGO who act in the area of media.

Regarding the Answer by the State in the p. 108 – 110 of the Replies on the List of Issues DPOs are not acknowledged with realisation of trainings and education, nor did they participate neither in its planning, nor implementation.

**Recommendations:**

**We recommend the Committee to urge the State Party** to:

* develop standard and access to information and to provide request, receiving and dissemination of them, in time and way which suits PWDs the best, as well as to support and encourage the media to produce and distribute programs and broadcasts available for all PWDs, especially for persons with visual and hearing impairments.

***Respect for home and the family (art. 23)***

***20. Please inform about steps taken to repeal laws which prevent persons with disabilities under guardianship from exercising their right to get married or file for divorce on his/her own.***

The State in the Report, p. 117 and Replies on the List of Issues in the p. 111 – 114 confirms that Family Law **denies and prevents right to marriage to persons with disabilities, who are in age in which they can get married, because of deprived legal capacity, i.e. “reasoning incapacity”.**

Despite all discriminatory norms, during changes of the Law on 2016, neither Ministry of Justice has accepted proposals of AYDM, neither harmonization of this Law is planned by the **Analyses of compliance of Montenegrin legislation with the Law on Prohibition of Discrimination of Persons with Disabilities and the UNCRPD**.

Family Law, Law on Social and Child Protection, nor Law on Prohibition of Discrimination of Persons with Disabilities do not prescribe **special measures for establishing and providing support for exercising of parental right for persons with disabilities, adoption of children, fostering or custody**.

These laws **do not prohibit discrimination in exercising the right to family planning, including the decision on number and spacing of the children**, and using bio-assisted technologies. On the contrary, the Law on Infertility Treatment by Assisted Reproductive Technologies gives that possibility to persons who **are legally capable** and in age which allows doing parental obligations, upbringing and education of a child for independent life and **who are in such psychosocial condition on the basis of which it can be expected that they will provide child with conditions for right and full development**, which leaves a big place for interpretation in the practice, especially because of the typical outdated approach to PWDs.

Also, these laws do not recognize **denial or limitation of property rights in area of marriage and family to person or child with disability** in the same or similar situation when these rights are not denied or limited for another person, as a kind of discrimination.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* harmonize its legislation with the UNCRPD without delay and to ensure all persons with disabilities have equal right to get married, plan and found a family, birth and raising children;
* develop special support measures for women and children with disabilities, including counselling and educational programs.

***Education (art. 24)***

***21. Please inform about (a) the outcomes achieved so far based on the Strategy for Inclusive Education (2014 – 2018), (b) the steps to increase access to inclusive education and to abolish all forms of special education, (c) the rate of children with disabilities, by percentage and in numbers, accessing education, disaggregated by mainstream education, special classes and resource centres as well as their disabilities. Please provide additional information about the amendments to the laws mentioned in paragraph 184.***

(a) The State in the Report p. 182 – 213 states general legal framework and information about specific initiatives, projects and actions without assessment of influence and results in practice. A big number of activities which were implemented on the project basis by NGOs does not have continuity because they are not taken by the State, nor their implementation was financially supported after project cycle. The State does not publish results and influence of the Strategy of Inclusive Education.

(b) Results of implementation of **inclusive education are limited**, and the biggest progress is related to number of children with disabilities who are included in this process. However, publicly available and measurable effects of inclusive education are still missing.

**75,2% of citizens think that schools and faculties are inaccessible to pupils and students with disabilities, while 57,9% of citizens think that PWDs have to be educated in regular schools. Still, on the other side 29,1% think that PWDs have to be educated in special schools[[53]](#footnote-53). The State in the Answer p. 124 on the List of Issues confirms limited accessibility of educational institutions[[54]](#footnote-54).**

On the educational level, up to higher education, terms such as “**special educational needs”, “impediments in development”, “difficulties in development”, “developmental disorders”** and many other terms which indicate medical and functional model of approach to disability are used. Although in the Analyses of compatibility of regulations in Montenegro with the Law on Prohibition of Discrimination of Persons with Disabilities, a recommendation to harmonize laws in the area of education was given, just minor changes have been incorporated during last changes in June 2017.

**(c) There is no official data about number of children with disabilities who were included in the educational process during 2016, except data submitted by the State to the Committee in answer on the p. 21 of the List of Issues.**

During school year 2015/2016 there was 1160 directed children in primary schools and 192 in secondary schools”[[55]](#footnote-55)

Number of students with disabilities in higher education is significantly smaller, only 95 (out of which 41 female), according to the data of AYDM, while **the State does not possess its data base of students with disabilities**. The State in the p. 191 and in the Answer on the List of Issues p. 188 states only general information about number of students, and importance of keeping evidence, while on the other side it states only data about number of secondary-school pupils with disabilities.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* harmonize all prescriptions in the area of education with the general principles and obligations of the UNCRPD in the shortest time, according to the general comment of the UNCRPD Committee No. 4 (2016) about right to inclusive education and Goal 4 (especially 4.5. and 4.8.) within the sustainable development goals, and especially to remove discriminatory procedures during exercising right to education, and to develop individualized approach towards children and adults with disabilities in the educational process;
* ensure that children and youth with disabilities from the earliest age have unobstructed access to schools/faculties, educational programs, plans and literature with enabling wide scope of professions, and to develop data basis about children and adults in educational process, with monitoring of data about gender, educational profile and progress of inclusive and regular educations.

***Health (art. 25)***

***22. Please specify the safeguards in place to ensure accessibility of sexual and reproductive rights and health services, including with regards to abortion, for women and girls with disabilities, in particular in institutionalized settings.***

The **special programs and services which could ensure access to sexual and reproductive rights, including abortion, especially for girls and women with disabilities in institutionalised environments** do not exist. It is known that in these institutions only basic health protection is provided.

According to the Law on Infertility Treatment by Assisted Reproductive Technologies, right to infertility treatment by ART is recognised to **mature, legally capable persons** in age of and able to exercising parental obligations, raising, education and preparation of a child for independent life and **who are in such psychosocial state on basis of which it can be expected that they will provide child with conditions for right and full development.** The **specialised body will be fined 5.000 Euros to 20.000 Euros if it enables that gametes’ donors are persons** who are not mature, healthy and **legally capable.**

Legal representative of a **child, and 15 years old and capable for reasoning child** can **request the information of the donor of a gamete with which child was beget from the health institution which implements ART.**

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

guarantee and develop the biggest possible scope and quality of services for PWDs closest to communities they live in, including services of sexual and reproductive health; with obligatory consultations, informing and free consent of PWDs, in the manner which respect their individual autonomy and dignity.

***Work and Employment (art. 27)***

***23. With reference to paragraph 234, please inform about the procedure to measure the degree of disability. Please inform about:***

***(a) Measures to protect against disabilty-based discrimination of persons with disabilities in employment;***

***(b) The number and the rate of persons with disabilities employed in the private and in the public sector through reasonable accommodation and/or state subsidies; and***

***(c) The unemployment rate among persons with disabilities and about available inclusion measures into the open labour market, and incentives for employers***

Although **decision on assessed level of disability** is a condition for PWD to exercise rights from the work and employment, Commissions for assessment of level of disability had not had any meeting/session since 2016, which entails **discrimination in procedures before authorities** according to the Article 15 of the Law on Prohibition of Discrimination of Persons with Disabilities. (Comment regarding the p. 135 of the Answer by the State on the List of Issues)

According to the **Rulebook on Criteria and Conditions for Assessment of Percentage of Disability, Left Working Capacity and Possibilities of Employment[[56]](#footnote-56)** percentage of disability is assessed on the basis of: direct examination of a person, insight into documentation and additional consultations with medicine doctors of specific specialities, and on the basis of following criteria: - assessment of health condition; - assessment of unfavourable possibilities, or state of the person and requests of the environment; - assessment according to the International Classification of Illnesses (diagnoses which influence on disability, and assessment of stability of condition, prognosis and success of the treatment); - assessment according to International Classification of Functions, Disability and Health (description and scope of impairment of functions which influence on disability); - assessment according to the List of body impairments, which is a component of a Rulebook. Disability, depending on the percentage, is divided into: - light disability, from 20% to 49%; - mild disability, from 50% to 79%; - severe disability, from 80% to 100%.

Therefore, the “**degree” of disability is not the result of an assessment of interaction of impairments and barriers which hinder full and effective inclusion of PWDs on the labour market,** but it is often assessed as a first measure of professional rehabilitation, i.e. precondition for exercising of other rights in the area of work and employment, and not on the basis of analysis of environment. The fact that almost exclusively medical documentation is attached to the request for assessment of level of disability, confirms the fact that disability is still assessed from the medical perspective. I.e. Second Instance Commission is composed by: **specialist medicine doctor, counsellor for professional rehabilitation** of the Agency and **lawyer** employed in the Agency (secretary of the Commission). President of the First Instance, i.e. Second Distance Commission, engages **doctor of specific specialisation, i.e. professional of the appropriate profile as a member of the Commission, depending of the health and other impediments of persons whose level of disability, left working capacity, i.e. possibility of employment and inclusion into measures and activities of professional rehabilitation are assessed[[57]](#footnote-57).**

**(a) The Law on Protection and Health on Work** does not define accessibility as an obligatory element of protection on the work. High percentage of citizens, 46,8% of them, think that PWDs are discriminated the most in the area of work and employment[[58]](#footnote-58).

**The Law on Professional Rehabilitation and Employment of Persons with Disabilities does not prescribe reasonable accommodations** according to the General obligations of the Convention **directly, but only includes them under subsidies. In practice, this limits their realisation,** especially in a part related to adaptation and equipment of the working place. Up to 2011, the upper limit of the financial framework for this type of subsidy per employer was 2700€. Although upper limit was removed, in practice systematic and full implementation of the reasonable accommodations does occur.

**The Law on Professional Rehabilitation and Employment of Persons with Disabilities** (in the Article 16) defines possibility for employer who employs person with disability on the open labour market to **define** in its act **working places for employment of these persons and that it can only employ person with disability on that place**. Only in the case when on the labour market there is no person with disability who meet conditions of that working place, person without disability can be employed, but not for the period longer than one year.

Although there are many **conveniences and affirmative measures,** at first it offers employers subsidies for employment of PWDs, the **Law on Professional Rehabilitation and Employment of Persons with Disabilities, and especially bylaws of this Law have consequences of medical and functional approach to disability (reduced working capacities, left working capacities...),** which is confirmed by the definition of PWDs where it is stated that it is a person with “permanent consequences of bodily, sensory, mental or psychical impairment or **illness, which cannot be removed by treatment or medical rehabilitation,** and who is faced with social and other barriers, which have influence **on the working capacity** and possibility of employment, keeping a job and promotion on it and who has no possibilities or has reduced possibilities to include under the equal conditions on the labour market”.

Although the special Law was adopted in 2008, and for the last time changed in 2011, the bylaws which defines conditions, manner of work and financing special organisations for employment (working centre, sheltered section, sheltered workshop) are still not adopted, and **adoption of changes and amendments of the Law on Professional Rehabilitation and Employment of PWDs have been stopped for more than one year,** because the State rejects request of DPOs to set a Fund as individual legal body (regarding p. 130 of the Replies of the State in the List of Issues by the Committee), after which it started analysis of the possible scenarios in solving status of the Fund.

The **“adaptation of working places and premises in the way they become accessible for persons with different kinds of disabilities”** is one of the measures of professional rehabilitation and in the first line it is related to accessibility of the working place. Although the physical accessibility of the working place has been never approved through regular process of professional rehabilitation of employee, but only on the project basis through grant schemes for the employment, by which Employment Agency selective recognizes tis right in practice.

Employers who do not employ person with disability, i.e. does not respect **quote employment system** (according to the State Report in the p. 231 and p. 133 of the Replies on the List of Issues by the Committee), must **pay a special contribution** to the Fund for Professional Rehabilitation and Employment of PWDs. **The Fund is not independent legal body, but it is a special budget category (sub-account), which means that resources are in the State Budget and the State is responsible for the resources.**

Therefore, the Fund is neither **presented in annual budget laws, nor in its profit or expenses side. The Fund is, just since 2014, presented only on the expenses side of the Employment Agency of Montenegro,** in the way that the Agency, according to the Budget Law, have amount planned in the annual budget for that budget heading (regarding the p. 232. and 243. of the State Report).All “rest”, i.e. not distributed resources are spent inappropriately, which is stated by State Audit Institution in its audit report[[59]](#footnote-59).

**(b)(c) Number of employed persons with disabilities in state administration is limited, and its bodies “cannot” use subsidies due to the same reason which they state regarding payment of special contributions.**

In February 2017, on the **evidence of Employment Agency** there were 5182 persons with disabilities, out of which 1110 persons with secondary education, while the Employment Agency does not keep **evidence about unemployment rate** of PWDs; which is concluded by the SAI in the Report. Therefore, although number of employed PWDs is increased every year, number of unemployed on the evidence of EA is also significantly increased. In the Annual Report of the Agency or 2016, information about number of employed PWDs in public and private sector is not stated.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* harmonize legislation in the area of working and employment with the UNCRPD without delay, according to the general obligations and concept of human rights, including process of assessment of disability and working capacity, to prescribe obligatory implementation of measures of affirmative action and reasonable accommodations;
* prevent further inappropriate spending of the resources by establishing Fund as an individual legal body and to ensure implementation of the Law in all sectors, including public, by employment of persons with disabilities in state organs, according to qualifications; and
* develop programs of training and additional education and to enable professional development and acquiring additional qualification for PWDs including employment in the private and public sector.

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

***24. Please provide data on income and poverty levels among persons with disabilities, including children, compared to adults and children without disabilities, and provide updated information on the conditions for access to social protection measures and the number and percentage of persons with disabilities having access to these measures, disaggregated by sex, age, ethnicity, and disability.***

There are not **special programs of social protection and reduction of poverty intended for children and women with disabilities,** nor the State provides special program of **assessment, procedures and financial assistance for disability related expenses.** The State also does not monitor separately growth of costs of living of PWDs, consumer basket of PWDs compared with other citizens. On the level of local communities, **there is no** **data base of children who are not beneficiaries of the rights in area of social and child protection, or about children who had not went through process of directing into educational process before the Commission,** but who are regularly included in the educational system, without decision, which is confirmed by the State in the last sentence of the Report in the p. 284.

Although persons with “severe” disabilities can exercise the right to **personal disability allowance,** according to the Law, in a bylaw categories of beneficiaries regarding medical diagnosis and level of impairment are defined, and **categories of persons with full visual impairment, with full hearing impairment, persons with paraplegia, persons with multiple sclerosis,** and many other kinds of impairments are missing, therefore, especially those groups whose impairments are most frequent, which is clear from the Answer of the State on the List of Issues in the p. 140 (only 2279 beneficiaries of personal disability allowance in March 2017.)

**The right to personal disability allowance** and right to allowance for help and care **is abolished when a beneficiary is placed in an institution of social and child protection,** while in the amendments of the Law from June 2017, participation in the **payment of costs of service** is defined for the **beneficiaries of the personal disability allowance, not only for beneficiaries of allowance for help and care who already had that obligation.**

**Bylaws** which define rights in the area of social and child protection **are defined in the spirit of medical model,** and we have already stated that Commission which decide on material allowances is composed only of medical workers, and that social component of disability is not exist. (regarding the State Report in p. 270 and p. 138 of the Replies on the List of Issues).

The State in its Replies on the List of Issues in p. 138. and 141 confirms that material allowances are approved on the basis of **financial possibilities of the State**, therefore amount of subsides which are mentioned by the State in p. 142 are maximum 40% regarding the bill. Amounts of allowance for help and care and personal disability allowance are significantly **bigger for civil and war victims of war**, than for other PWDs.

The State does not finance **any support service related to independent living and living in the community.** Services mentioned by the State in p. 258 of the Report are related to institutionalized support services, like daily centres for children and youth with disabilities, daily centres for elderly, among which are elderly with disabilities, one small group community, while service of temporary accommodation for children, youth and adults with disabilities does not exist. Also, material allowances mentioned by the State in p. 262 and 263 are not related exclusively to persons with disabilities, but to all citizens, depending on the type of right.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* harmonize prescriptions related to social and child protection and adequate standard of living without delay, in order to guarantee PWDs rights without discrimination, according to the general obligations of the Convention and model based on human rights;
* develop **special programs of social protection and reduction of poverty intended for persons with disabilities,** and provide special program of **assessment, procedures and financial assistance for disability related expenses** and costs of living.

***Participation in political and public life (art. 29)***

***25. Please indicate whether information disseminated during elections as well as the voting procedure itself, are accessible and available in multiple formats, such as Braille, sign language and easy-to-read format. Please inform about measures to ensure the right to vote for all persons with disabilities. Please inform about the number of persons with disabilities currently legally not allowed to vote.***

Persons with intellectual and mental disabilities, i.e. all **persons deprived of legal capacities do not have right to choose or to be chosen, to participate in the work of electoral bodies and also do not have a right to get included in political parties, nor to found them** (regarding Answer of the State on the List of Issues by the Committee in the p. 145)**.** Although the Law on Election of Councillors and MPs was changed in 2014, with a campaign of DPOs for changes of the Law, the Parliament has not accepted DPOs proposed changes. Until October 2016, according to the data we came to, **election right was denied for 469 adult citizens of Montenegro whose legal capacity was deprived**. We highlight that this right is increased by the fact that legal capacity is still being deprived, and that revision of current decisions are not being conducted[[60]](#footnote-60).

State Election Commissionrejected proposals of AYDM and NGO MANS for changes of bylaws: Rules on the work of polling committees, Rules on the voting by letter, Rules on the determination and regulation of polling stations and on the measures which ensure the secrecy of vote by which we proposed definition of procedures and necessary measures for **enabling of independent, secret and free voting, including manner of signing excerpt from the voter list, colour of voting template and other important issues**.

**The Law does not foresee accessibility, i.e. reasonable accommodations** (sign language, easy to read forms) of the election procedure and materials, except for persons with visual impairments (possibility to vote with a template)

The Website biraci.me, official portal through which information about voting place is checked is inaccessible for persons with visual impairments.

On the basis of active monitoring of elections in Podgorica (Capital of Montenegro) in 2014, out of **110 voting places, which were visited by a monitoring team, only 39 of them were partially or fully accessible**. This number is not related to the whole number of buildings, but actually voting places, because in some buildings there is more than one voting place.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* harmonize legislation with the UNCRPD in the shortest period, including deletion of the institute of legal capacity as a condition for exercising right to vote,
* prescribe obligation of support for exercising this right, including obligatory definition of accessibility of the voting places, procedures and reasonable accommodations, obligation of implementation of election campaign in the accessible formats for persons with disabilities,
* define other measures of affirmative action for provision of free, secret and independent voting and to encourage PWDs to get nominated for ruling positions in the administration and other ruling bodies.

***Statistics and data collection (art. 31)***

***26. Please explain what measures are envisaged to develop a human right–based indicator system for the collection of data in cooperation with persons with disabilities and their representative organizations, as well as a comprehensive data collection system that includes children with disabilities.***

The State does not support, nor it encourage research activities of DPOs in order to collect data for effective definition and implementation of policies, and in the Replies on the List of Issues in the p. 152 it shows a clear lack of understanding of the obligations regarding Article 31 of the UNCRPD.

Persons with disabilities in practice often do not know for which purpose **specific data is 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** (which is confirmed by the State in the p. 153 and 154 of the Replies on the LoI) with a goal to exercise rights of PWDs. However, the system is not connected, nor **these rights are exercised universally and on the same basis for their exercising,** because in all sectors there are different commissions for assessment of disability.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* approach to development and analyses of the data base without delay, including data about age, gender, kind of impairment and other socio-demographic data, including data about cases of discrimination and violence towards persons with disabilities, especially children and women, everything based on the model of approach based on human rights in close consultations and cooperation with PWDs and DPOs.

***International cooperation (art. 32)***

***27. Please inform about achievements of the activities described in paragraph 357.***

The State absolutely **does not understand obligations arisen from the Article 32 of the UNCRPD**, which is confirmed by very poor and general report in the p. 357 and in the Replies on the List of Issues in the p. 155 – 160 where some information does not relate to the Article 32 of the UNCRPD.

The State **has never consulted, included or mediated** in establishment of the cooperation of Montenegrin organisations of persons with disabilities with organisations, institutions and bodies on the international level, nor **it included representatives of organisations of persons with disabilities** in study visits or other forms of cooperation. The State, also, has never before or after such activities, **organised consultative and informative events** with representatives of DPOs, nor it **informed them about outcomes and results of those activities, as well as the State also do not invest in raising capacities of PWDs or their professional development abroad** (regarding Replies of the State in the p. 156 - 160).

In the same way, organisations of PWDs do not know when, for which purposes and in which amounts the State was technically and economically supported by the international community for development or implementation of policies related to persons with disabilities, including development, implementation and availability of technologies, and about such activities DPOs are informed only from official and media reports.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* develop mechanisms and practice which will constantly include PWDs and their representatives in planning, development and establishment of the cooperation with international institutions and bodies with the goal to strengthen capacities and implementation of the Convention and
* make information, projects and programs of support public, enough transparent with direction of the support to PWDs.

***National implementation and monitoring (art. 33)***

***28. Please provide updated information on measures taken towards the appointment of focal points, and the establishment of a sufficiently funded independent monitoring framework in line with the Convention, and with the involvement of organizations representing persons with disabilities.***

Even eight years after ratification of the UNCRPD, in Montenegro have not been **founded one or more (independent) bodies and mechanisms on the level of Government which goal is monitoring of the implementation of the UNCRPD**.

There are also no **contact persons or other mechanisms included in different sectors** responsible for coordination regarding implementation of the UNCRPD (regarding Article 33, Paragraph 1 of the UNCRPD).

The only body on the national level, the Council for care about persons with disabilities is a **counselling body** of Ministry of Labour and Social Welfare, while in some local self - governments there are local councils with different tasks and responsibilities. These bodies do not have mandates or tasks to coordinate for implementation of the UNCRPD, but only sector policies in the areas of: social and child protection, employment, education, internal affairs, justice and human rights. Although during mandate of the Council structures of the Government were changed and new state bodies formed, and some of them abolished, composition of the Council was not changed. Composition of the Council was not changed even after adoption of the new Strategy for Integration of PWDs 2016 – 2020 which has new areas of operation.

The Ministry of Labour and Social Welfare is still considered as key and responsible body for issues of persons with disabilities, by which approach to PWDs based on human rights is neglected, and therefore planning and coordination of policies and measures by different bodies is missing in a big scope. It is concerning that the Ministry does not understand obligations which arise from the Article 33 of the UNCRPD which is shown in the answer on the List of Issues in the p. 161. – 163 where **monitoring of the Convention is subsumed under monitoring of the Strategy for Integration of Persons with Disabilities**.

Additionally, **the Ombudsman does not have Deputy directly responsible for protection of persons with disabilities from discrimination,** but only one Deputy for general issues of human rights and protection from discrimination, by which this independent body does not have capacities and mechanisms for action in monitoring of the implementation and respecting the UNCRPD by Montenegrin authorities.

Additionally, none of state authorities during foundation of any body does not take care about participation of persons with different kinds of disabilities, neither it cares about gender balance, nor during international cooperation and programs especially directs support to these groups.

**Recommendations:**

**We recommend the Committee to urge the State Party to:**

* found a body for the monitoring of the UNCRPD on the national level including different mechanisms in different sectors and on different levels for regular planning, development and monitoring of policies harmonised with PWDs, and
* include PWDs and their representatives in these bodies and other mechanisms, taking care about gender balance, different kind of disabilities and children with disabilities, directly and by their representatives.

1. See Action plan for 2016 – 2017 in areas Education and training and Employment, <http://www.gov.me/sjednice_vlade/170> 3rd point of the Agenda, pages 44 – 81 [↑](#footnote-ref-1)
2. <http://www.gov.me/sjednice_vlade/170> 3rd point of the Agenda [↑](#footnote-ref-2)
3. Adopted in March 2--017, 45 point of the Agenda <http://www.gov.me/sjednice_vlade_2016/18> [↑](#footnote-ref-3)
4. This was created as an obligation of the Government related to **Conclusion of the Parliament of Montenegro,** adopted during adoption of the Law on Prohibition of Discrimination of Persons with Disabilities at the Session held on 26th of June 2015 [↑](#footnote-ref-4)
5. <http://www.gov.me/sjednice_vlade/172> 13th point of the Agenda [↑](#footnote-ref-5)
6. Very important prescriptions like: Law on Consumer Protection, Law on Copyright and Related Rights, Law on Law on Energetic, as well as Law on Electronic Government, Law on Electronic Document, E-Commerce Law, Law on Electronic Signature, Law on National Vocational Qualifications, Law on National Qualifications Framework, Law on Medicines, Law on Medical Devices, Law on Removal and Transplantation of Human Body Tissues and Cells for Purposes of Treatment of Organs, Law on Public Procurement, Law on Administrative Procedure, Law on Registers of Temporary and Permanent Residents, Law on Identity Card, Law on Political Parties, Law on Police, Law on Communal Police, Law on Personal Data Protection are not covered by the Analyses. [↑](#footnote-ref-6)
7. In detail, it will be explained in the Report regarding Article 7 - Children with Disabilities and Article 24 - Education [↑](#footnote-ref-7)
8. Article 4 of the Rulebook on closer conditions for forming, composition and work of socio-medical commissions [↑](#footnote-ref-8)
9. Experience of big number of persons with disabilities [↑](#footnote-ref-9)
10. In detail in the Alternative Report on the Article 9 of the Convention [↑](#footnote-ref-10)
11. Data given by the State about the number of women with disabilities are related to the results of the Census of Population, Households, and Dwellings of Montenegro from 2011 <http://www.monstat.org/userfiles/file/popis2011/saopstenje/knjiga_prvi%20rezultati(1).pdf> However, it must be highlighted that stated data is not received by the implementation of defined criteria, but only on the basis of the declaration of examinees “do they have impediments in doing everyday activities”. [↑](#footnote-ref-11)
12. Establishing SOS line is a result of the cooperation of Ministry of Labour and Social Welfare and NGO SOS Nikšić, with the support of UNDP and the European Union. [↑](#footnote-ref-12)
13. Available on: <http://www.mrs.gov.me/biblioteka/strategije> [↑](#footnote-ref-13)
14. Public opinion poll from 2015 [http://www.minmanj.gov.me/biblioteka/istrazivanja Page 8](http://www.minmanj.gov.me/biblioteka/istrazivanja%20Page%208), Public opinion poll Agency „Damar“ [↑](#footnote-ref-14)
15. Rulebook on medical indications for exercising right to family material allowance, allowance for help and care, personal disability allowance and compensation for work with a half working time prescribes “medical indications” for exercising rights, and lists diagnosis among which many categories of children with disabilities are excluded, regardless sometimes their impairment percentage sometimes is 100%. [↑](#footnote-ref-15)
16. Experiences of parents of children with disabilities, which they informed organisations of PWDs about. [↑](#footnote-ref-16)
17. Changes of the Law from June 2017 defines the finance obligation of assistant. [↑](#footnote-ref-17)
18. “Every resource centre will be in charge of concrete impediment and/or difficulty in development, provide educational, personnel, professional and counselling to children, teachers and parents, as well as to all others included in the work and support to the children with special educational needs.” This is stated in the description of the situation during creation of the NAPD 2013 – 2017. [↑](#footnote-ref-18)
19. Teaching assistants, mostly, provide support for more children in one class, while in resource centres, assistance is “provided” by the professional staff. [↑](#footnote-ref-19)
20. See <http://www.mrs.gov.me/vijesti/154744/SAOPsTENJE-Zvanicno-otvorena-Mala-grupna-kuca-u-Bijelom-Polju.html> [↑](#footnote-ref-20)
21. Available at: <http://www.dan.co.me/?nivo=3&rubrika=Drustvo&clanak=587977&datum=2017-02-27> [↑](#footnote-ref-21)
22. Available at: <https://www.unicef.org/montenegro/campaigns_24752.html> [↑](#footnote-ref-22)
23. Way in which parents of children with disabilities report about education of children with disabilities. [↑](#footnote-ref-23)
24. Results of the AYDMs' research <http://umhcg.com/wp-content/uploads/2013/11/Rezultati_Izvjestaj-istrazivanja_UMHCG-2015_ENG.pdf> [↑](#footnote-ref-24)
25. Creator of the Law in the Article 165 of the Law has prescribed period of five years (1st September 2013) to owners, lessees and holders of the buildings in public use for adaptation of already built building for unobstructed access and use by persons with disabilities [↑](#footnote-ref-25)
26. 43% citizens think that the State has to finance accessibility from its own Budget. In detail on: <http://umhcg.com/wp-content/uploads/2013/11/Rezultati_Izvjestaj-istrazivanja_UMHCG-2015_ENG.pdf> [↑](#footnote-ref-26)
27. In detail on: <http://umhcg.com/wp-content/uploads/2013/11/Rezultati_Izvjestaj-istrazivanja_UMHCG-2015_ENG.pdf> [↑](#footnote-ref-27)
28. Answer on the Request for free access to information, Decision No. UP 0801-03/2017-39 16 [↑](#footnote-ref-28)
29. Experiences of persons with disabilities, as well as information available in Montenegrin language in the magazine DisabilityINFO <http://umhcg.com/wp-content/uploads/2013/11/Casopis-Web.pdf> [↑](#footnote-ref-29)
30. In detail on: <http://umhcg.com/wp-content/uploads/2013/11/Rezultati_Izvjestaj-istrazivanja_UMHCG-2015_ENG.pdf> [↑](#footnote-ref-30)
31. Guidelines for E-accessibility <http://www.mid.gov.me/ResourceManager/FileDownload.aspx?rid=186215&rType=2&file=Smjernice%20e-pristupacnost.pdf> [↑](#footnote-ref-31)
32. Information obtained through the process of consultation with organizations of persons with hearing impairments.  [↑](#footnote-ref-32)
33. “Immobile old men died in fire ” <http://www.dan.co.me/?nivo=3&rubrika=Hronika&datum=2017-01-11&clanak=580959> , Podgorica: The house burned down, man died <https://www.cdm.me/hronika/podgorica-izgorjela-kuca-stradala-jedna-osoba/>

    Podgorica. Girl died due to consequences of fire <http://www.vijesti.me/vijesti/podgorica-djevojka-preminula-od-posljedica-pozara-930789> [↑](#footnote-ref-33)
34. Page 150 of the Report on work of Ombudsman for 2016 <http://www.ombudsman.co.me/docs/1491305524_final-izvjestaj-za-2016-04.pdf> [↑](#footnote-ref-34)
35. Page 116 of the Report on work of Ombudsman for 2016 <http://www.ombudsman.co.me/docs/1491305524_final-izvjestaj-za-2016-04.pdf> [↑](#footnote-ref-35)
36. There were cases where the centre for social work initiated the procedure, appointed some of its employees as a temporary custodian to a person, and then that person was authorized to represent centre for social work in the procedure. [↑](#footnote-ref-36)
37. Period 2011 - 2016. [↑](#footnote-ref-37)
38. Report of Human Rights Action <http://www.hraction.org/?p=13166> [↑](#footnote-ref-38)
39. In some cases, proposal for deprivation of legal capacity was initiated by the person who was appointed as a temporary custodian by the centre for social work. Besides that, cases in which somebody from the authorized proposers contacted the center for social work with a proposal for deprivation of legal capacity of a person, and then a centre for social work submits a request for deprivation of legal capacity and appoint that person for temporary custodian of a person towards whom the procedure is initiated. [↑](#footnote-ref-39)
40. A person authorized by the PWD with written statement [↑](#footnote-ref-40)
41. Article 106, Paragraph 2 of the Criminal Procedure Code [↑](#footnote-ref-41)
42. Article117, Paragraph 4 of the Criminal Procedure Code and Article 174 Paragraph 3 of the Law on Administrative Procedure. [↑](#footnote-ref-42)
43. Experiences of persons with hearing impairment told to the Coalition during preparation of the Initial Report [↑](#footnote-ref-43)
44. Page 21 <http://umhcg.com/wp-content/uploads/2013/11/UMHCG-Publikcija-ENG.pdf> [↑](#footnote-ref-44)
45. Experiences of PWDs received during research of AYDM [↑](#footnote-ref-45)
46. Report of AYDM about program activities in 2016, in Montenegrin available on: <http://umhcg.com/wp-content/uploads/2013/11/IZVJESTAJ-O-PROGRAMSKIM-AKTIVNOSTIMA-UMHCG-2016-za-sajt.pdf> [↑](#footnote-ref-46)
47. In June 2017 there were five PWDs in Small groups Community. We do not have information about other three users. [↑](#footnote-ref-47)
48. Portal Vijesti: <http://www.vijesti.me/vijesti/140-pacijenata-zivi-u-psihijatrijskoj-bolnici-u-kotoru-iako-je-prestala-potreba-za-njihovim-lijecenjem-929824> [↑](#footnote-ref-48)
49. Findings of the Report of NPAM in the big scope coincide with findings of CPT from 2013. <https://rm.coe.int/1680697756> [↑](#footnote-ref-49)
50. In detail: <http://www.ombudsman.co.me/docs/NPM_2014.pdf> [↑](#footnote-ref-50)
51. Observations and conclusions of DPOs on the basis of conversation with management of the institution Komanski most [↑](#footnote-ref-51)
52. In detail in Montenegrin language <http://umhcg.com/wp-content/uploads/2013/11/Personalna-asistencija-klju%C4%8D-za-samostalni-zivot-_Studija_.pdf> [↑](#footnote-ref-52)
53. <http://umhcg.com/wp-content/uploads/2013/11/Rezultati_Izvjestaj-istrazivanja_UMHCG-2015_ENG.pdf> [↑](#footnote-ref-53)
54. In detail on: <http://www.mps.gov.me/ResourceManager/FileDownload.aspx?rId=231005&rType=2>

    **Also, we recommended the movie Don’t give up, keep going** [**https://drive.google.com/file/d/0B-aXp9\_OI4h1blhFMXN1VGgtTWM/view?usp=sharing**](https://drive.google.com/file/d/0B-aXp9_OI4h1blhFMXN1VGgtTWM/view?usp=sharing) [↑](#footnote-ref-54)
55. Answer of the Ministry of Education on the request for free access to information from October 2016. [↑](#footnote-ref-55)
56. Rulebook on Criteria and Conditions for Assessment of Percentage of Disability, Left Working Capacity and Possibilities of Employment "Official Gazette of Montenegro, No. 6/2012" of 27.1.2012. [↑](#footnote-ref-56)
57. Rulebook on Composition and Manner of Work of Commission for Professional Rehabilitation "Official Gazette of Montenegro", No. 20/11 and 20/12 [↑](#footnote-ref-57)
58. Case of discrimination of the PWD on the working place which was concluded after 3and a half years by conducting of the final judgement contributed to this perception. In detail on pages 12 and 13 <http://umhcg.com/wp-content/uploads/2013/11/izvjestaj-eng.pdf> [↑](#footnote-ref-58)
59. “Published Report on Performance Audit of the “Efficiency of usage of contribution fund for vocational rehabilitation and employment of persons with disabilities” <http://www.dri.co.me/1/index.php?option=com_k2&view=item&id=251:objavljen-izvje%C5%A1taj-o-reviziji-uspjeha%E2%80%9Eefikasnost-kori%C5%A1%C4%87enja-sredstava-od-doprinosa-za-profesionalnu-rehabilitaciju-izapo%C5%A1ljavanje-lica-sa-invaliditetom%E2%80%9C&lang=en>

    Consultative hearing held on the performance audit “Efficiency of using funds from contributions to professional rehabilitation and employment of persons with disabilities” <http://www.dri.co.me/1/index.php?option=com_k2&view=item&id=264:odr%C5%BEano-konsultativnosaslu%C5%A1anje-povodom-revizije-uspjeha-%E2%80%9Eefikasnost-kori%C5%A1%C4%87enja-sredstava-oddoprinosa-za-profesionalnu-rehabilitaciju-i-zapo%C5%A1ljavanje-lica-sa-invaliditetom%E2%80%9C&lang=en> [↑](#footnote-ref-59)
60. In detail in Montenegrin language in the Study: Conditions for participation in the political life in Montenegro <http://umhcg.com/wp-content/uploads/2013/11/Policy-Brief.pdf> [↑](#footnote-ref-60)