THE QUESTION OF FORCED STERILISATION

It is not known that forced sterilization is being enforced in the public health care system and in the event of such an occurrence, adequate procedures would be undertaken to establish liability before the competent authorities.

PROTOCOL FOR DEATH CASES IN HOSPITAL – IS AUTOPSY OBLIGATORY?

The Ministry of Health has adopted an appropriate Rulebook for reporting on deaths occurring in health care institutions, which prescribes the manner, procedure, or obligation to conduct an autopsy depending on the circumstances of death or potentially at a personal request by the family members.

PHYSICAL RESTRAINT OF PATIENTS IN HOSPITALS

There are no known cases of physical tying-up and restraining patients in hospitals and if it indeed does happen, measures would be undertaken to establish liability, through prosecution before the competent authorities.

SEPARATE DEPARTMENT FOR PERSONS WITH DISABILITIES WITHIN HOSPITAL TO BE CONSTRUCTED IN THE OFFICE FOR EXECUTION OF CRIMINAL SANCTIONS.

The clarification provided was misunderstood, because a general hospital will be built, with departments of different specialties, including, inter alia, a department for treatment of psychiatric patients.

DEINSTITUTIONALISATION OF PSYCHIATRIC HOSPITALS

Adequate measures are being undertaken towards deinstitutionalisation, with a view to enable patients in psychiatric hospitals to stay until diagnoses are made and until adequate therapies are prescribed, after which the patients are to be released from hospitals to home treatment, while creating the conditions to organize domiciliary services that imply visiting patients on a daily basis, with the obligation of the domiciliary service team to include a psychiatrist.

RIGHT TO REPRODUCTIVE AND SEXUAL HEALTH OF WOMEN AND GIRLS WITH ADAPTED GYNAECOLOGICAL CHAIRS AND TABLES FOR WOMEN WITH DISABILITIES

The majority of public health institutions have provided adequate equipment in gynaecological and obstetrics departments adapted to women and girls with disabilities and in regard to institutions in which there is currently no such equipment, the Health Insurance Fund made an agreement with private health care institutions operating within the network of the health care system of Montenegro that do have adequate equipment for women and girls with disabilities.

CONTACTS OF PERSONS WITH DISABILITIES AT THE PRIMARY HEALTH CARE LEVEL AND THE PHYSICIANS OF SPECIALTIES THEY CAN HAVE CONSULTATIONS WITH

At the primary health care level, persons with disabilities have their chosen doctors, who have specialized in family medicine, where all examinations and consultations can be made, with laboratory analyses based on which a diagnosis on the type of illness, injury or wound is made, with prescription of adequate therapy.

If treatment is required at a primary or tertiary level of health care, the chosen doctor directly makes appointments for examinations at higher levels of health care, doing so electronically, without the patient having to go to make an appointment because the software system is fully connected with all three levels of health care in the public sector.

DISCRIMINATION OF CHILDREN WITH DISABILITIES BASED ON THEIR ILLNESS, WITH REGARD TO THEIR REHABILITATION

The Rulebook on rehabilitation of persons with disabilities, including children, prescribes the conditions for rehabilitation and extends the group of persons with disabilities for using rehabilitation services once a year, for 21 days, including children with disabilities, or children with treatable injuries and conditions. The Rulebook prescribes that the expenses for the person accompanying a child with disability or treatable injuries and conditions will be covered by the Health Insurance Fund, i.e. by the State, which was not the case previously.

ARE THERE DATABASES AVAILABLE TO THE PUBLIC

There are databases of persons with disabilities kept by the line ministries, however, the databases were not made accessible to the public because that would not be in line with the regulations on personal data protection and data confidentiality.

WEBSITE FOR TOURISM: [WWW.OSIPODGORICA.ME](http://WWW.OSIPODGORICA.ME)

GOOGLE PLAY STORE (Android App): OSI Info <https://play.google.com/store/apps/details?id=osi.info2&hl=en>

PERCENTAGE OF UNEMPLOYED PERSONS IN PUBLIC AND PRIVATE SECTORS

In the records of the Employment Office, on 30 June 2017, there were 5561 persons with disabilities (which is 11.87% of the total unemployment in Montenegro), of which 2606 were women (46.86%) and 2955 were men (53.14%). In the first half of 2017, the right to salary incentive for employing persons with disabilities was exercised by 116 employers, for 166 persons (men-88, women-78). Out of those 166 employed persons with disabilities, 138 persons were employed for a defined period of time, with 91 employers, while 28 persons were employed for an indefinite period of time.

Most of these persons are employed in the civil sector, especially organizations of persons with disabilities, and with private employers, and as for the employment in the public sector, there are no precise data.

INCENTIVES / UPPER LIMIT – AMOUNTS

The Law on Professional Rehabilitation and Employment of Persons with Disabilities prescribes that employers employing persons with disabilities are entitled to certain incentives. There is no upper limit in regard to the amount of these incentives. This is confirmed by the fact that in the first half of 2017, the Fund for Professional Rehabilitation paid out salary incentives for 166 persons in the amount of EUR 750,000. The average monthly salary incentive per employed person with disability is therefore EUR 750.00 (gross). The incentive is paid out for up to 75% of the gross salary.

LABOUR LAW – RIGHTS OF WORKERS

Based on the Labour Law, employed persons with disabilities enjoy special protection: they cannot be deployed to work in other cities, outside their place of residence. Equal pay is guaranteed for the same work, or the work of the same value, which implies the work which requires the same qualification, education level or professional qualification, responsibility, skills, work conditions and results.

LEGAL REMEDIES AT SECONDARY LEVEL

The Rulebook on Composition and Manner of Work of the Commissions for Professional Rehabilitation prescribes that the first-instance commissions for professional rehabilitation are established in the regional units of Employment Office of Montenegro. Second-instance commissions are formed by the public administration body responsible for labour and employment.

Appeals against the first-instance decisions on establishing the percentage of disability, remaining working ability, and recognition of the right to involvement in the measures and activities of professional rehabilitation are submitted to the second instance commission with required documents.

The second instance commission issues an opinion in the manner and under the conditions established by the above Rulebook.

ARE PERSONS WITH DISABILITIES INVOLVED IN INTERNATIONAL COOPERATION / NEGOTIATIONS

Within international cooperation activities related to policies for persons with disabilities, persons with disabilities are involved in different activities and projects implemented by UNICEF and UNDP. They are also members of the working groups for EU accession negotiation chapters, for example Chapter 23 – Judiciary and Fundamental Rights, as well as in working bodies following UPR.

STRATEGIC PLAN FOR FOLLOWING THE CONVENTION

At the first session of the Council for the Care of Persons with Disabilities, an initiative will be launched and sent to the Government to establish a mechanism for following the Convention.

IN WHICH WAYS PERSONS WITH DISABILITIES TAKE PART IN CREATION OF MEDIA PROGRAMMES?

In regard to the work of the media and creation of the media programme, several representatives of the civil sector, representing persons with disabilities, participate in the work of the relevant bodies. During the previous year, the Montenegrin National Broadcasting Company (hereinafter referred to as RTCG) hired four persons with disabilities. In regard to the media programme, the Paralympic Games were broadcast directly, the first movie was adapted for the visually impaired (also on RTCG), and the programme “Putevi života“(Ways of Life), which is focusing on the issues relevant to the persons with disabilities, was being broadcast during prime time.

WHAT IS THE TREATMENT OF PERSONS WITH DISABILITIES IN ADOPTION PROCEDURES

In adoption procedures, the focus is on the best interest of a child, not on the persons with disability, but they have an equal treatment as potential adoptive parents, while the principle of affirmative action cannot be applied here.

PROTOCOL FOR ABUSE CASES IN INSTITUTIONS

The national prevention mechanism for torture in Montenegro is operating within the competence of the Protector of Human Rights and Freedoms (National Prevention Mechanism, hereinafter referred to as NPM). In exercising the tasks of torture prevention, Protector, Deputy Director and Main Adviser to the Protector, Adviser to the Protector and members of the working body authorized by the Protector are entitled to:

* Visit, without announcement, the authorities, institutions and organizations and examine the rooms in which persons with disabilities are or could be accommodated
* Access data on: authorities, institutions and organizations where persons with disabilities could be accommodated, as well as on the number of persons with disabilities in the authorities, institutions and organizations visited, as well as on the treatment of persons with disabilities.
* Talk to persons with disabilities without the presence of official persons, and other persons that can provide adequate information in relation to suspicion that human rights are violated in authorities, institutions and organizations visited.

In Komanski Most, tying-up of the persons staying there is strictly prohibited, as well as all other forms of forced restraining. In this institution, there is the so-called time-out room, whose walls are padded and where a person can be placed temporarily if he / she expresses particular aggression or auto-aggression until a physician arrives. All of the above is done in line with the established protocols for action-taking in these situations. In the previous year, there were no cases that required the use of this room.

**NEXT CENSUS – IDENTIFICATION OF PERSONS WITH DISABILITIES**

Statistical Office of Montenegro (hereinafter referred to as Monstat) is planning to organize the next population census in 2021. In regard to this, the possibility of a so-called registry census[[1]](#footnote-1) is also being examined.

We would like to point out that, in accordance with the EU regulations, the data on disability was not being collected previously, while the UN’s Recommendations for the 2020 Censuses of Population and Housing, in the part on non-core topics, contain a set of questions referring to disability, as per the Washington Group’s definition of disability.

In any case, no matter what the actual method of organizing the census will be, we plan to include this category of population in the next population census.

1. A registry census is a census based on the data that is parsed from the existing registries and databases, without actual field work during the data collection phase. [↑](#footnote-ref-1)