



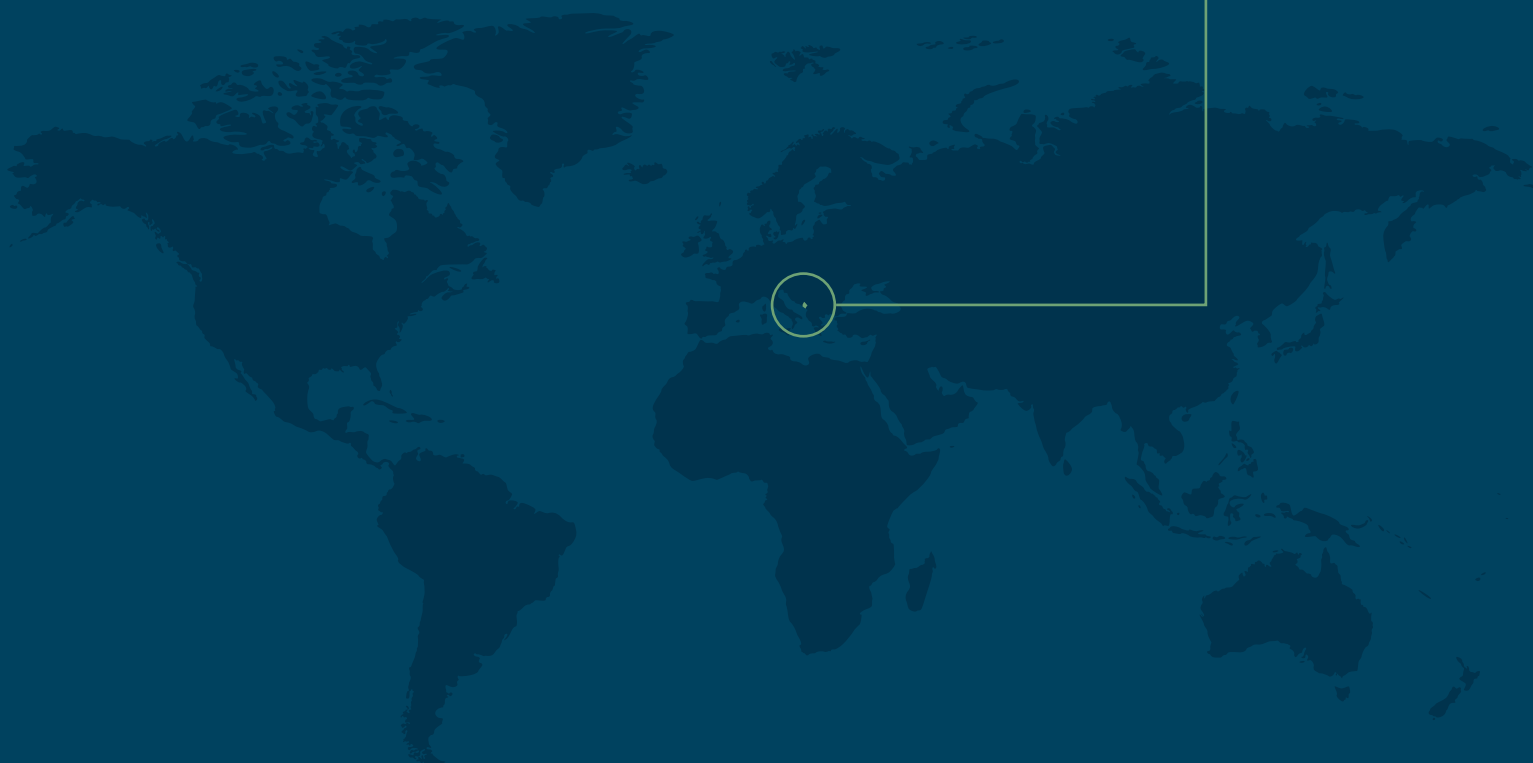
UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



UNITED NATIONS
MONTENEGRO

SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

MONTENEGRO



COUNTRY REPORT 2021

SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES IN MONTENEGRO

COUNTRY REPORT

November 2022

About UNPRPD:

The United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) is a unique partnership that brings together UN entities, governments, OPDs and broader civil society to advance the rights of persons with disabilities around the world.

The Partnership was created to foster collaboration between its members and complement their work around disability inclusion through UN Joint programming. The Partnership operates through a Multi-Partner Trust Fund (MPTF) established to channel resources for participating UN organizations (PUNOs).

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC).

The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden, United Kingdom.

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The situational analysis was prepared by the Montenegrin NGO Initiative of Youth with Disabilities of Boka, as the lead author and Michael Szporluk, as contributing author.

Disclaimer:

The data and information presented in the report are based on the situational analyses conducted at the country level and were drafted by the UN country teams. Methodology for data collection included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises and consultative workshops with key stakeholders. The UNPRPD has not edited the report or verified the findings for accuracy. This report does not necessarily reflect the position of the UNPRPD.

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ACRONYMS AND ABBREVIATIONS

CCA	UN Common Country Analysis
CRPD	UN Convention on the Rights of Persons with Disabilities
EAM	The Employment Agency of Montenegro
EOI	Expression of Interest
EU	The European Union
FAI	Free Access to Information
GM	The Government of Montenegro
IPA	EU Instrument for Pre-Accession Assistance
LAP	Local Action Plan for the Protection from Discrimination Against Persons with Disabilities and the Promotion of Equality
MCI	The Ministry of Capital Investments
MED	The Ministry of Economic Development
MESCS	The Ministry of Education, Science, Culture and Sports
MESPU	The Ministry of Ecology, Spatial Planning and Urbanism
MFSW	The Ministry of Finance and Social Welfare
MH	The Ministry of Health
MJHMR	The Ministry of Justice, Human and Minority Rights
MPADSM	The Ministry of Public Administration, Digital Society and Media
NGO	Non-Governmental Organisation

OPDs	Organizations of Persons with Disabilities
Protector	the Protector of Human Rights and Freedoms
RC	Resource Center or children with disabilities
SDGs	Sustainable Development Goals
UN	United Nations
UNDIS	United Nations Disability Inclusion Strategy
UNPRPD	UN Partnership on the Rights of Persons with Disabilities
VNR	Voluntary National Review

EXECUTIVE SUMMARY

Extensive research and wide consultation with, and participation of a broad range of partners, have been the basis for developing this Situational Analysis Report. It encompassed desk review of the national and international legal and strategic framework, existing analysis and data, focus group discussions, interviews, and a combination of qualitative and quantitative research methods, surveys with organizations of persons with disabilities (OPDs) and individual interviews with persons with disabilities and their families. Special consideration was paid to ensuring participation of persons with disabilities belonging to ethnic minorities and of persons with hearing impairments. Online interviews were organized with the representative of the EU Delegation to Montenegro and focus groups with representatives of the UN System in Montenegro. Also, requests for Free Access to Information (FAI) were made to relevant institutions. The data on current situation regarding rights of persons with disabilities were collected and analysed through mixed research methods, which served as a basis for development of research findings and recommendations.

The Situation Analysis shows sound improvements, but also substantial gaps in the systems, structures and capacities that need to be in place to implement the CRPD. The most important findings are summarized in this section, while full data and information can be found in Section III, with Analysis and Recommendations in Sections IV and V respectively.

There is no comprehensive definition of who are persons with disabilities in Montenegro. Persons with disabilities are often invisible in Montenegro. They are discriminated based on the type of impairment, diagnoses, working capacity, among other things. The lack of a definition has

resulted in inaccuracy of statistics and lack of quality data. In order to exercise their rights, like to health, education, social and child protection, persons with disabilities in Montenegro need to pass through more than 30 commissions in different sectors. This is an important obstacle for easy and quality access to holistic family and community-based services. With the support of European Union, UNDP in Montenegro has launched a three-year- initiative titled “Disability Determination System Reform” for more just, equal and easier access to rights, cash benefits and services for persons with disabilities, in line with the country`s national and international commitments, including those deriving from CRPD ratification.

The Montenegrin legal framework allows for the denial of legal capacity based on an intellectual and psychosocial capacity assessment for which there are no prescribed standards. This deprives person with intellectual and psychosocial disabilities from realization of a wide range of rights. There are specific examples of discrimination in health protection, where persons with intellectual and psychosocial disabilities are denied their rights, even when there is no official denial of the legal capacity.

The anti-discrimination laws in Montenegro do not provide effective protection from disability-based discrimination, especially not from multiple and intersectional discrimination of persons with disabilities. For instance, the laws fail to establish that persons with disabilities have the right to request protection from disability-based discrimination when reasonable accommodations are not provided. Additionally, a shorter deadline for filing a lawsuit for protection from discrimination is prescribed than in other cases of personal rights violations.

Sign language is not recognized as an official language even though it was standardized by the Ministry of Education, Science, Culture and Sports (MESCS) and a training program on sign language interpretation was developed and accredited. The Ministry of Finance and Social Welfare (MFSW) is the only institution which trained its staff to use sign language, but even this training was not conducted in line with standardized sign language. Persons with hearing impairments are mostly excluded from the disability movement.

Family and community-based services are still limited in scope and coverage. Placement in institutions and daily support in daycare centres are still the most common form of assistance the social and child protection sector provides. In accordance with findings of the researchers of the Situation Analysis around €20,000,000.00 has been spent for the construction of institutions for adults with disabilities and the elderly in the last four years, while only €61,922.00 was spent on expansion of personal assistance service.

Most of the measures for prevention of coronavirus spreading were not disability-inclusive and many persons with disabilities accommodated in residential settings were infected, with few cases of death. The resources for functioning of the Fund for Professional Rehabilitation and Employment of Persons with Disabilities (The Fund) were, up to now, provided exclusively out

of the special contribution paid by employers, even though, as per the Law, work of Fund is also to be financed from the Budget of Montenegro, local self-governments, donations of local and foreign legal entities and individuals, etc. The Fund's resources are used for: measures and activities of professional rehabilitation for unemployed and employed persons with disabilities, co-financing of special employment organizations, active employment policy programs, subsidies to employers which employs a disabled person, as well as grant schemes and financial assistance for unemployed persons with disabilities during the period of professional rehabilitation and inclusion in the measure of active employment, education and training of adults. The significant funds exist but has had limited impact on supporting persons with disabilities to get employed. Therefore, identified gaps in the strategic and legislative framework on professional rehabilitation and employment of persons with disabilities need to be addressed through the ongoing revision of the Law on Professional Rehabilitation and Employment of Persons with Disabilities. There is no disability-inclusive budgeting and there are few disability-related analyses and studies that include budget analysis. There is no information about any criminal, misdemeanour, civil, or administrative proceedings initiated by competent institutions, due to violations of the human rights of persons with disabilities. The number of proceedings initiated by persons with disabilities and their family members for the protection of their rights is very low, which most likely indicates that persons with disabilities and their family members are not well informed and empowered to protect their rights.

The country needs to improve physical access for persons with disabilities. Montenegrin courts, state prosecutor's offices, police administrations across the country and premises of the Administration for Inspection Affairs are not fully accessible to persons with disabilities. Out of 20 premisses of the Centres for Social Work in the country, only one is accessible to persons with disabilities. Likewise, no more than 16 primary schools out of 163 are fully accessible, while no more than 3 secondary schools out of 50 are fully accessible. Only six institutions, out of 46 that replied to Free Access to Information requests made for this Analysis, provided information in audio format, even though the Law on FAI stipulates that persons with disabilities may access information in the format, in a manner and a form appropriate to their ability and needs.

The former Government of Montenegro (GM) established the National Council for Care of Persons with Disabilities, but it had a limited mandate and it never formally met. The new GM has not appointed new members to the Council. Although a separate Directorate for Protection and Equality of Persons with Disabilities (Directorate) has been established within the Ministry of Justice, Human and Minority Rights (MJHMR), it has not yet been formally designated a focal point within Government on disability. Only the Ministry of Economic Development (MED) has stated that it has an official in charge of the rights of persons with disabilities.

None of the OPDs who took part in the Survey conducted for this Analysis expressed full satisfaction with the cooperation with State and local institutions and there is no support for the establishment of OPDs. There are no organisations of persons with disabilities who experience multiple and intersection discrimination (like women with disabilities, Roma with disabilities).

The funds allocated for projects and programs of NGOs in the field of protection of persons with disabilities are not distributed to OPDs in a way which will support and guarantee their sustainability. Even the existing legal provisions, calls for participation of persons with disabilities in processes which influence change of legislation and public policies, they are not adjusted to persons with disabilities, which fact questions their meaningful participation.

I. BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique collaboration that brings together UN entities, governments, organizations of persons with disabilities (OPDs), and broader civil society to advance the rights of the Convention on the Rights of Persons with Disabilities (CRPD) and disability inclusive Sustainable Development Goals (SDGs).

The UN in Montenegro is embarking on a two-year UNPRPD programme to further the rights of persons with disabilities in the country. The programme, which is funded through the UN Partnership on the Rights of Persons with Disabilities, commenced with the inception phase.

The development of this Situation Analysis Report is part of the inception phase and basis for the development of a fully fledged project proposal, which will be implemented in the next 2 years. The Situation Analysis Report has been developed through meaningful participation of persons with disabilities and their representative organizations (rights holders) and in close collaboration with government institutions (duty bearers) and other interested stakeholders.

1.1. PURPOSE OF ANALYSIS

The main purposes of the Situational Analysis are to:

- Serve as a baseline for the design of a full-fledged Project Proposal
- Inform the UN Country Team of gaps in disability inclusion in on-going national processes and programs and recommend further in-depth analysis where needed
- Provide an assessment of the impact of COVID-19 on the fulfilment of the rights of persons with disabilities
- Build mutual understanding and working relationships between UN entities, government authorities, OPDs, the Protector of Human Rights and Freedoms (NHRI), civil society organizations (NGOs), the private sector and academia, as a basis for future co-design of joint programs
- Strengthen knowledge of the aforementioned stakeholders to promote, protect and realize the rights of persons with disabilities as outlined in the CRPD more effectively
- Serve as an advocacy tool for OPDs and other national and international civil society partners to further the realization of the rights of persons with disabilities in Montenegro

1.2. INTRODUCTION TO DISABILITY IN MONTENEGRO

Montenegro is one of the successor countries of former Yugoslavia which regained independence in 2006. It is a candidate country for membership in the European Union (EU). The

last parliamentary elections were held on 30 August 2020. The election results caused a major political shift, as it marked the end of thirty years of the governance of the same political party.

The latest Census from 2011 showed that **11%** of the population had limitations to daily life activities due to an impairment or chronic illness.¹ However, **the data gathered through the national Census did not seem accurate and adequately collected.**² As of 2019, the population of Montenegro was approximately 630,000.³

The Parliament of Montenegro ratified the CRPD and its Optional Protocol in July 2009⁴. The Constitution of Montenegro specifies that international law is incorporated into the domestic legislative framework, has supremacy over national legislation and shall be directly implemented when it regulates relations differently from internal legislation.⁵ **There are important gaps in implementation of the CRPD (more details provided in section III and IV).**

The GM submitted its Initial Report to the CRPD Committee on 13 March 2014⁶ (it was due in 2011). Since the GM issued a Public Call for OPDs for participation of three representatives (out of 16 members in total) into a Working Group to prepare the Initial Report,⁷ OPDs decided not to participate. Instead, a Coalition of OPDs submitted an Alternative Report to the CRPD Committee in August 2017.⁸ **The CRPD Committee** reviewed Montenegro's Initial Report in August 2017 and **provided the GM with 37 recommendations related to 27 articles of CRPD.**⁹

The CRPD Committee requested the state to respond within a year to two recommendations related to the implementation of Articles 5 and 9 of the CRPD.¹⁰ The GM prepared its response to the CRPD Committee in 2018¹¹, and the CRPD Committee replied to in June 2020¹². The CRPD Committee found that **the information provided was insufficient and missing concrete evidence.**¹³ **The deadline** for submission of the combined second, third and fourth periodic reports to the CRPD Committee is **2 December 2023**¹⁴.

The Ministry of Labour and Social Welfare¹ established the Working group for drafting the Action Plan for the Implementation for CRPD Recommendations in 2019¹⁵ and **the Action Plan has been drafted, but not adopted.**

Article 68 of the Constitution of Montenegro guarantees “*special protection of persons with disabilities*” though the term “*special protection*” is not defined. **There is no comprehensive Disability Law** and therefore the rights of persons with disabilities are regulated within laws that regulate specific public policies, or within the laws which regulate the rights of persons with

¹ Current Ministry of Finance and Social Welfare

disabilities in certain areas. There is an important space for improvement of compliance of national legislation with CRPD, even though the new Law on Prohibition of Discrimination Against Persons with Disabilities was adopted (more about it in section III subsection 3.1.2.). Namely, the Analysis of the harmonization of the legislation in Montenegro with the Law on Prohibition of Discrimination against Persons with Disabilities and the CRPD, with recommendations for harmonization¹⁶ was developed in 2016. It reviewed more than 60 laws and recognized that more than 20 laws require further alignment with the CRPD. Until issue of this Report, **only 3 laws have been amended in line with the recommendations.**

The main strategic documents in the disability rights field were the Strategy on Integration of Persons with Disabilities in Montenegro for 2008-2016¹⁷ and 2016-2020¹⁸ and the Strategy for the Protection of persons with disabilities from Discrimination and Promotion of Equality 2017-2021.¹⁹ Considering that there were two similar strategies covering almost the same time period, the GM decided it would adopt one new, comprehensive Strategy for the period 2022-2027, which is currently in final drafting stage²⁰, led by the MJHMR.

The COVID-19 pandemic was proclaimed in Montenegro in March 2020. Initially, strong preventive measures were in force, including a lockdown, but those were gradually lifted in June 2020. There is no publicly available data on coronavirus infection and vaccination disaggregated by disability, gender, age, and ethnicity. More information on the coronavirus pandemic influence on persons with disabilities is available in Section III subsection 3.3.2.

II. APPROACH

2.1. GUIDING PRINCIPLES

The following core principles have guided the drafting of the Situational Analysis.

- **“Nothing about us without us”:** The UN System in Montenegro has engaged OPD from Montenegro and an international expert to develop the Situation Analysis Report. The participation of persons with disabilities in decision making which influences their lives is both a principle of the CRPD and as a guiding call of the SDGs (“leave no one behind”). As such, the importance of ensuring the participation of persons with disabilities as key informants guiding the data collection and analysis was largely recognised and used. Specific focus was put on the most disadvantaged persons with disabilities, who were successfully reached, and their views reflected in the Situation Analysis to inform the design of the Project Proposal.
- **Ethical standards and consideration:** The analysis was undertaken by upholding the highest ethical standards governing situational analyses, from ensuring fully informed consent, to participant confidentiality; from making sure that the aims of the work are clearly articulated and understood by persons involved to the need to safeguard potentially vulnerable participants, and ensure they experience no negative repercussions because of their communication.
- **Flexibility:** The Roadmap for the development of the Situational Analysis, including the strategy for reaching various target groups, has been developed. However, the process of evidence collection needed to be flexible and marked by adaptability, especially given the Covid-19 pandemic. This means that cautionary measures to mitigate the risk of spreading the virus had to be taken (e.g., *phone or video interviews instead of in-person interviews*).
- **Timely and practical:** The Situation Analysis is useful only if it is completed in a timely manner and contains information that can be used by the UN to inform the design of the Project Proposal and guide an intervention that leads to positive changes in the lives of persons with disabilities. In view of that requirement, the analysis informed UN’s efforts to deliver disability-inclusive proposal, even though it has not been finalized in accordance with the initial plan.

2.2. METHODOLOGY

A multi-pronged approach was adopted to collect data for the Situation Analysis. The methods include desk review, survey, individual interviews, focus groups and requests for free access to information.

Various types of international and national documents were collected and analysed during the first stage of **desk review**. In total, more than 90 documents were reviewed: GM’s laws and regulations, other GM’s strategic documents, reports and data, UN Montenegro reports and

analysis, NGO and OPD reports, UN Treaty Body reports, the EU's reports, reports by the OSCE, and a US State Department report. Information from these sources was inserted in a spreadsheet with all questions contained in the UNPRPD Situation Analysis Guidelines.

A **survey with OPD representatives** was developed (see Appendix II for a copy of the survey) and sent to the email addresses of 59 OPDs that are registered and operating at the national and local level in Montenegro. In total **20 OPDs provided their response** i.e., 34% of those contacted. Almost all respondents (90%) were persons with disabilities and their parents. The findings of the Survey are presented in Section III of the Situation Analysis Report.

The FAI requests were used as a basis to request information on governmental efforts to implement the CRPD Committee recommendations. **In total twenty-four FAI requests were sent to relevant ministries and institutions** (see appendix I). Six ministries and ten institutions provided the requested information, out of which **six did so in audio format**. Various ministries took part in a meeting to validate the findings of the analysis, after receiving a summary of the draft findings.

Individual interviews were conducted with persons with disabilities and their parents who are members of the **Albanian, Roma and Egyptian ethnic minorities**. In total, twelve people were interviewed by phone and the findings reflected in their interviews are also presented in section III of the Situation Analysis Report.

An **online individual interview with a representative of the EU Delegation** to Montenegro was held to gather information on EU efforts towards disability inclusion in Montenegro. The information gathered through the interview is mostly presented in subsection 3.1.3. within section III.

Two focus groups were held with representatives of the UN System in Montenegro and persons with hearing impairments. There were seven participants in the Focus group with the UN System in Montenegro who were representatives of UNICEF and UNDP. The focus of the discussion were the initiatives the UN has implemented to promote the rights of persons with disabilities, the barriers they encountered and their views on what are the most important or pressing issues are in the area of disability in Montenegro.

There were seven participants in the Focus group of persons with hearing impairments from three cities, who spoke about barriers towards their inclusion in society and the support they need for improved participation and empowerment.

2.3. SCOPE AND LIMITATIONS

The Situation Analysis was focused on measures and activities made by national authorities to ensure realization of the rights of persons with disabilities. The FAI Request was also sent to the Union of Municipalities of Montenegro, however it has not gathered and provided information from the local authorities, which presented important limitation to the analysis. Since, there are 23 municipalities in Montenegro, there was not enough time and resources to send FAI requests to all municipalities. Therefore, the information about activities of local authorities was expected to be collected through the Union of Municipalities of Montenegro, on the basis of the reports of the national authorities. This situation has caused delays in obtaining responses to the FAI requests, and responses to the survey sent to OPDs. Therefore, the extension of the deadline for drafting the Situation Analysis Report was requested.

The individual interviews with persons with disabilities placed in the Special Hospital for Psychiatry Kotor and persons with intellectual and psychosocial disabilities placed in the Institute “Komanski most” were planned to be conducted. However, due to an increase in the number of Coronavirus infections, these institutions were closed for visiting. Therefore, the information about the status of persons placed in those institutions was obtained by the FAI request.

III. FINDINGS

3.1. STAKEHOLDER AND COORDINATION ANALYSIS

3.1.1. *DUTY BEARERS*

The GM is faced with major challenges ranging from the COVID-19 pandemic, serious economic decline in 2020, (due in part to COVID), budget deficits and long-standing country's commitments to fulfil the EU agenda and more specifically the National Action Plan on Chapter 23 in terms of progressive realization of human rights, building stronger, independent and more accountable institutions and national capacities to fight corruption. After the 2020 election, a new Government took office, which reconstructed ministries.

- The **MJHMR** (*formerly the Ministry of Human and Minority Rights*) **now houses the Directorate for the Protection and Equality of Persons with Disabilities. The Ministry of Capital Investments (MCI)** is responsible for all types of transportation and accessibility.
- **The Ministry of Ecology, Spatial Planning and Urbanism (MESPU)** is responsible for spatial planning and construction of facilities, including physical accessibility standards.
- **The Ministry of Economic Development (MED)** governs work and employment including the professional rehabilitation and employment of persons with disabilities. The Employment Agency of Montenegro (EAM), which is the responsible entity for professional rehabilitation and employment of persons with disabilities, is under its governance.
- **The MESCS** governs education, including for persons with disabilities, at all levels.
- **MFSW** governs the state's budgets for social and child protection, pension and disability. It is responsible for the state's budget planning, adoption, execution and monitoring of budget spending. It is responsible for family and community-based support services and disability-based cash benefits, as part of social and child protection system. It also deals with pension and disability insurance, i.e. early retirement due to disability, benefits for length of service of parents of children with disabilities, as well as rights for persons with disabilities to family pension.
- **The Ministry of Health (MH)** is responsible for health protection, which includes access to medical and technical aids and medical rehabilitation for persons with disabilities.
- **The Ministry of Interior Affairs (MIA)** is responsible for personal documentation, migration, disaster risks reduction and Emergency management and governs the law enforcement forces.
- **The Ministry of Public Administration, Digital Society and Media (MPADSM)** governs the public administration including the local self-governments and also provides a

framework for digitalisation and work of media. It is, therefore, responsible for the accessibility of information and e-accessibility. The Administrative Inspection, which is an organisational unit of the MPADSM, supervises the implementation of regulations governing state administration, rights and obligations of civil servants and employees, administrative procedure, as well as the prohibition of discrimination before the public authorities.

The Parliament of Montenegro has several committees that are important to further the rights of persons with disabilities: The Legislative Committee, the Committee of Human Rights and Freedoms, the Committee for Economy, Finances and Budget, the Committee for Political System, Judiciary and Administration, the Committee for Gender Equality, the Committee for Education, Science, Culture and Sport and the Committee for Health, Labour and Social Welfare. OPDs have participated in the sessions of these committees and few times have filed amendments to the laws, in cooperation with the members of the Parliament, some of which have been adopted. However, almost all these activities and cooperation with the Parliament of Montenegro were initiated by OPDs.

The Constitutional Court of Montenegro decides on the conformity of laws with the Constitution and ratified and published international agreements, on the conformity of other regulations and general acts with the Constitution and the law, on a constitutional complaint about the violation of human rights and freedoms guaranteed by the Constitution, after the exhaustion of all available legal remedies and on the conformity with the Constitution of measures and actions of state bodies taken during a state of war and emergency.²¹ Everybody, including the Constitutional Court of Montenegro, may initiate a proceeding for the assessment of constitutionality and legality of laws and regulations.²²

The Protector of Human Rights and Freedoms (Protector) takes measures for the protection of human rights and freedoms when they are violated by an act, action or omission of state bodies, state administration bodies, local self-government bodies and local government, public services and other holders of public authority.²³ It has the competence to conduct proceedings upon complaints about human rights violation/discrimination, initiate the adoption of laws and other legal documents, initiate proceedings before the Constitutional Court of Montenegro to assess the compliance of the legal documents with the Constitution and ratified and published international treaties, initiate proceedings for protection against discrimination before a court or appear in that proceedings as an intervener, warns the public of the emergence of more severe forms of discrimination, keeps special records of complaints regarding discrimination, collects and analyzes data on cases of discrimination, etc.²⁴ It is also mandated to take measures to prevent torture and other inhuman or degrading treatment and punishment and measures to protect against discrimination. The Protector conducts its duties in four areas of work: justice, public administration and general competencies; protection against abuse, security and the national

preventive mechanism for protection against torture; children's rights, youth and social protection and protection against discrimination, vulnerable groups and gender equality.²⁵ **The rights of persons with disabilities are addressed mostly within the area of protection against discrimination, vulnerable groups and gender equality, with four employees directly involved in it** (Deputy Protector and 3 officials).²⁶

The State Prosecutor's Office prosecutes perpetrators of criminal offences which are prosecuted ex officio, as well as perpetrators of misdemeanours.²⁷ The Criminal Code of Montenegro prescribes that when the crime is committed against a person with a disability, it shall be considered as aggravating circumstance by the court.²⁸ In that sense, the State Prosecutor's Office is in charge of initiating criminal proceedings in all criminal offences in the field of freedoms and rights of persons and citizens, when a victim is a person with a disability.²⁹

The monitoring of compliance with laws and regulations is carried out by **inspection organs either within the Directorate for Inspection Affairs or within specific ministries**.³⁰ The most relevant inspection organs for the rights of persons with disabilities are the Division for Tourism Inspection, the Division for Work Inspection, the Division for Public Procurement Inspection (the Sector for Protection of the Market and Economy, Games of Chance and Public Procurement), the Division for Health and Sanitary Inspection, the Division for Inspection of Social and Child Protection (the Sector for Environmental Protection, Safety and Human Health, Social and Child Protection), the Division for Inspection for Education, the Division for Inspection for Electronic Communications, Postal Services and Information Society Services (the Sector for Protection of Activities of Public Interest), which are all within the Directorate for Inspection Affairs.

Local governments have competencies in the fields of health care, education, social and child protection, employment, housing, as well as support to the work of NGOs dealing with the rights of persons with disabilities, but with a fairly limited scope.³¹ The Strategy prescribes the obligation of local governments to adopt a local action plan for the protection from discrimination against persons with disabilities and the promotion of equality (LAP).³² **Only four local governments** (Bijelo Polje³³, Pljevlja, Herceg Novi and Tuzi³⁴) **have adopted the LAP** so far out of a total of 23 of them in Montenegro.

3.1.2. RIGHTS HOLDERS: PARTICIPATION OF PERSONS WITH DISABILITIES

OPDs are registered and organised based on the Law on NGOs.³⁵ At least three persons are needed to form an NGO, and a minimum of one of those persons needs to be a permanent or temporary resident of Montenegro. Founders of NGOs can be as young as 14 years old, as long as they have the consent of a legal representative.³⁶ **Persons with disabilities who have been denied their legal capacity are not allowed to be founders of NGOs** (see more details in subsection

3.2.1). **There is no support for the establishment of OPDs by the state and local governments.** **There is no organisation** of women with disabilities, persons with psychosocial disabilities, organization of Roma and Egyptians with disabilities, LGBTQ+ persons with disabilities. The Survey conducted for this Analysis revealed that several local OPDs may no longer be active or may exist on paper only. For the list of the most active OPDs see Appendix IV. The majority of OPDs who took part in the Survey, said they take part in formal coalitions of OPDs or the coalitions/networks/NGOs dealing with the rights of persons with disabilities (see Appendix II, chart 7). They collaborate as evidenced by the joint submission by an OPD coalition of the alternative report to the CRPD Committee, by joint research and advocacy, and for the current UNPRPD project, by joint provision of the inception training.

Although the CRPD Committee recommended, *“that the State party ensure effective participation and consultation with organizations of persons with disabilities, including those representing women with disabilities, children with disabilities, persons with hearing impairment and the deaf, and persons with psychosocial and/or intellectual disabilities at the national and local levels through transparent frameworks in relation to law and policy making”*, the situation on the ground has not improved. This can be seen from the results of the Survey with OPDs, which shows that none **of the OPDs who participated in the Survey is completely satisfied with the cooperation with the state and local institutions** (Appendix II chart no. 6). Based on the results of the Survey with OPDs, the resources which would help them mostly to improve their efforts towards disability inclusion are financial support, accessible and available information and expansion of partnerships with NGOs in the country and abroad (Appendix II chart no. 3).

OPDs are involved in policy making and decision making at the national level based on the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Consultations in the Preparation of Laws and Strategies. The Decree prescribes two ways of NGOs participation: election of representatives of NGOs in working bodies and conducting a public consultation during the process of preparation of laws and strategies,³⁷ initiated with a public call published on a ministry's website. **However, there is no prescribed obligation to make public calls accessible and available to OPDs.**³⁸

Additionally, there is no support, affirmative action or reasonable accommodation prescribed for OPDs which want to nominate their representatives into working groups.³⁹ In the responses to the FAI requests, the MESCS indicated that there are no representatives of NGOs in the working groups for monitoring the implementation of the Strategy of Inclusive Education 2019-2025⁴⁰, despite the fact that this Ministry published two public calls. which corroborates the aforementioned conclusions regarding the organization and accessibility of the public calls. Public consultations in the preparation of laws and strategies includes consulting in the initial phase of preparation of laws, i.e. strategies, and organising a public debate on the text of the draft law, i.e. strategy.⁴¹ A ministry is obliged to prepare the report on the conducted public consultations, but

the report does not have to be in an accessible format.⁴² The only adaptation and support for OPDs participation in a public consultations is that when conducting a public debate by organising round tables, tribunals, presentations, etc. **“a ministry shall take into account that the premises where the public debate is organised are accessible to persons with disabilities”**.⁴³ Additionally, **“If the text of the draft law, i.e. the strategy that is the subject of the public debate, directly refers to the rights, obligations and legal interests of persons with hearing and speech disorders, or persons with impaired vision, a ministry will enable the public debate to be conducted using sign language. The text of the draft law or strategy will be available in audio or Braille”**.⁴⁴ However, **there are no prescribed standards to determine** whether a ministry “has taken into account” the accessibility of the venue where the public debate is organised, **nor standards which define** whether the draft law i.e. strategy “directly refers to the rights, obligations and legal interests” of persons with hearing and visual impairment. Therefore, **none of the ministries**, that provided the requested information, **pointed out any public hearing which was undertaken in line with Article 16 of the Decree**.

Persons with hearing impairment, who participated in the Focus group, **pointed out that they do not get substantial support** from other persons with disabilities, decision-makers, and even from the movement of people with hearing impairment. **Five of the six interviewed Roma with disabilities and their family members indicated they had not received any disability-related support from NGOs**, while one indicated they got support from the NGO they belong to and was satisfied with that support. As the reason for not receiving support from NGOs, one Roma person stated, *“we don’t know how to get involved, since we are illiterate”*. Another person responded that no NGOs were active in their town.

OPDs collaborate with NGOs on a regular basis, conducting joint analysis and advocacy on a range of issues, and cooperate as part of government established working groups that provide inputs on draft legislation and strategies. OPDs have conducted training on disability rights jointly with NGOs. There is no civil society platform for SDG implementation in the country.

3.1.3. INTERNATIONAL COOPERATION

The main international partners active in the disability rights field in Montenegro are the UN System in Montenegro and the EU. Therefore, this subsection will address the engagements of these international partners in the field. According to the results of the Survey with OPDs, **the support from the international partners in enabling the success of activities and projects towards disability inclusion, is important but it could be improved** (Appendix II chart no 1.)

For more than a decade **the UN System in Montenegro** has taken an active role in advocating the rights of persons with disabilities and supporting the inclusion of persons with disabilities in their work. Main efforts were made in awareness-raising campaigns (2010-2013 UNICEF, campaign, “It’s About Ability”⁴⁵), social and child protection system reform (2010-2019

UNICEF and UNDP “Social Welfare and Child Care System Reform: Enhancing Social Inclusion”) legal and policy framework for children with disabilities (UNICEF and the Council of the GM for Child Rights conducted an Analysis of the cross-sector system support for children with disabilities in Montenegro”), three rapid assessments of COVID 19⁴⁶ etc. As part of a multi-year regional partnership between the EU, UNICEF and the European Disability Forum “Protecting Children from Violence and promoting Social Inclusion of Children with Disabilities in Western Balkans and Turkey”, UNICEF partnered with various OPDs and NGOs, and in collaboration with one OPD analysed the system of social and child protection for children with disabilities. UNICEF documented attitudinal shifts through surveys and found significant positive changes in views related to education, social inclusion and care for children with disabilities in foster care.

At present, the most important engagement of the UN System in Montenegro towards disability rights are related to disability assessment system reform. UNDP leads a three-year-long project “Disability Determination System Reform” in partnership with OPDs, relevant ministries and state institutions and with the financial support of the EU. The overall objective is to fully reform the national disability determination system - for more just, equal and easier access to rights to all kinds of cash benefits and services for persons with disabilities, in line with the national legislation and ratified CRPD. The main project activities include the analysis of necessary amendments to the existing legislative framework and adoption of the new Law on the Single Disability Determination Entity and Uniform Methodology for Disability Determination; the abolition of all the existing commissions (around 30) and establishment of the Institute (single entity for disability determination) that will perform disability determination for all the sectors; and the development of a tailor-made Information System for the Institute for disability determination, which will generate national e-Registry of Persons with Disabilities.⁴⁷ The project is the continuation of previous UNICEF efforts related to disability assessment of children with disabilities and their families in assessing social and child protection rights.

The rights of persons with disabilities are assessed and included in the 2021 UN Common Country Analysis (CCA).⁴⁸ On the positive side, the CCA has included many references to persons with disabilities throughout the main body of the analysis, including in the sectors of health (and mental health), education, disability assessments, deinstitutionalization, and poverty. **The “conclusions and ways ahead” section of the CCA should be strengthened to increase the level of disability inclusion in the work of the UN. The section has only one specific reference to disability, on the need to improve the collection of data that can be disaggregated according to disability. However, there are various recommendations on the need to improve the inclusion and participation of marginalized groups, under which persons with disabilities fall, in the development process in Montenegro.**

The UNPRPD – through the Office of the High Commissioner for Human Rights - funded a case study by two OPDs on the impact of COVID-19 on youth with disabilities and the level of disability inclusion in GM's COVID-19 response. The study was published in 2020.⁴⁹

The UN system's disability focal point – the Human Rights Adviser (HRA) – sits in the UN Resident Coordinator's Office and coordinates the implementation of the UN Disability Inclusion Strategy (UNDIS) with the first UN Country Team report on UNDIS submitted in 2020.

The UN inter-agency Gender and Human Rights Working Group discusses disability inclusion and disability rights programming in the UN. However, **there is no** representative of **persons with disability in this body**. While there is room for improvement to ensure the inclusion of persons with different types of disabilities, the UN consults regularly with persons with disabilities and OPDs, including on analysis and key strategic documents. The UN Country Team is committed to a yearly consultation with OPDs on the level of implementation of UNDIS in 2021 and is currently considering taking part in a UN pilot to make business operations more disability-inclusive in human resources (**only very few persons with disabilities are employed by the UN System in Montenegro**), accessibility of common premises (to strengthen the current decent level of accessibility) and to improve access to the UN information.

Since Montenegro started pre-accession negotiations with the EU, the European Union has provided financial support to state and local institutions, the private sector as well as NGOs, through the five components of the Instrument for Pre-Accession Assistance (IPA): Assistance for Transition and Institution Building, Cross-Border Cooperation, Regional Development, Human Resources, Rural Development.⁵⁰ **There are no disability-related benchmarks that would enable disability-inclusive budgeting of the IPA funds.** The OPDs receive funds for the realisation of projects within IPA II, III and IV components, but there is no affirmative action, or a special program of support dedicated to them.

As part of the accession process, the EU has a role in monitoring progress towards fulfilling all 35 chapters of *acquis*. The EU assesses the realization of rights of persons with disabilities mainly within **Chapters 19** (Social policy and employment), **23** (Judiciary and Fundamental Rights) and **24** (Justice, Freedom and Security) and the main recommendations and challenges in the disability rights field are presented in the EU yearly Progress Reports. The GM appoints the working group for preparing and conducting negotiations on Montenegro's accession to the European Union for the area of the EU *acquis* which relates to every single chapter. The new working groups were established this year but **there are no representatives of OPDs in the working groups** for chapters 19⁵¹, 23⁵² and 24⁵³ **nor have any affirmative actions have been prescribed** for their participation in these working groups in the announced public calls⁵⁴.

3.1.4 COORDINATION MECHANISM

The GM has appointed neither a coordinating mechanism, nor a focal point. Although a separate directorate has been established within the MJHMR, and even though it would make sense for it to be named a focal point for the implementation of the CRPD, it has not yet been formally designated a focal point⁵⁵. **Not one ministry which replied to the FAI request has a focal point** (a separate department or official) **for the CRPD implementation.**⁵⁶

The GM's National Council for Care of Persons with Disabilities appointed to monitor the implementation of the CRPD Committee's recommendations was established on 16 June 2020, but it **had a limited mandate** to initiate and participate in the development of policies for the protection of the rights of persons with disabilities.⁵⁷ The Council was composed of a president and 16 members (8 ministers, 1 state secretary and the Director of EAM), five representatives of OPDs and one representative of the Paralympic Committee. The representatives of OPDs were appointed based on a public call issued by former Ministry of Labour and Social Welfare. **Thus far the Council has not formally met, nor has it issued any statements or reports. The new government has not appointed any new members to the Council.**

3.2. EQUALITY AND NON-DISCRIMINATION

3.2.1. EQUALITY BEFORE THE LAW

There is no comprehensive definition of persons with disabilities in the Montenegrin legal system.⁵⁸ Regulations in different areas use different definitions, some of which use derogatory terminology (i.e., invalid, mental disorder, powerless persons, physical defects) and a medical approach to disability.⁵⁹ The UNDP's project "Disability Determination System Reform" is aimed to fulfil the CRPD Committee recommendations on this issue (more in subsection 3.1.3.).

The CRPD Committee is concerned about the substituted decision-making and guardianship regime, which restricts the exercise of various rights and therefore recommends legal reform.⁶⁰ The Family Law⁶¹, which in Section V prescribes custody of persons deprived of legal capacity. Its Article 235 sets forth that: *"A person of age who, due to mental illness, mental retardation or any other cause, is not able to take care of his/her rights and interests, is completely deprived of legal capacity. A person of age who by his/her actions violates his rights and interests or the rights and interests of other persons due to mental illness, mental retardation, excessive consumption of alcohol or narcotics, senility or other similar reasons is partially deprived of legal capacity. The decision on deprivation of legal capacity is made by the competent court in an extra-*

judicial procedure.". **The Family Law was amended in 2020, though has not not in such a way to comply with the CRPD Committee recommendations.**

The Law on Extra-Judicial Proceedings, which regulates the proceeding for denial of legal capacity, was changed in 2019. The main changes prescribe **regular reviews of court decisions regarding the partial (every three years) or total denial (every five years) of persons with disabilities of legal capacity**, as well as the **duty of the court to explicitly specify the types of legal actions, which can be undertaken by a person partially deprived of legal capacity**.⁶² **There is still a possibility for the court to decide on denial of legal capacity, without an interrogation of a person**, if the court expert provides an opinion *"that the interrogation of the person against whom the proceeding is being conducted would be detrimental to the health of that person, i.e. the reasons why he/she considers that the interrogation of that person is not possible at all."*⁶³ The regular review of the court decision on denial of legal capacity can be initiated before it is due by Centres for Social Work, family members of a person whose legal capacity has been denied, as well as by the person in question, but only *"if he/she can understand the meaning and legal consequences of this proposal."*⁶⁴ All court decisions on denial of legal capacity had to be reviewed by 19 December 2021.⁶⁵ **The MFSW does not have accurate data on the number of persons who are fully or partially denied their legal capacity.**⁶⁶

In 2017, the Ministry of Justice formed a Commission to draft the Civil Code.⁶⁷ It would compile all civil regulations, including the Family Law and other laws, which prescribe denial of legal capacity. A deadline of six years for the codification of civil law was set. Due to changes in the government structure, new members of the Commission should have been appointed; however, no steps have been undertaken in this regard and no information on the progress of the work the previous Commission has been shared with the public.

3.2.2. PROHIBITION OF DISABILITY-BASED DISCRIMINATION

Both indirect and direct discrimination is prohibited by the Constitution.⁶⁸ Affirmative action ("special measures") is prescribed and can be applied until the achievement of its aims.⁶⁹ The Constitution permits the limitation of the exercise of certain human rights and freedoms, during a declared state of war or state of emergency, to the necessary extent (Article 25 paragraph 1). These limitations may be introduced only by the law (Article 24 paragraph 1). **The Constitution stipulates that the prohibition of discrimination cannot be abolished**⁷⁰.

The Criminal Code of Montenegro recognizes the violation of equality and racial and other discrimination as a criminal offence.⁷¹ The criminal offences include disability-based discrimination, propagating hatred or intolerance on grounds of disability, as well as prosecution of the organisations or individuals for breaking the legal norms guaranteeing equality of people. Prison sentences are prescribed for perpetrators of these offences. **The State Prosecutor's offices**

have not provided any information on whether they have initiated any criminal proceedings against perpetrators of these criminal offences committed against persons with disabilities, nor do they have any information about any criminal proceedings initiated by persons with disabilities or other subjects due to these criminal offences as they do not record data disaggregated by disability.⁷²

The Law on Prohibition of Discrimination includes a limited recognition of reasonable accommodation specifically for “*Entrance in facilities/buildings and areas in public use which is unavailable to the persons with reduced mobility and persons with disabilities*”.⁷³ The misdemeanour sanction for lack of compliance with this provision is prescribed⁷⁴. The CRPD Committee observed that this framing of the denial of reasonable accommodation is limited to physical accessibility and public areas and, as such, is not compliant with the standard of the CRP

The Law prescribes that the civil court proceeding shall be initiated for protection from discrimination, and it should be considered urgent.⁷⁵ However, **the civil law proceedings for protection from disability-based discrimination often last from one and a half to several years.** The civil court proceeding can be initiated by a person discriminated against and the Protector with the consent of a person discriminated against.⁷⁶ **The Protector has not initiated any court proceedings for protection from disability-based discrimination so far, but it has intervened in three court civil proceedings on the plaintiff side. The Law prescribes a shorter deadline for filing the lawsuit for protection from the discrimination (one year)⁷⁷ than for other cases of personal rights violations (three years)⁷⁸.** The Law obliges competent institutions “to keep special records on initiated proceedings and decisions made within their jurisdiction regarding discrimination” and to provide the Protector with this data.⁷⁹ Sanctions for failing to fulfil these duties are prescribed.⁸⁰ However, in the annual report of the Protector from the last three years, **the inspection for urbanism and construction is the only public institution that provided the Protector with data on proceedings regarding disability-based discrimination.**⁸¹ Therefore, “*The Protector reminds from year to year that, under the provisions of Article 33 of the Law on Prohibition of Discrimination, courts, state prosecutor's offices, misdemeanour bodies, administrative body in charge of police affairs and inspection authorities are required to keep special records in the form of an electronically maintained database of submissions complaints, proceedings initiated and decisions made within its jurisdiction in relation to discrimination.*” and “*The Protector again emphasizes in this Report that the proper evidence has not yet been established.*”⁸² However, **the Protector has not provided data on whether it has initiated the misdemeanour proceeding against the institutions which do not comply with the stated obligation.**

The Law on Prohibition of Discrimination against Persons with Disabilities **fails to define reasonable accommodation and thus does not establish that persons with disabilities have the right to request protection from disability-based discrimination when reasonable**

accommodations are not provided.⁸³ Additionally, the **majority of its norms** which prescribe prohibition of disability-based discrimination in many fields **is conditioned by violations of the regulations in certain fields** (i.e. health protection, social and child protection, professional rehabilitation and employment, etc), which **are often discriminatory against persons with disabilities. This in practice means that persons with disabilities cannot seek protection from disability-based discrimination when it is caused by discriminatory regulations in these areas.**

The Law also defines in more detail the jurisdiction of the MJHRM in the disability-based discrimination field. Article 6 point 3 prescribes the duty of the MJHRM to adopt and report about the implementation of the Strategy. The first adopted Strategy was not fully in line with the CRPD, considering that it has not covered all fields where persons with disabilities face discrimination, and has not prescribed special measures to address multiple and intersectional discrimination.⁸⁴ The majority of prescribed measures by the Strategy were related to the implementation of the Analysis, but they were mostly not implemented.

There is no legal recognition of the institute of reasonable accommodation in line with the CRPD standard, nor the legally guaranteed protection from multiple and/or intersectional discrimination of persons with disabilities. No measures to change the legal framework in this regard have been made so far.⁸⁵

In the last four years, 61 proceeding for protection from disability-based discrimination has been initiated before the Protector by 46 individuals (21 males and 25 females), three OPDs and four other legal entities, while **eight proceedings were initiated ex officio by the Protector.** The results of these proceedings were 27 recommendations, of which **only 12 are implemented (40%).** Fifteen are in the phase of reporting on their implementation.⁸⁶ The proceedings which were initiated in 2019 by the Protector were related to the accessibility of health institutions in Nikšić.⁸⁷

3.2.3. MOST MARGINALIZED PERSONS WITH DISABILITIES

Due to a lack of data, it is hard to say with full clarity who is most marginalized among persons with disabilities. Based on the results of the Survey with OPDs, persons with intellectual disabilities, persons with psychosocial disabilities, women and girls with disabilities and Roma and Egyptian persons with disabilities are the ones most at risk to be “left behind” (Appendix II Table VIII and Chart IV). Based on the information gathered through FAI requests, persons with hearing impairment are also among the most marginalised within the persons with disabilities in Montenegro and based on the focus group organized with them they are excluded from the disability movement.

Persons with intellectual disabilities and persons with psychosocial disabilities are not afforded the same protection as persons with other types of impairments. They can be stripped of

many rights, including legal capacity and be placed under a guardianship regime. This is because **“mental capacity” is the main condition for denial or return of legal capacity**⁸⁸, as well for the realisation of other rights, especially in the area of private and family life (including the right to marry, and the right to refuse medical treatment⁸⁹). **There are no prescribed standards for determining whether a person has “mental capacity” and in which scope, which provides huge space for discretion in decisions.** Persons with psychosocial disabilities can be involuntarily placed in psychiatric hospitals⁹⁰, and subjected to medical interventions, without their full and informed consent.⁹¹ The authorities are allowed to subject persons who have been involuntarily detained *“to necessary treatment measures, in accordance with the law governing the protection and realization of the rights of the mentally ill.”*⁹² **Although the CRPD Committee recommended abolishing those practices, they have not been changed yet.**⁹³ More information on the issue is provided in subsection 3.3.2.

Women and girls with disabilities are subjected to multiple and intersectional discrimination. There is important space to improve the content and implementation of **legal and strategic documents in the areas of gender equality and disability rights**. The CRPD Committee has recommended to Montenegro to ensure women and girls are provided with *“access to accessible information and adequate victim support services, including at the local level, and adequately punish perpetrators”*.⁹⁴ However, **there are still limited support services dedicated to victims of violence, abuse and exploitation,**⁹⁵ **and very few cases of judicial proceedings initiated against perpetrators.**⁹⁶ The CRPD Committee recommendations regarding *“research and data collection on women and girls with disabilities, disaggregated by age, geographical area, type of impairment, family situation, and place of residence (institution or community care)”* (Paragraph 13. a) have not been implemented yet.

The individual interviews conducted with Roma, Egyptians and Albanians with disabilities and their families showed that **Roma and Egyptians with disabilities and their family members feel additionally rejected, i.e. isolated** as compared to other persons with disabilities or their families due to their ethnic origin. As one respondent stated, *“One hundred per cent I feel rejected, everyone thinks we have no rights, they underestimate us and completely discriminate against us”*, while the other stated, *“I feel I do not belong to this country, I have no rights”*. In contrast to the interviews with Roma and Egyptian population, the Albanians with disabilities and their family members indicated that they do not feel isolated or excluded because of their ethnicity, as the municipality where they live is 80% Albanian. **Two thirds of the interviewed members of the Roma and Albanian ethnic minority (per four from both ethnic groups) stated that the situation for Roma and Egyptian and Albanians with disabilities and their families has not improved in the last several years.**

Sign language is not recognized as an official language yet, although many steps have been undertaken in this regard since 2009. **The Montenegrin sign language was standardized**

based on the International Sign Language by the Working Group of the former Ministry of Education⁹⁷. The Resource Center (RC) for Hearing and Speech Impairments “Dr Peruta Ivanović”, **developed and accredited a training plan and program (curriculum) for sign language**. As the RC stated, it urged decision-makers to ensure there was at least one qualified person in all public institutions who knows sign language to communicate with persons with a hearing impairment. Unfortunately, **only the former Ministry of Labor and Social Welfare conducted training on sign language for its staff** by instructors from Serbia, although **the RC underlined the shortcomings of such training due to the discrepancies in the sign languages of Serbia and Montenegro**.

3.3. INCLUSIVE SERVICE DELIVERY

The precondition for the exercise of the rights of persons with disabilities and their families in the fields of social and child protection, employment and work, pension and war veterans, education and health are **the assessment/determination** of disability, impairment, special educational needs, remaining working capacity, diagnosis, etc. which in practice may be organized **before around 30 commissions**. This is the consequence of the non-existence of comprehensive definition of disability, and therefore **in each sector different terms, definitions and approaches to disability are used**. This implies that a person with disability has to undergo different assessment before different commissions for every single disability based right. The assessments that are undertaken in order for persons with disabilities to access their right to social and child protection, education and employment and work are described below as the examples.

The **medical approach is implemented** within the proceedings for recognition of the rights of persons with disabilities and their families **in the field of social protection**, as the Rulebook⁹⁸ is based mainly on the diagnosis, but not on the individual needs of a person with a disability. The **members of the first and second instance Socio-Medical Commissions**, which decide on the recognition of the rights to social benefits, **are doctors of medicine with appropriate specialization**.⁹⁹ **Bylaws, which limit the rights to social protection of many persons with disabilities based on the type of their diagnosis, prevent many from accessing social protection** (i.e. a person with 100% impairment cannot realize the right to personal disability allowance, as he/she does not have diagnosis prescribed by the sub-law).

Children with disabilities have to be assessed by **the Local Commissions for Referral of Children with Special Educational Needs**, (which are organized within local self-governments),¹⁰⁰ in order to receive needed support in education. The Commission determines *“the education program in which a child with disabilities is referred to, the scope and manner of*

*providing additional professional assistance, the need to hire an assistant in education, space, material and other conditions that the school or RC must provide”.*¹⁰¹ **The permanent members of the Commissions are a psychologist, a school counsellor, social worker, paediatrician, and if necessary, a special educator and a doctor of a certain specialty.** As it can be concluded from the aforementioned, the **functional approach to disability is implemented** when assessing “*special educational needs*” of children with disabilities. Based on the referral, education institutions are obliged to develop Individual Development/Education Programmes (IDEPs) for children with disabilities. IDEPs serve as the basis for working with children with special needs in education and it sets out the educational and developmental objectives to be achieved.

Persons with disabilities have to be assessed by **the Commission for Professional Rehabilitation**, which is organized within the Employment Agency of Montenegro (EAM) as the first instance and the Ministry of Economic Development (MED) as the second instance to receive needed support in professional rehabilitation and employment. The Commission determines “*the percentage of disability, remaining working capacity and employment opportunities*”.¹⁰² **As the majority of members of the Commission are from the medical profession**¹⁰³, **the medical approach is implemented.**

3.3.1. SOCIAL AND CHILD PROTECTION

Based on the results of the Survey with OPDs, the **deinstitutionalization and development of family and community-based support services is the second priority issue for persons with disabilities**, as 12 of 20 respondents have chosen it as one of the priorities (Appendix II chart 2 and table VI). The new Law on Social and Child Protection was adopted in 2013 and it introduced the pluralism of social and child protection services and service providers, besides the basic material allowances.¹⁰⁴

The material allowances dedicated to persons with disabilities are **personal disability allowance (€187.76 per month)** and **care and assistance allowance (€68.86 per month)**, as well as the **compensation to the parent or guardian of the beneficiary of the right to personal disability allowance (€203.35 per month)**¹⁰⁵. Four out of the six interviewed representatives of Roma and Egyptian population with disabilities and members of their families indicated that the social and childcare material support is insufficient. The right to personal disability allowance can be recognised to a person with severe disability, while a person with a disability who needs “*care and assistance to have access to meet needs*” is eligible for care and assistance allowance.¹⁰⁶ However, as already mentioned, the **medical approach is implemented within the proceedings** for recognition of **those rights**, since the Rulebook¹⁰⁷ is based mainly on the diagnosis, but not on the individual needs of a person with a disability. The members of the first and second instance Socio-Medical Commissions, which decide on the recognition of the rights to social benefits, are

Doctors of Medicine with appropriate specialization.¹⁰⁸ Bylaws, which limit the rights to social protection of many persons with disabilities based on the type of their diagnosis, prevent many from accessing social protection. The rights to personal disability allowance and care and assistance allowance are preconditions for the exercise of other rights in the area of social and child protection, including rights to social and child protection services.

The social and child protection services include support for community living, counselling-therapeutic and social-educational services and placement in institutions and foster care.¹⁰⁹ The support services for community living include: daily care (mostly provided in day care centres), assistance in the home, supported housing, personal assistance, sign language interpretation and translation and other community life support services.¹¹⁰ The licensing of the providers of these services started in 2018 and until May 2021 there were **only 3 licensed providers of personal assistance** in Bijelo Polje¹¹¹, Nikšić¹¹² and Podgorica.¹¹³ **There are 11 licensed providers of assistance in the home** for children, adults and elderly with disabilities **from 14 cities** (adults and elderly with disabilities can access this service in 14 cities, while children with disabilities and their families in only 3).¹¹⁴ **All mentioned providers of assistance in the home were licensed in 2020 and 2021.**

The cost of personal assistance¹¹⁵ and assistance in the home¹¹⁶ was determined in 2021, after more than 8 years from the Law adoption. It means that *“while licensing CSO providers has enabled the development of more services for families at risk, those services are largely project-funded and require more sustainable public financing”*¹¹⁷. This means that **service provision is timely and financially limited and not sustainable, which influences the number of persons with disabilities covered and the scope of support provided.** Due to this problem, there are persons with disabilities to whom the right to personal assistance was recognised, but they cannot still exercise it.¹¹⁸ Even after 8 years of the Law adoption, **any sub-law and bylaw needed to prescribe the standards and licensing of the sign language interpretation and translation have not been adopted yet, and there is no provision of this service, even by OPDs.**

The most common and sustainable support services for community living are daily care centres, which provide daily care for children and youth with development issues and adults and elderly with disabilities at the local level. **There are 17 daily care centres for children and youth with disabilities,** including daily care for this target group, which is **also provided by the Children’s Home “Mladost”** in Herceg Novi **and the RC for hearing and speech impairments “Dr Peruta Ivanović”** in Kotor as a part of transformative process of institutions. Since 2017, **13 daily care centres for adults and elderly with disabilities** have been established **in 10 cities** (43% of the total number of municipalities), and the average capacity is 20 users per each. There is no explanation provided why in some cities there are even 3 daily centres for adults and elderly with disabilities established, while the majority of municipalities does not have any.¹¹⁹

However, the **CRPD Committee has recognised daily care centres as a segregating setting** and recommended shifting from them to services in the context of community care,¹²⁰ which will provide individualized “one-to-one” support. The day care centres started to be progressively transformed to supporting independent living in a community and child right to education.

Still, the support services for community living for children with disabilities and their families remain inadequate. **“Support is primarily provided by associations of parents of children with disabilities. The law permits parents or guardians of persons with disabilities to work half time, but employers did not respect this right”.**¹²¹ As a result, **“children with disabilities are still overrepresented in institutional care, which accounts for over 60% of all children. It is rare for these facilities to provide the individual attention that children need to develop to their full capacity.”.**¹²² In the past four years, 11 children with disabilities have been placed in foster families while **no child with a disability has been adopted.**¹²³ In 2019 there were 25 children with disabilities in Children's Home “Mladost” in Bijela out of 84 children which represent 29.80% of the total number of children placed in the institution.

Except for family counselling and social-psychological support, there is no support for parents of children with disabilities, nor parents with disabilities provided by the social and child protection system. There are ten parents with disabilities whose child lives with them, **while three parents with disabilities are fully and one parent partially denied of their parents’ rights, due to their disability.**¹²⁴

” *A person with a disability and an elderly person who cannot be provided with a stay in the family, or support services for community living or family accommodation - foster care, or if they are not is in his/her best interest.*” is placed in an institution¹²⁵. Persons with disabilities are placed in elderly homes in Pljevlja, Nikšić, Podgorica, Bijelo Polje and Kotor, as well as Institute “Komanski most”, which are all established by the GM. **The Elderly Homes in Nikšić and Podgorica were established in 2020¹²⁶ while the Elderly Home in Pljevlja was established in 2017.¹²⁷ All of them are dedicated to the elderly and persons with disabilities.** These newly established elderly homes can accommodate around **540 users**. However, the MFSW has not provided information on the number of persons with disabilities placed in elderly homes.

Although the staff of the **elderly Home in Bijelo Polje** spent a year in a quarantine, **24 residents died due to coronavirus** (12% of the total number of residents), out of whom **10 had a physical disability** (patients in palliative care). There have been 103 residents positive to COVID-19 virus so far in the **elderly Home “Grabovac” in Kotor** while **one resident has died**; There is no information on how many persons with disabilities are among them. In the **Institute “Komanski most”** there was an outbreak of coronavirus infected patients in November 2020, with

61 residents who contracted COVID 19 (21 male and 40 female). All the patients had mild symptoms except for **one resident who passed away**.

The Institute “Komanski most” is social welfare institution where persons with intellectual and psychosocial disabilities are placed. Currently, there are 115 residents in the Institution, 63 of whom are male and 52 are female. **Even 59 residents** (51.30% of a total number of users) have **spent more than 20 years** in this Institution, while the number of **persons with intellectual disabilities**, who **spent more than 36 years of their life in “Komanski most”** is **18**. The number of residents has not changed much in the past four years and it varies from 112 in 2018. and 2019. to 115 in 2021. In 2017, two residents returned to their biological families, **although one came back at the request of his family**. In 2018 there were no reallocations, in 2019 one person was referred to a nursing home and in 2020 one resident returned to a biological family.¹²⁸ **The figures show that persons with intellectual disabilities who enter into the Institute “Komanski most” usually never come out and they die there.**

Although the Institute “Komanski most” pointed out that it stimulates the families of residents to visit them more often, the contacts with families are rarely established. In 2019, **43% of the total number of residents (49 of them) have not established any contact with their families** (the only year for which data have been provided). Moreover, no one showed any interest in or concern for these residents during the aforementioned period. **Only 5.3% of residents (6 of them) have regular weekly visits**, 7 (6.1%) have regular monthly visits, 31.6% of them have less than 12 visits a year and 14% have one visit a year. There is no data on the nationality of residence of beneficiaries as such data are not collected during the admission process and thus, are not part of a resident’s file.¹²⁹

All institutions of social and child protection, where children, adults and elderly with disabilities are placed, have adopted protocols for anonymous reports of residents and follow up on abuse allegations. The Institute “Komanski most” have printed the brochures on the rights of persons with intellectual disabilities and it has provided its residents and their family members with the complaint boxes. There was one case of peer bullying in the Center for Children and Youth “Ljubović”, which was addressed through the procedure and successfully solved. There is no information on whether and how the institutions regularly inform their users in accessible format how to report and protect themselves from abuse. **There is no support service for protection from violence, exploitation and abuse dedicated especially to persons with disabilities, nor is there any information on how many persons with disabilities used the mainstream services.**¹³⁰

In 2019 the GM requested UNICEF to develop a plan for the development of family and community-based services, called the Roadmap for the Transition from Institutional to Community-Based Care based on a Minimum Package of Family and Community Based Services

Including Costing Analysis (**Roadmap**). The Roadmap provided estimates for closing the Children's Home "Mladost" and the Institute "Komanski Most." The Roadmap estimates that it will take three years to close Children's Home "Mladost" and roughly € 1,400,000.00. It will take longer to close the Institute "Komanski Most", ***"If a moratorium on admission to "Komanski Most" is introduced in the third year and any new admissions are redirected to supported housing, the number of beneficiaries would decrease to only 29 in the tenth year."***. The Roadmap was finalized as of October 2019. Former Ministry of Labour and Social Welfare presented the Roadmap to key stakeholders, but **unfortunately it has never been formally adopted.**

3.3.2. *HEALTH*

According to the results of the Survey with OPDs, **improving the health care of persons with disabilities and improving access to affordable and better aids and assistive technology** are marked as the first and third priority issues. (Appendix II chart 2 and table VI). **The Law on Health Protection**¹³¹ and the **Law on Compulsory Health Insurance**¹³² are the foundation for these two priority issues. However, these laws **are deeply rooted in medical model of disability and do not recognize many of the conditions, disabilities etc. as a ground for exercise of disability rights, neither in correlation with other conditions in which person live, which often cause discrimination against persons with disabilities.** Also, discrimination against persons with disabilities based on age is present.¹³³ There are prescribed types of impairments, diseases, and diagnosis which are conditions for exercising the rights, which exclude many persons with disabilities from access and full realization of their right to health.

Therefore, certain groups of persons with disabilities (for example. persons with acquired amputations) cannot exercise the right to medical rehabilitation and/or assistive technologies and aids, nor the right to free medical treatments or compensation during temporary incapacity for work as other groups of this population.¹³⁴ (i.e., persons with congenital amputation). ***"Women with disabilities are frequently deprived of access to sexual and reproductive health and rights and parenthood."***¹³⁵ Likewise, *„persons with physical disabilities had difficulty obtaining high-quality medical devices to facilitate their mobility through health and social insurance."*¹³⁶

The right of persons with disabilities to early identification and intervention and minimization and prevention of further disability is not recognized and regulated by the legal system of Montenegro. ¹³⁷ The Law on Health Protection recognizes only early detection of disease prevention and control of disease and injury, and timely treatment and rehabilitation.¹³⁸ The concept of the right to health protection in the Law on Compulsory Health Insurance includes early identification and prevention of impairment progression,¹³⁹ but those are not elaborated by prescribing the scope of the right. However, the early intervention and minimization of impairment progression services are provided by the health system, mainly to children with disabilities through the regional centres for children with special needs.

The laws in the area of health protection discriminate against persons with a psycho-social disability based on their “mental illness” and their “capacity to understand”. They **permit/oblige** the police to **deprive persons of their liberty based on a perception that they are “mentally ill”**,¹⁴⁰ allow for **involuntary placement of a person with mental illness** into psychiatric hospital **even without the consent of his/her family member**,¹⁴¹ permits **medical research to be carried out without their full and informed consent**,¹⁴² and allows the **use of force, restraint, and isolation when it is the only mean to prevent the person to endanger the other persons` or her/his own life and health as well as property of high value**.¹⁴³ Although the CRPD Committee has raised its concern regarding these discriminatory provisions and have recommended to Montenegro to abolish them,¹⁴⁴ **no legal reforms have been undertaken in this regard so far.**

There are 239 patients at the Special Psychiatric Hospital in Kotor. Out of this number, **101 patients** (70 male and 31 female) with **chronic mental illnesses are placed in chronic wards**¹⁴⁵ and **one of the reasons** for this placement **is the lack of community-based services**. Despite the recommendations of the CRPD Committee on the protection of patients concerning suffocation,¹⁴⁶ such a **protocol for patients who are inclined to food suffocation has been put in practice in February 2021**. In the past **four years**, four persons **have died due to suffocation**. The Hospital has provided mechanisms for filing a complaint, suggestion or notification on service provision and it even has a protector of patients’ rights, but **there is no information on whether patients have exercised this right or whether they have been sufficiently informed about this mechanism**¹⁴⁷.

Since the emergence of the coronavirus pandemic, there have been 128 positive cases in the Hospital; 47 of these were members of the staff while **81 were patients**, which accounts for more than 1/3 (33.90%) of the patients hospitalized. **One patient** treated outside the Hospital **has passed away**. The **rights of patients** during the pandemic have been **limited** and entailed restricted movement outside their wards or hospital and the prohibition of visits. The contacts with families were mostly kept by the phone.

The coronavirus pandemic restricted the rights of persons with disabilities compared to the time before it, as **85% of the participants of the Survey with OPDs** responded that it has affected their and lives of other persons with disabilities and their families. The persons with disabilities emphasized that during the pandemic many rights were infringed due to lockdown and that lack of information both in an accessible form and in general affected the freedom of movement. The respondents additionally shared that it stopped all activities as well as financing of all projects by the state. One respondent who identified as a person with disabilities stated that **COVID-19 manifested itself in the form of Illness and death of team members, reduced resources and capacities, poor allocation of resources by the state and lack of support to prevent the effects of the epidemic and to recover from it.**

There are 13 centres for mental health established within primary health care institutions, as well as 6 regional centres for children with special needs. They are aimed to provide persons with mental health illnesses and children with disabilities with counselling treatments and other types of support which can be provided within primary care. **There are no comprehensive data on how many persons with intellectual and psycho-social disabilities and children with disabilities are supported by the existing centres.** However, the **majority of municipalities in Montenegro are not provided with these centres.**

The Strategy for Improving the Quality of Health Care and Safety of Patients for the period 2019-2023¹⁴⁸ does not include any measure related to the improvement of health protection of persons with disabilities. The Strategy on Protection and Improvement of Mental Health has been adopted for the period 2019-2023, but its implementation is still weak, as only 18% of the planned activities were undertaken in 2020.¹⁴⁹

3.3.3. EDUCATION

The primary and secondary education of children with disabilities is regulated by the Law on Upbringing and Education of Children with Special Educational Needs¹⁵⁰, while the education of persons with disabilities at the tertiary level is incorporated in the Law on Higher Education¹⁵¹. There is only more law in the area of education that regulates the rights of persons with disabilities, namely the right to be educated in sign language and Braille¹⁵². **The MESCS has not pointed out that any regular primary and secondary school or faculty has employed a sign language interpreter or trained staff for the use of Braille.** The participants of the Focus Group have stated that the **education system does not sufficiently support persons with a hearing impairment, particularly when it comes to the university level.** Therefore, this group of persons with disabilities see themselves as the most economically disadvantaged due to the **low level of education they acquire.**

Children with disabilities attend regular classes in mainstream schools, “special classes” within mainstream schools, or one of the three RC across the country. There are three RC that are segregated by impairment type. The RC for Children and Youth Podgorica is for “*children with sight and physical development impairments;*” the RC “1 June” in Podgorica is for “*children with autism disorders and carries out kindergarten training and individual treatments for children with special educational needs;*” and the RC for Hearing and Speech “Dr Peruta Ivanović” in Kotor is for “*children with hearing and speech impairments.*” The purpose of the RCs is early intervention and preparation for inclusive education, support to mainstream schools in providing inclusive education as well as providing special education for children with disabilities.¹⁵³ In the 2020-2021 school year there were 1,181 children with disabilities who attended mainstream primary and secondary schools, and 262 children with disabilities attending the primary and secondary school

in RCs ². **There is no information on how many children with disabilities do not attend school.**¹⁵⁴

In order to receive needed support in education, children with disabilities have to be assessed by the Commission for Referral of Children with Special Educational Needs (more information is provided in the subsection 3.3). **This is direct disability-based discrimination, as no similar assessment is needed for children without disabilities.** There were only 12 appeals¹⁵⁵ against the first instance decisions on the referral of children with special educational needs, which indicate that **the decisions made are perhaps targeting the needs of children with disabilities well or that parents are not informed how to challenge the low-quality decisions.**

The Law prescribes that teaching assistants are, as a rule, engaged as volunteers,¹⁵⁶ and therefore their number is very low i.e. **in the 2019/2020 school year there were only 324 assistants in education in primary and secondary schools.**¹⁵⁷ The schools that have didactic resources, equipment and materials adapted to the needs of persons with disabilities are primarily the RCs¹⁵⁸ but **there is no information on whether and how many other schools have these resources.** Through the IPA program, it is expected that 40 schools will be provided with the equipment for inclusive education. In total since 2019. 76 children with disabilities (with communication difficulties) have been provided with tablets to use C Board application through the UNICEF supported program “For every child, a voice” in cooperation with the Bureau for Education and MESCS¹⁵⁹. It may be inferred, however, that there is need to continue to support assistive technologies to **every child with disabilities who needs this kind of equipment.** The persons with disabilities, who participated in the Survey with OPDs, emphasized that **during the coronavirus pandemic online teaching was not accessible to all OPDs.**

Besides the rights to affirmative action in enrolment, exemption from tuition and taking the exam in a place and manner adapted to their needs¹⁶⁰ students with disabilities are not guaranteed other educational accommodations and support in higher education. This means that contrary to primary and secondary education, **students with disabilities are not provided with assistants in education, nor with the didactic resources in higher education.** In the 2020-2021 school year there were 128 students with disabilities in higher education¹⁶¹, less than half of the number of high school students with disabilities (279 students). One of the requirements for licensing of higher education institutions is “*ensured conditions and unimpeded access for persons with disabilities*”¹⁶² **The MESCS has not provided any information on (in)accessibility of the higher education institutions.**¹⁶³

² Education Monitoring Information System

An inclusive education strategy was first introduced in 2008 and the last one covers the time period 2019-2025¹⁶⁴. While the goal and three top-level strategic tasks appear to be aligned with the CRPD, it is evident that significant work is needed to develop a system that supports inclusive education. There are significant gaps in the Inclusive Education Strategy e.g., there's no definition provided for the reasonable accommodation, and thus schools would not know their obligation to provide it, and “**accessibility**” is suggested to be incorporated in the school development plans rather than a core obligation that schools should immediately address.

3.3.4. *EMPLOYMENT AND WORK*

According to the results of the Survey with OPDs, the **improvement of access to employment and working conditions** for persons with disabilities is the third most relevant issue in the disability rights field, as it **was chosen by 11 of 20 respondents**. However, **in** the competent MED there is no directorate dealing with persons with disabilities, and **one person is in charge of professional rehabilitation and employment of persons with disabilities**.¹⁶⁵

The Law on Professional Rehabilitation and Employment of Persons with Disabilities¹⁶⁶, introduced in 2008, prescribes various types of **subsidies** (incentives) for employers who employ persons with disabilities, **tax reliefs** for companies founded by persons with disabilities, and special organisations for employment of persons with disabilities, as well as financial support for the implementation of **projects** within which persons with disabilities are employed (**grant schemes**). The Law also stipulates the quota for employment for persons with disabilities, in the sense that an employer with 20 to 50 employees is obliged to employ at least one person with a disability, while those with more employees should have at least 5% of employees with disabilities¹⁶⁷. **Professional rehabilitation**, which encompasses measures and activities to prepare persons with disabilities for work, maintaining employment, and career advancement or change in a professional career has been introduced by this Law.

The Law does not guarantee the right of employees with disabilities to the adaptation of workplace, working conditions and tasks, nor the right to work assistance. However, it stipulates the incentives for employers to cover expenses of adaptation of workplace and working conditions, credit funds under favourable conditions for the purchase of machines, equipment and tools necessary for the employment of persons with disabilities, participation in financing the personal expenses of work assistants of persons with disabilities, and wage subsidies for persons with disabilities. If the employer does not want to provide an employee with disabilities with needed adaptation, a person with a disability can initiate a proceeding for protection from disability-based discrimination.

The resources for the aforesaid are provided within **the Fund**, established under the EAM. Employers, who fail to employ the prescribed number of persons with disabilities (quota), are obliged to pay a special contribution to the Fund.

In order to receive needed support in professional rehabilitation and employment, persons with disabilities have to be assessed by the Commission for Professional Rehabilitation. **The EAM has not provided the information on whether the members of the Commission attended any disability-related education**¹⁶⁸.

There is a limited number of professional rehabilitation services in terms of geographical distribution as well as services within different locations. Thus, **persons with disabilities in remote locations “have significant difficulties in accessing proper rehabilitation, in accordance with their needs (including the need for sign language).”**¹⁶⁹ A majority of persons with disabilities included in the professional rehabilitation measures and activities are women with disabilities. *“There has been an increase in the number of women with disabilities included in the professional rehabilitation program since 2016, when that percentage amounted to 56.19% compared to 2020 when it amounted to 65.46%”*.¹⁷⁰ Its efficiency is questionable considering that *“the number of unemployed women with disabilities has increased by 191% in the last five years, and now there are almost 3 times more unemployed women with disabilities than in 2016”*.¹⁷¹

However, **not a single provision** of the Law on Professional Rehabilitation and Employment of Persons with Disabilities **recognizes multiple and intersectional discrimination** to which women with disabilities and other groups of persons with disabilities such as Roma, Egyptians and Askhali are exposed, nor does it lay down any **special measure to boost their employment and career advancement**. One interviewed Roma with a disability indicated he couldn't get a job due to lack of education and emphasized that **“no one will hire a Roma with a disability”**. Additionally, **persons with a hearing impairment** who participated in the Focus Group pointed out **the problem of misunderstandings** in the process of receiving work orders and understanding the rights and obligations of workers and employers, mostly due to a **lack of legal support and work assistants**.

On 31 December 2019, 820 employers exercised the right to a wage subsidy for 1,407 persons with disabilities (690 were men and 717 were women with disabilities), out of whom 635 had fixed-term contract employment, and 772 had an indefinite term contract. On the same date in 2020, 1 141 employers exercised the right to a wage subsidy for 2,040 employees with disabilities (918 men and 1,122 women with disabilities), out of whom 920 employees with disabilities had fixed-term contracts and 1,120 employees with disabilities indefinite-term contracts.¹⁷² These figures reveal that in the last two years, 45.11% (1555) had a fixed-term contract, while **54.89% (1892) employees with disabilities had an indefinite-term contract**. Based on the data provided by the EAM, the majority of employers that exercise the right to a wage subsidy are from the Northern region. Contrary to these low numbers, the number of unemployed persons with disabilities on the same date in 2019 was 11,163,¹⁷³ i.e., **almost 8 times more unemployed persons with disabilities than those whose employers were supported by the Fund**. A slightly better situation was in 2020 when there were 10,970 unemployed persons with disabilities,¹⁷⁴ i.e., almost five and a half times more unemployed persons with disabilities than those whose

employers were supported by the Fund. Despite this improvement in the past year, these figures point out that the **support for employment of persons with disabilities and funds in this area are not spent efficiently.**

When it comes to the number of employers exercising the rights to covering the expenses of adaptation of workplace and working conditions and personal costs of working assistants, and the number of employees with disabilities who benefit from them, the numbers are surprisingly low. At the end of 2019, **57 employers** exercised the right to participate in the financing of personal costs of a **working assistant for 90 persons with disabilities** and by the end of 2020 the number of employees with disabilities, whose working assistant is paid by the Fund, increased to **97**. It is perhaps because **the participation of the Fund in the financing** of personal costs of a **working assistant** is very low, **only €222,00, i.e., up to minimum wage** per working assistant.¹⁷⁵ The right to covering the expenses of adaptation of workplace and working conditions was exercised by **29 employers for 36 employees with disabilities**, while in 2020, it was realised by **30 employees for 38 persons with disabilities**. **The EAM did not provide any information about its activities** to inform employers, persons with disabilities and the general public about incentives for the employment of this group.

As for the employment of persons with disabilities in the **six ministries** that have responded to the FAI requests **there are only three persons with disabilities employed and none of them at senior management positions**¹⁷⁶. As for the other institutions the Police Administration employs three persons with disabilities, the Protector one person with a disability and there are no persons with disabilities employed at the Montenegrin courts and state prosecutor's offices (at least the 19 that provided information to this question). The institutions that deviate from this practice and set a good example are RCs: the RC for Hearing and Speech "Dr Peruta Ivanovic" Kotor, which has eight persons with disabilities in their staff and the RC for Children and Youth Podgorica, which employs two persons with disabilities.

3.3.5. DISASTER RISK REDUCTION AND EMERGENCY RESPONSE

Based on the results of the Survey with OPDs, Improving the protection of persons with disabilities in risk situations and humanitarian crisis situations is not a priority in the disability rights field as only one respondent has marked it as a priority issue (Appendix II, Chart II).

Access to a single emergency number "112" is ensured for the majority of persons with all types of disability, as it is available through both calls and SMS. According to the information provided by the MIA, in the last four years, there has been no calls or SMS to "112" emergency numbers by a person who identified as a person with disabilities with specific disability-related requests.¹⁷⁷ **No information has been provided regarding the training on providing support**

to persons with disabilities of the staff who work on the emergency number lines nor is any general guidance on sign language and Braille available.

The assessments of vulnerability and plans of protection and rescue from the fire were developed in 2014-2018 for the three RC and the training and evacuation simulations for the employees. The employees of the RC for Hearing and Speech impairments “Dr Peruta Ivanović” will take part in the international simulation on earthquakes in 2020.

The MIA has neither pointed out that any institution of social and child protection and health institutions have undergone similar activities, nor are there an individual or local plans for safe emergency evacuations of persons with disabilities.

3.3.6. ACCESS TO JUSTICE

The denial or restriction of the legal capacity causes the **denial or restriction of the procedural capacity in the same scope.**¹⁷⁸ The **procedural laws do not recognise** the right of persons with visual impairment to use **a signature stamp** but prescribed that “*a person who is not able to sign will put a fingerprint.*”¹⁷⁹ They also **do not guarantee** the right to **procedural and reasonable accommodation.**

The Law on Free Legal Aid prescribes that persons with disabilities have the right to free legal aid, but it uses inadequate terminology (persons with special needs)¹⁸⁰. However, **persons with disabilities cannot choose an attorney who will provide him/her with free legal aid**, but the first attorney from the list is appointed and “*Despite legal protections, persons with disabilities often hesitate to bring legal proceedings against persons or institutions seen to be violating their rights. Observers ascribed this reluctance to the adverse outcomes of previous court cases or, according to the ombudsman, to insufficient public awareness of human rights and protection mechanisms relating to disabilities.*”¹⁸¹

Not one court, state prosecutor’s office, police administration office, the Administration for Inspection Affairs nor the Protector **has employed a sign language interpreter, nor do they have employees who use sign language.** Therefore, persons with a hearing impairment are continuously deprived of relevant information on the rights of persons with disabilities, and it is not surprising that **none of the persons with a hearing impairment who participated in the Focus Group has ever heard of the CRPD.** Article 2 paragraph 2 of the Law on Interpreters guarantees the sign language interpreters before the judicial institutions but only upon the request regarding the specific proceeding¹⁸². However, **there are only 5 licensed sign language interpreters** in four cities¹⁸³. No judicial institution which responded to the FAI request has provided information on how many persons with hearing impairments used the interpretation. Moreover, **they stated that they did not collect information according to disability.**¹⁸⁴

No institution in charge of processing violations of human rights and disability-based discrimination **has ex officio initiated** the proceedings to protect the rights of persons with disabilities **except the Protector**. Additionally, **neither the Constitutional Court of Montenegro¹⁸⁵ nor any other institution** which has responded to the FAI request has initiated **any proceedings for assessment of constitutionality and legality** of the laws and other acts which are discriminatory against persons with disabilities.¹⁸⁶

Therefore, the EU recognised that Montenegro should “*ensure a better and more systematic access to justice, complaint systems and free legal aid for victims of human rights violations and victims of crime, and vulnerable groups, such as persons with disabilities; minorities, including Roma and Egyptians; and women and children victims of violence*”.¹⁸⁷

3.3.7. PARTICIPATION IN POLITICAL LIFE

The Constitutional Court of Montenegro abolished the legal prohibition of voting rights of persons denied legal capacity in November 2020.¹⁸⁸ In 2018 it also repealed the declarative provision of Article 65 paragraph 5 of the Law on the Election of Councillors and Members of Parliament¹⁸⁹ which prescribed that “the Municipal Election Commissions shall take into account the facilitation of access to polling stations for persons with disabilities”. Therefore, the accessibility of polling stations remained stipulated by the Rules on Determining and Arranging Polling Stations and Measures to Ensure the Secrecy of Voting¹⁹⁰ and the regulations in the area of spatial planning and facility construction (more information on this in subsection 3.4.1).

The voting rights of persons with disabilities are explicitly guaranteed by the Law on the Election of Councillors and Members of Parliament including the translation of debates on National Broadcast Services into sign language, the possibility to request information on the date and place of voting in an accessible format and voting via tactile ballot.¹⁹¹ There is a possibility of voting by letter for persons with disabilities¹⁹², which is often used as an excuse for the inaccessibility of polling stations. This was the case in the court civil proceeding for protection from disability-based discrimination which occurred in Kotor in the presidential elections in 2018.¹⁹³

In the last parliamentary elections in 2020, within the election campaign “*there was no information available in sign language or formats easily accessible to persons with disabilities, including subtitles or easy-to-read format materials*.”¹⁹⁴ In 13 municipalities where the elections were monitored, **105 voters with disabilities could not vote independently and secretly** and tactile ballot guides were not always provided to voters with visual impairments. “At least 16.2% of PSs did not contain Braille materials, while 30.6% observers estimated that PSs were inaccessible to people with disabilities.”¹⁹⁵ A total of 13,578 votes, equivalent to some 3.3 per cent of all votes, were cast through mobile voting.¹⁹⁶

Due to these irregularities, the Union of the Blind of Montenegro has initiated the proceeding before the Protector of Human Rights and Freedoms which resulted in the issuance of a recommendation to the State Election Commission to take measures to improve the ballot template and implement those proposals of this OPD which they deem justifiable¹⁹⁷. The lack of accessibility of PSs and materials resulted in other severe irregularities e.g.: “At PS 15 in Nikšić, due to the inaccessibility of the PS to people with disabilities, the voter registry was taken out of the PS for a voter to sign. At PS 18 in Kotor, there was no wheelchair access provided – voters had to climb stairs to enter the PS. At a PS in Podgorica, the wheelchair access was locked”¹⁹⁸

However, **there are no affirmative actions for the exercise of the active voting right for persons with disabilities** prescribed by the Law on the Election of Councillors and Members of Parliament. The members of the Parliament who are persons with disabilities do not declare themselves as members of this group. The participation of persons with disabilities in the municipal Assemblies is very rare, mainly motivated by the self-promotion of political parties, and not by a real eagerness to contribute to the participation of this group in political and public life. Therefore, the self-representation of persons with disabilities is still not ensured by exercising their active voting rights.

3.4. ACCESSIBILITY

There is no unified, comprehensive Accessibility Strategy nor separate comprehensive accessibility strategies dedicated to separate parts of the environment (physical, transport, information and ICT).

3.4.1 PHYSICAL ACCESSIBILITY

The Law on Spatial Planning and Facility Construction introduced in 2008 prescribed the deadline for adaptation of all facilities in public use to access and movement of persons with disabilities, which expired in 2013.¹⁹⁹ The first Action Plan for Adaptation of Buildings in Public Use for Access, Movement and Use by Persons with Disabilities and Persons with Reduced Mobility (Action Plan),²⁰⁰ was adopted in December 2013 by the GM, after the expiration of the deadline. The Action Plan covered the **adaptation of only 13 facilities in only 4 cities**. It was adopted for 2014, but its realisation was finalised in 2018. The second Action Plan covered 13 facilities with 22 institutions **with only one facility to be adopted outside the capital Podgorica** (the building of the state’s bodies in Mojkovac).²⁰¹

The premises of Montenegrin courts, state prosecutor’s offices, police administrations offices and the Administration for Inspection Affairs are inaccessible to persons with disabilities²⁰². Only 5 premises of police administration offices are partially accessible to persons with disabilities while 16 offices are fully inaccessible²⁰³. Out of 19 courts and state prosecutor’s

offices in Montenegro which have responded to FAI requests, only 1 State Prosecutor Office (the Basic Prosecutor's Office in Kotor) has stated that its premises are accessible, even though the hydraulic elevator in front of it at the time did not work.²⁰⁴ Out of other 18 courts and state prosecutor offices, 10 are partially accessible (mainly as they are situated on the ground floor, as explicitly indicated in the responses) and 8 have been stated to be inaccessible to persons with disabilities. Likewise, the premises of the Administration for Inspection Affairs are inaccessible to persons with disabilities.²⁰⁵

The facilities of Centres for Social Work are inaccessible as well. Out of 20 buildings, the centres are located in, only 1 (in Bar) is accessible to persons with disabilities, 11 are partially accessible and 8 are fully inaccessible.²⁰⁶ The solution to inaccessibility of the centres is solved *“by renting out premises or by social work officers going out of the premises and undertaking actions aimed at providing services to persons with disabilities”*.²⁰⁷ The Analysis on the Level of Accessibility of Primary and Secondary Schools has been prepared by the MESCS, and **no more than 16 primary schools out of 163 are fully accessible, while no more than 3 secondary schools out of 50 are fully accessible.** Only the premises of the MPADSM²⁰⁸ and the MED are accessible to persons with disabilities.²⁰⁹

The new Law²¹⁰ failed to introduce the universal design in this area, although it kept all accessibility standards and safeguards prescribed by the earlier Law. Although, the CRPD Committee has recommended the introduction of the accessibility standards and universal design into curricula for students of architecture and engineering,²¹¹ **this segment of education is not covered at the Faculty of Architecture**, while it was treated as an integral part of all subjects in relation to architectural, urban design, interior and exterior design.²¹²

3.4.2 ACCESSIBILITY OF TRANSPORT

The accessibility standards for bus and railway stations, airports, ports and other transport facilities are prescribed by the sub-law of the Law on Spatial Planning and Building Construction.²¹³ The Law on Road Transport is the only one which additionally points out the obligation of bus stations to be accessible.²¹⁴

The Directorate of Road Traffic of the MCI, in cooperation with the Chamber of Commerce of Montenegro, prepared the Analysis of the Accessibility of Public Traffic Elements (which is not publicly available). This Analysis indicated that bus stations did not fully meet the accessibility standards, and therefore the Directorate of Road Traffic took the stance which is proposed to the interested parties who were present at the meeting organized on July 27, 2021, on the occasion of drafting the Rulebook on Conditions for Bus Stations, that **bus stations be given a period of extra one year during which they would be obliged to meet the conditions defined in terms of accessibility of facilities to persons with disabilities and persons with reduced mobility.**²¹⁵

The Railway Infrastructure of Montenegro will in 2022 embark on a project aimed at providing accessibility of railway facilities for persons with reduced mobility and persons with disabilities for the train stations in Podgorica, Bar and Nikšić in compliance with the Law on Spatial Planning and Construction of Facilities. However, the MCI has not provided any information on the other train stations in Kolašin, Mojkovac and Bijelo Polje, so **at least 50% of train stations are not fully accessible for persons with disabilities**. Except for taxi vehicles, aeroplanes and some types of boats, **there are no legal requirements when it comes to the accessibility of vehicles in public transport**.

3.4.3 ACCESSIBILITY OF INFORMATION AND ICT

Only six institutions, out of 46 that replied to our FAI requests, have provided information in audio format: The Protector, the RC for Hearing and Speech Impairments “Dr Peruta Ivanović”, the MPADSM, the Basic Prosecutor’s Office in Bar, the Basic Prosecutor’s office in Bijelo Polje and the Special Psychiatric Hospital in Kotor. This indubitably indicates the level of (in)significance of the matter of accessibility of information to persons with disabilities.

Almost all institutions that provided information about the provision of accessible information to persons with disabilities (Braille, audio format etc.) have stated that they do **not have organizational means to provide persons with disabilities with information in an accessible format**. Only the Police Administration and the MPADSM have stated that they have the name of the institution in Braille.²¹⁶

As the GM has developed a new website accessible to persons with disabilities, all the ministries including the Police Administration have accessible web presentations. Additional good examples are the RC for Hearing and Speech Impairments “Dr Peruta Ivanović” and the RC for Children and Youth in Podgorica. The remaining institutions do not have accessible websites.²¹⁷

3.5. CRPD-COMPLIANT PROGRAMMING AND BUDGETING

There are no disability-inclusive budgeting standards and therefore disability-related costs are seldom included in planning, spending and monitoring of the state and local budgets. The same situation is when it comes to the budgeting of the UN System in Montenegro, the EU and other international partners. **The guidelines of the MFSW, the UN System in Montenegro and the EU delegation do not include any disability-related benchmarks** for the state and local budget, the UN programs and EU funds. Additionally, there is a low number of disability-related analyses and studies that included budget analysis, the most important being the Roadmap.

The Roadmap included detailed information on the costs of the existing social and child protection services. It noted that “(r)esidential care in Montenegro is expensive and it costs far

*more than family and community-based care. Annual public unit costs in institutions for children and young persons are particularly high (€12,748), even higher than in institutions for adult persons with disabilities and the elderly (€8,268 and €5,035, respectively). Total public expenditures for 705 children, adults and elderly in institutional care amounted to approximately €5 million in 2017. User fees are charged only for residential care services for elderly and persons with disabilities.”*²¹⁸ In addition, there are 368 children in “kinship and foster care,” and this number has been “steadily increasing.” and the annual average cost for each child in foster care was €3,545 in 2017.²¹⁹

Although the Roadmap showed that institutionalized care is much more expensive than family and community based one, **since 2017 around €20 million was spent for construction of the elderly homes** for adults with disabilities and the elderly in Pljevlja, Podgorica and Nikšić, €597,628.39 was spent for the establishment of 13 daily care centres for adults and elderly with disabilities, €261,413.00 for equipment of the Day Care Center for Children with Developmental Issues and Adults with Disabilities in Nikšić. These amounts were allocated by the state and local authorities and international partners, including the UN System in Montenegro and the EU. The MFSW participates in the costs of day care services in the amount of €150 per beneficiary.²²⁰ Contrary, **only €61,922.00** was spent on support **for acquiring the license for the provision of the personal assistance service** in the same period.²²¹ Family support services remains largely unfunded.

There is no prescribed duty for financing social and child services by local authorities and municipalities can, but are not obliged to, provide funding for the social and child protection services²²². Therefore, the only local authority which provides funds for personal assistance in its annual budget is the capital of Montenegro – Podgorica (€70,000,00 in 2021²²³), and **it is the only support service for community living for persons with disabilities** funded by local authorities besides the daily care centres. The daily care centres are funded both by the MFSW and local authorities. The participation of the MFSW is related only to accommodation costs of beneficiaries (transportation, food etc.), and the staff of the daily care centres is paid by the local authorities. Still, there is no clear division of responsibilities between state and local authorities when it comes to funding of variety of services, and therefore, there are no clear accountability and financing mechanisms between the national and local authorities, that affect the availability and provision of wide range of service.

The State budget for 2021²²⁴ is the first program-based budget in Montenegro, but nonetheless, **it contains only a few budget lines dedicated to persons with disabilities**. The only budget lines specifically related to persons with disabilities are the ones related to the EAM and the Fund (€10,308,421.66). The budget can be said to relate to persons with disabilities in the line *Transfers for Social Protection*, which specifies that €28,500,000.00 are earmarked for Care and assistance allowance, €3,900,000.00 for the Support of wards of the institutions of social and child

protection and €32,200,000.00 for Other rights from the area of social and child protection.²²⁵ As it can be seen, **the purpose of the majority of allocated funds for social and child protection is not precise** (*“Other rights from the area of social and child protection”*), **which provides the MFSW with significant room for discretionary use of the budget and the lack of possibilities for adequate monitoring.**

In the previous three annual state budgets²²⁶, the funds related to persons with disabilities were incorporated in the same budget lines. The table below shows the funds allocated to persons with disabilities by the State in the last three years:

Year	2018	2019	2020
Care and assistance allowance	21,745,000	23,100,000	25,160,000
Support of wards of the institutions of social and child protection	3,970,000	3,950,000	4,220,000
Other rights from the area of social and child protection	11,000,000	11,000,000	9,000,000

Between 2018-2020 **€27,368,230.00** was spent on professional rehabilitation and employment of persons with disabilities. The Fund provided €13,075,022.60 in subsidies to employers of persons with disabilities, €1,131,132.01, for professional rehabilitation of persons with disabilities, and €8,085,610.39 for the grant schemes. **€30,000.00 was dedicated to supporting the development of entrepreneurship of persons with disabilities** in 2020. Although more than **8 million** euros was spent on grant schemes between 2018-2020, there is no available data on **what percentage was dedicated to OPDs and how many persons with disabilities continued its engagement through indefinite and full-time term contracts** after the project’s conclusion.

As for the plans and expectations for 2021, the Law on Budget²²⁷ envisages that €10,308,421.66 will be spent on professional rehabilitation, €1,500,000.00 for grant schemes, €8,298,421.66 on subsidies to employers who hire persons with disabilities, while **€10,000.00 for loans for the support for self-employment of persons with disabilities**. Despite the increase in funds spent for these purposes, it is still unclear how these funds will be distributed and how its spending will be overseen.

*"The state provides special funds for financing projects and programs of non-governmental organisations in the field of protection of persons with disabilities, in the amount of 0.1% of the current annual budget."*²²⁸ Although the CRPD Committee recommended providing OPDs with adequate and sustainable financial resources,²²⁹ **these funds are not allocated only to OPDs**, but to all NGOs, with any experience in the disability rights field, which apply with projects. In that sense, **out of €962,430.39 allocated to projects for the protection of persons with disabilities in 2020 €631,741.29 were granted to OPDs** (21 organisations led by persons with disabilities and 17 organisations led by parents). The **56 OPDs**, which applied with projects on these calls for project proposals, **were rejected for financial support last year**. However, **24 NGOs which are not OPDs were supported with €330,689.10 which accounts for 34.4% of the total amount dedicated for the protection of persons with disabilities in 2020.**²³⁰

According to the information provided by the relevant ministries and institutions, there is no program-based budgeting linked to specific units and therefore, there is no institution **that has funds specifically allocated for the fulfilment of the needs of persons with disabilities.**²³¹

3.6. ACCOUNTABILITY AND GOVERNANCE

3.6.1. DATA ON DISABILITY

There is no single database for collecting information about the conditions of persons with disabilities and their families. Thehe Protector, the EAM, the MESCS and partially the MFSW collect data disaggregated according to disability, on cases of alleged discrimination, persons with disabilities (not) in employment, children with disabilities in education and accessing social protection

The MFSW does not have accurate data on the number of persons fully or partially denied their legal capacity.²³² Additionally, the Registry on proceedings for protection from disability-based discrimination has not yet been established.²³³ *"Generally, there is a lack of relevant statistics and quality data on disability, insufficient inter-sector cooperation".*²³⁴

However, **existing data is not shared between sectors, nor between local and national authorities and OPDs**. Additionally, even these data are not well disaggregated according to other demographic and social factors (gender, age, material status, living arrangements, etc.). Therefore, the extent to which data informs policies and the extent to which persons who receive benefits are satisfied with the support they've been provided is highly questionable.

The **project of the UNDP Montenegro "Disability Determination System Reform"** will tackle the lack of a registry of persons with disabilities (more information is provided in subsection 3.1.3.). Additionally, the implementation of the **Action Plan for the Implementation of the**

Recommendations of the CRPD Committee, currently in draft, will imply the formation of a single database on persons with disabilities. *“The formation of this database is important both for policy planning in this area and for needs assessment, monitoring of standards and living conditions of persons with disabilities. Such data will be generated according to gender, age, ethnicity, type of disability, socioeconomic status, employment and place of residence of persons with disabilities (...).”*²³⁵

3.6.2. MONITORING MECHANISMS

The GM has not yet established a Coordination Mechanism nor appointed an Independent Monitoring Mechanism for the implementation of the CRPD (more information on Coordination Mechanism is provided in subsection 3.1.4.) in line with article 33 of CRPD.

The Action Plan for the Implementation of the Recommendations of the CRPD Committee **will assign the competence of a national mechanism for monitoring the implementation of the CRPD to the Protector.** *“The competence of the Council for the Rights of Persons with Disabilities within the Protector's Institution will be monitoring the implementation of the CRPD.”*²³⁶

The Protector monitors the exercise of the rights of persons with disabilities within its mandate. It calls for accountability to the competent institutions, which fail to fulfil their duties regarding the rights of persons with disabilities, through the annual reports and public appearances. It entertains good relations with OPDs.

Various OPDs (for more information see Appendix IV) actively monitor and advocate for better realization of the rights of persons with disabilities. A coalition of OPDs submitted the Alternative Report to the CRPD Committee in 2017. OPDs consistently support and call for the implementation of the CRPD and the Committee's recommendations, in their advocacy with Government and Parliament, among other stakeholders. Their analysis is informed and refers to the CRPD, the CRPD Committee's recommendations and also the CRPD Committee General Comments.

Based on the Survey with OPDs, their significant achievement relates to solving physical barriers, providing personal assistance services, the initiation of court proceedings for protection from discrimination, the participation in the drafting of national and local documents, providing accessible door-to-door transportation and physiotherapy, improvement of access of children and adults with disabilities to health and social protection, education, employment, sports, and culture (see Tables I and II in Appendix II). The OPDs active at the local level provided more general responses in comparison to those active at the national level (which cited specific projects and issues) or did not respond at all to this question.

IV. ANALYSIS - CRITICAL GAPS AND OPPORTUNITIES

4.1 PARTICIPATION OF PERSONS WITH DISABILITIES

The critical gaps in participation of persons with disabilities are lack of support for the establishment and functioning of OPDs, inaccessibility to decision making processes and gaps in the legal framework regarding voting rights of persons with disabilities and its implementation.

There is a lack of pro-active state and local-government action to encourage and support establishment of OPDs. Consequently, there are no organisations of multiply and intersectionally-discriminated persons with disabilities yet (like women with disabilities, Roma and Egyptian with disabilities). The funds allocated for projects and programs of NGOs in the field of protection of persons with disabilities are not distributed in a manner which will ensure its sustainability, especially those active at the local level. The lack of accountability and lack of evidence-based distribution of funds, exacerbates the situation.

The legal framework to ensure full accessibility has gaps, in that it lacks obligations of the ministries to conduct all public consultations in an accessible and inclusive manner and provide persons with disabilities with affirmative action and reasonable accommodation to enable their participation in drafting legal and strategic documents. At the same time, OPDs and persons with disabilities are not seen as a crucial partner in decision making processes, in general but also in regard to disability rights. A protective rather than a human rights-based approach towards them prevails, and results in decisions being made for them rather than that persons with disabilities' right to be heard and take part in public life is being realized. Also, partly due to low levels of knowledge and education but also protective attitudes of family members, many persons with disabilities lack capacity and opportunity to take part in decision-making processes.

While legal guarantees of passive voting rights of persons with disabilities within the Law on the Election of Councillors and Members of Parliament are relatively strong, there are key gaps due to the lack of prescription of affirmative actions for the exercise of the active voting right of persons with disabilities. Gaps also exists due to weak implementation of the legislation, which appears due to limited know-how, funds and prioritization of the issues.

Considering that NGOs in Montenegro, in general, are not satisfied with the implementation of the Law on NGOs and its revision is envisaged, there is room for advocacy for OPDs related to legal framework reform. Additionally, the electoral laws have been undergoing revisions in the last few years and this process will indubitably continue. The newly founded Directorate of the MJHMR could take a more active role in ensuring the implementation of the existing provisions related to the voting rights of persons with disabilities.

4.2 EQUALITY AND NON-DISCRIMINATION

The critical gaps in guaranteeing equality and non-discrimination of persons with disabilities are lack of a comprehensive definition of disability, denial of legal capacity of certain groups of persons with disabilities, lack of recognition of sign language, gaps in the anti-discrimination legislation and its implementation and lack of coordination and consultation mechanisms on disability rights. Gaps appear to be the result of limited accountability and political will, and a pre-dominant application of a medical approach to disability. Lack of knowledge and capacity among professionals to legislate in line with and to implement CRPD also plays a role.

The Protector is the only institution, in charge of processing violations of human rights and disability-based discrimination, that has ex officio initiated proceedings to protect the rights of persons with disabilities. This means that overall, there is weak accountability for the implementation of legal framework and for human rights violations of persons with disabilities.

The UNDP project “Disability Determination System Reform” will ensure defining and implementation of the uniform definition of persons with disabilities and recognition of their status. The project is a unique opportunity to develop the legal and practical base for disability inclusion efforts in line with the CRPD. Although the work on the Draft of the Civil Code of Montenegro has been discontinued, it is expected to be continued in the next few years and it is a great opportunity to include the revision of the institute of legal and mental capacity in its drafting. There is a solid base for legal recognition of sign language as the official language in Montenegro, and its introduction into use by public institutions. The good cooperation between the UN System in Montenegro and the MJHMR as well as the current drafting of the new 2022-2027 Strategy could be used to introduce the institute of reasonable accommodation and better protection of persons with disabilities from multiple and intersectional discrimination into the legal and strategic anti-discrimination framework. The eagerness of the Protector to further engage in the disability rights field should be upheld by building its capacities to put its commitment into practice.

4.3 INCLUSIVE SERVICE DELIVERY

Gaps in compliance of the domestic legal framework with the CRPD, lack of a unified assessment and determination system and tools, weak implementation of existing legal provisions on transforming residential institutions into family and community based services, lack of an obligation on local authorities to engage in services delivery, weak implementation of a minimum package of services, limited financing and inter-sectoral cooperation as well as weak accountability and self-initiative by the competent institutions are among the biggest obstacles to inclusive service delivery to persons with disabilities. In addition, knowledge and capacity among

relevant State institutions to implement CRPD, to ensure inclusive services is still weak. At the same time, intersectionality is not taken into account when designing, implementing and monitoring public policies in different fields, therefore, the needs of persons with disabilities are usually separately tackled and not comprehensively met.

Measures to prevent the spread of the coronavirus have not been disability-inclusive partly due to a lack of inclusion of persons with disabilities in the design of the COVID-19 response.

A key result of poor implementation, financing and accountability mechanism is that persons with disabilities at present cannot exercise their rights to access individualized support services for community living, more than eight years since the adoption of the Law on Social and Child Protection, which guarantees these rights.

Therefore, the pre-dominant social and child protection services for persons with disabilities are still placement in institutions and care in the day care centres. In the area of health protection, persons with certain diagnoses and/or ages are entitled to rights in the field of health protection, while others with different diagnosis or ages are not, which cause that some persons with disability face unequal treatment.

In terms of access to justice, gaps are mainly caused due to limited knowledge by relevant authorities how to implement CRPD, limited resources, inaccessible infrastructure and information, and lack of provision of procedural and reasonable accommodations to persons with disabilities.

There is a draft Roadmap on de-institutionalization that could be adopted by the GM and implemented by the MFSW. The good cooperation between the UN System in Montenegro and the MFSW could be used to prohibit further institutionalisation and enhance the institutionalisation of persons with disabilities. The UNDP project “Disability Determination System Reform” will prepare a base for further harmonisation of the legal framework in the different areas with the CRPD.

4.4 ACCESSIBILITY

The critical gaps in achieving accessibility are lack of a comprehensive approach and cooperation of all relevant institutions, weak implementation of the existing legal framework and gaps in the legal and policy framework regarding transport, information and ICT accessibility, including lack of accountability of competent institutions.

There is no legislation obliging public institutions to consistently make information they share to the public available in accessible format. There is also no comprehensive Accessibility Strategy, or separate, comprehensive accessibility strategies dedicated to separate parts of the environment (physical, transport, information and ICT). The most comprehensive accessibility standards are prescribed for physical environment, while the accessibility of transport, information and ICT is not elaborated well as an obligation. However, even the implementation of the legal framework regarding physical accessibility so far has been slow and ineffective.

Although various mechanisms for prevention and sanctioning of physical inaccessibility are in force, these are not functioning effectively. Therefore, the majority of state institutions (including judicial system institutions, institutions of social and child protection, educational institutions.) are not fully accessible to persons with disabilities.

Accessibility standards regarding transport are mainly related to physical accessibility of the premise of bus stations, train stations and stops, airports and ports, and some vehicles in public transport only. Four years have passed since accessibility of bus stations was prescribed as an obligation by the Law, but many bus stations remain inaccessible to persons with various types of disabilities.

The GM has developed a new website in line with accessibility standards. The MPADSM showed its commitment to improve the accessibility of information and procedures by the state and local institutions, which could be used to improve access of persons with disabilities to public information and proceedings.

4.5. CRPD-COMPLIANT PROGRAMMING AND BUDGETING

The critical gaps related to CRPD-compliant programming and budgeting are the lack of visibility of funding for disability in the budgeting system and spending of majority of funds to institutional care, which contravenes national and international commitments.

There also appears to be limited knowledge on how to carry out disability inclusive budgeting, there are no guidelines to that effect, and the absence of adequate data on the number of persons with disabilities, the types of disability and the needs they face to participate in public life make disability inclusive budgeting difficult. There are no disability-related benchmarks in the state and local budgets.

Even though the State budget for 2021 is the first program-based budget in Montenegro, it contains only few budget lines dedicated to persons with disabilities, but their purpose is not precise, which provides significant room for discretionary use of the budget and the lack of possibilities for adequate monitoring.

The majority of funds spent for the development of social and child protection services and in the area of employment are not allocated in line with CRPD. Funds are spent for institutional care, despite legal provisions which clearly calls for transformation of residential institutions and investments in development of family and community-based care. In the area of employment of persons with disabilities, the Employment Fund is large, but its allocations have not been effective in reducing the number of persons with disabilities who are unemployed. In terms of Government funds for NGO project and programs in the field of protection of persons with disabilities, there is lack of clear criteria and protection mechanisms to distribute these to purposes in line with the CRPD.

Even now, when there is no disability-inclusive budgeting, big amounts of the State budget are allocated to persons with disabilities, and international support is not negligible. There is a great room to expand the good cooperation between the UN System in Montenegro with the MFSW in the area of disability-inclusive budgeting.

4.6 ACCOUNTABILITY AND GOVERNANCE

The critical gaps related to accountability and governance are the lack of relevant statistics and the non-existence of functioning coordination and monitoring mechanisms. The reasons which lead to these gaps are political will to systematically address the implementation and monitoring of the CRPD, and weak standing of the CRPD by decision makers. There is no Registry of persons with disabilities yet, nor are there comprehensive data on persons with disabilities in separate sectors. Only the Protector, the EAM, the MESCS and partially the MFSW collect data disaggregated according to disability. However, even these data are not well disaggregated according to other demographic and social factors and there is no distribution and interconnection of data among the sectors.

The GM has appointed neither a Coordinating Mechanism nor a focal point. This adversely influences the implementation of the CRPD and cooperation between all relevant stakeholders. Therefore, actions towards disability inclusion are ad hoc based and incomprehensive. The draft Action Plan for the Implementation of the Recommendations of the CRPD is yet to be adopted but provides for assigning the Protector as the national mechanism to monitor implementation of the CRPD.

There is a great room to initiate the establishment of the Coordination and Monitoring mechanisms by the GM and the Protector within the UNPRPD program. The UN System in Montenegro could provide these mechanisms with needed capacity building immediately after their establishment, which would enable them to adequately coordinate and monitor the implementation of the CRPD from inception of their work.

V. CONCLUSIONS AND KEY RECOMMENDATIONS

5.1. RECOMMENDATIONS FOR FURTHER ANALYSIS/DATA COLLECTION

It is suggested that the following further analysis and data collection is done in the short-term to increase the level of disability inclusion in Montenegro

1. A feasibility study for establishment of Ombudsperson for persons with disabilities in Montenegro
2. A feasibility study on the introduction of supported decision-making system for persons with intellectual or psycho-social disabilities in Montenegro.
3. Full accessibility analysis for:
 - a. facilities in public use with the recommendations for their adaption for Access, Movement and Use by persons with disabilities and Persons with Reduced Mobility
 - b. transportation (road, rail, air and maritime transport) including its physical, informational, procedural and ICT accessibility aspects,
 - c. polling stations, political campaigns and voting processes
4. Further Cost Efficiency and Budget-related Analysis in the area of professional rehabilitation and employment of persons with disabilities in order to ensure high-quality reform of the legal framework in the field.

5.2. RECOMMENDATIONS FOR PROGRAMMATIC CONSIDERATION

Key recommendations for programmatic consideration under the pre-conditions for disability inclusion are:

PARTICIPATION OF PERSONS WITH DISABILITIES

- Ensure active role of OPDs in assessing compliance of national legislation and aligning it with CRPD and other relevant international and regional instruments
- Ensure active role of OPDs in coordination, implementation, monitoring of the implementation and setting accountability mechanisms for CRPD implementation
- Advocate and provide support to the MPADSM to ammend the Law on NGOs or adopt a new law on OPDs and ensure its implementation
- Provide major stakeholders from MPADSM, other relevant ministries, Parliament, NHRI, local-selfgovernance, etc., with capacity building to ensure OPDs participation, reasonable accommodation and affirmative action provision to persons with disabilities in decision-making processes

- Advocate for and provide support to the MJHMR to revise the Law on the Election of Councillors and Members of Parliament to ensure affirmative action for the exercise of active voting rights of persons with disabilities
- Advocate with Parliament of Montenegro to better monitor CRPD implementation through its parliamentary bodies, for increased OPDs participation in decision making to support necessary amendments to laws/policies in line with CRPD
- Ensure pro-active participation of OPDs in the work of Protector of Human Rights and Freedoms and the UN system in Montenegro

EQUALITY AND NON-DISCRIMINATION

- Ensure active participation of OPDs, national and local authorities, relevant UN agencies and the EU in “Disability Determination System Reform” to support its full compliance with the CRPD
- Ensure the laws and by-laws in the area of social and child protection, education and employment and professional rehabilitation of persons with disabilities are aligned with the new “Disability Determination System Reform
- Advocate for and provide support to the MJHMR to revise the Family Law of Montenegro to remove existing legal obstacles to ensure full exercise of the rights of persons with intellectual and psychosocial disabilities, through, among other, inclusion of representatives of OPDs in the Working Group of the MJHRM for drafting the Civil Code of Montenegro
- Advocate at the highest instances in the country, primarily Constitutional Court of Montenegro to amend Article 13 of the Constitution of Montenegro and/or ensure development of the new law which will recognize use of the sign language as an official language
- Advocate and provide support to the MPADSM to regularly organize accredited training program of the sign language for all state and local institutions and businesses
- Provide support to the MJHMR to foster the reform of antidiscrimination legal framework to prohibit multiple and intersectional discrimination against persons with disabilities and recognize the denial of reasonable accommodation as disability-based discrimination
- Provide persons with disabilities with capacity building on how to access justice and report violations of their human rights and recognize disability-based discrimination.

INCLUSIVE SERVICE DELIVERY

- Initiate the revision of legal framework and practice in the field of health protection to provide equal access to medical rehabilitation, quality health protection and affordable and high-quality assistive technologies and aids
- Provide the MH, the MED and the MFSW with capacity building to ensure measures related to prevention of coronavirus spreading and recovery from the crisis are disability inclusive
- Provide MFSW with capacity building and support to adopt missing bylaws to the Law on Social and Child Protection to ensure persons with disabilities and their families are provided with individualized support services for independent living in a community, as well as to differentiate responsibilities on national and local level in service provision
- Advocate at MFSW for the adoption and implementation of the costed Roadmap on transition from institutional to family and community-based care by the MFSW, including development of a minimum package of services to be provided at local level
- Accelerate the process of deinstitutionalization of persons with disabilities through improved prevention, gatekeeping, and increased financial investments in family support and community-based services
- Provide the MH, the MED and the MFSW with capacity building to prevent institutionalization and support living in a family and community-based environment as well as independent living and employment
- Provide support to the MED in revision of the new Law on Professional Rehabilitation and Employment of Persons with Disabilities and development of new sub-legislation and professional rehabilitation measures
- Provide the MJHMR with capacity building and support to change the procedural laws (the Law on Civil Litigation, the Criminal Proceeding Code, the Law on Administrative Proceeding, the Law on Extra-Judicial Proceedings), in order to guarantee persons with disabilities the rights to procedural and reasonable accommodations

ACCESSIBILITY

- Provide support to the GM and the relevant ministries (MESPU, MCI, MPADSM) to develop a comprehensive Disability Inclusive Accessibility Strategy
- Initiate the prescription of the minimum percentage of public transport vehicles that have to be accessible for persons with disabilities and guarantee incentives for their purchase
- Improve cooperation between the relevant institutions (MESPU, urban-construction inspection, state prosecution offices, the Protector) in charge of monitoring and sanctioning physical inaccessibility

- Provide the MPADSM with support to develop legal framework regarding the accessibility of public information

CRPD COMPLIANT PROGRAMMING AND BUDGETING

- Advocates with the MFSW to ensure disability inclusive budgeting and investments of funds/fiscal reallocation in the development of family and community-based services instead of institutional placements
- Provide the MFSW with technical support to develop the guidelines for disability/inclusive budgeting, which includes disability-related benchmarks for the state and local budgeting
- Provide the MFSW, local self-governance and other actors with technical support to implement disability inclusive budgeting and differentiate responsibilities between the national and local level

ACCOUNTABILITY AND GOVERNANCE

- Ensure that the Registry of persons with disabilities, which will be established within the UNDP supported GM initiative “Disability Determination System Reform” enables all the competent institutions to access it
- Ensure availability of disaggregated data on persons with disabilities according to all relevant demographics, statistical and social factors (e.g., gender, age, residence, material status, etc.)
- Support the MJHRM and other relevant institutions to set up the ICT Registry System on proceedings for protection from disability-based discrimination and provide the Protector with full access to data
- Initiate the establishment of the Coordination and Monitoring mechanisms by the GM and the Protector
- Advocate with the GM and MJHMR to designate a disability focal point and appoint focal points for disability rights across all competent ministries
- Ensure that comprehensive Disability Rights Strategy includes result-based framework and costed Action Plan
- Provide technical support and share good practices from other countries, with the Protector of Human Rights and Freedoms of Montenegro as well as OPDs to establish the independent national mechanism for monitoring the implementation of the CRPD, and provide financial and technical support for the functioning of the mechanism

SPECIFIC RECOMMENDATIONS FOR THE UN SYSTEM IN MONTENEGRO

- Increase the level of disability inclusion in the work of the UN country team in Montenegro, through assessing the currently level of disability inclusion in cooperation with OPDs and provision of recommendations how to address key gaps, as well as through availing of OPDs support to strengthening of disability rights analysis that informs the Sustainable Development Cooperation Framework and disability inclusion in programs carried out under the framework
- Reinforce efforts to implement UNDIS in Montenegro, and engages OPDs to advise it on existing gaps and way forward
- Ensure participation of OPDs in all relevant activities that will be carried out under the PRPD funded program, ranging from membership in the Joint Steering Committee, programmatic activities and programme evaluation

APPENDICES

APPENDIX I: THE LIST OF CONTACTED INSTITUTIONS (FAI REQUESTS) AND THE SUBSEQUENT RESPONSES

INSTITUTION CONTACTED	THE DATE OF SENDING THE FAI REQUEST	RESPONSE
PI Resource Center for Hearing and Speech “Dr Peruta Ivanovic” Kotor	02.08.2021.	The Decision of PI Resource Center for Hearing and Speech “Dr Peruta Ivanovic” Kotor No. 1452 of 10 August 2021
Public Institution “Komanski most”	03.08.2021.	The Decision of the Public Institution „Komanski most“, No. 01-142-/21-2-2 of 13 August 2021
The Administration for Inspection Affairs	05.08.2021.	The Decision of the Administration for Inspection Affairs, no. 1001-037/21- 118/2 of 17 August 2021
The Administrative Court	04.08.2021.	The response not received
The Constitutional Court	04.08.2021.	The Decision of the Constitutional Court of

		Montenegro, no. 491/21-1 of 12 August 2021
The Employment Agency of Montenegro	09.08.2021.	The Decision of the Employment Agency of Montenegro filed under no. 06/100/18-21 of 19 August 2021
The Government of Montenegro	02.08.2021.	The response not received
The Ministry of Capital Investments	06.08.2021.	The Decision of the Ministry of Capital Investments No: 06/1-341/21-9810-1 of 14 September 2021
The Ministry of Ecology, Spatial Planning and Urbanism	06.08.2021.	The response not received
The Ministry of Economic Development	09.08.2021.	The Decision of The Ministry of Economic Development No. 002-037-21-6960/5 of 22 September 2021
The Ministry of Education, Science, Culture and Sports	03.08.2021.	The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021

The Ministry of Finance and Social Welfare	02.08.2021.	The Decision of the Ministry of Finance and Social Welfare, no. 16-UPI-113-037/21-41-1 of 16 August and 13 September 2021
The Ministry of Health	03.08.2021.	The response not received
The Ministry of Justice, Human and Minority Rights	02.08.2021.	The Decision of the Ministry of Justice, Human and Minority Rights, no. 2-037/20-532/1 of 31 August 2021
The Ministry of Public Administration, Digital Society and Media	05.08.2021.	The Decision of the Ministry of Public Administration, Digital Society and Media, no. 01-037/21-1511/2 of 27 August 2021
		The Decision of the Ministry of the Interior No 037/21-3044/3 of 19 August 2021
		The Decision of the Ministry of the Interior No 21-3044/5 of 9 August 2021
		The Decision of the Ministry of the Interior No 037/21-3067/3 of 25 August 2021

The Ministry of the Interior		The Decision of the Ministry of the Interior No. 037/21-3067 of 16 August 2021
		The Decision of the Ministry of the Interior No. 30-4/I-037/21-3067 of 17 August 2021
		The Decision of the Ministry of the Interior No. 037/21-3067/6 of 16 August 2021
	04.08.2021.	The Decision of the Police Administration, no. 12-040/21-22622/1 of 10 August 2021
		The Decision of the Police Administration, no. 037/21-23013 of 13 August 2021
		The Decision of the Police Administration Regional unit Budva, no. 01-037/21-8090 of 12 August 2021
		The Decision of the Police Administration Regional unit Pljevlja, no. 037/21-3245/1 of 12 August 2021

The Police Administration		The Decision of the Police Administration Regional unit Herceg Novi, no. 215/21-4681 of 13 August 2021
		The Decision of the Police Administration no. 112/21-23545/1 of 20 August 2021
The Protector of Human Rights and Freedoms of Montenegro	02.08.2021.	The Decision of the Protector of Human Rights and Freedoms of Montenegro, no. 03-955/21-1 of 13 August 2021
The Resource centre “1 jun” Podgorica	03.08.2021.	The response not received
The Resource Center for Children and Youth Podgorica	02.08.2021.	The Decision of Public Institution Resource Center for Children and Youth Podgorica No. 1986 of 06 August 2021
The Special Psychiatric Hospital Kotor	06.09.2021.	The Decision of the Special Psychiatric Hospital Kotor 01-037/21-253/7 of 21 September 2021

The Supreme Court	04.08.2021.	The Decision of the Supreme Court, no. 335/21 of 27 August 2021
The Supreme State Prosecutor's Office	03.08.2021.	The Decision of the Special State Prosecutor's Office Podgorica, No 9/21 of 7 September 2021
		The Decision of the Supreme State Prosecutor's Office Podgorica, No 19/21 of 8 September 2021
		The Decision of the High State Prosecutor's Office Podgorica, No 4/21 of 13 September 2021
		The Decision of the High State Prosecutor's Office Bijelo Polje, No 3/21 of 8 September 2021
		The Decision of the Basic State Prosecutor's Office Plav no.7/21 of 18 September 2021
		The Decision of the Basic State Prosecutor's Office Rožaje no.10/21 of 3 September 2021

	The Decision of the Basic State Prosecutor's Office Nikšić no.9/21 of 2 September 2021
	The Decision of the Basic State Prosecutor's Office Bar no 7/21 of 2 September 2021
	The Decision of the Basic State Prosecutor's Office Herceg Novi no.13/2021 of 2 September 2021
	The Decision of the Basic State Prosecutor's Office Ulcinj no.8/21 of 7 September 2021
	The Decision of the Basic State Prosecutor's Office Kolašin no.9/21 of 8 September 2021
	The Decision of the Basic State Prosecutor's Office Cetinje no.8/21 of 7 September 2021
	The Decision of the Basic State Prosecutor's Office

		Bijelo Polje no.10/21-2 of 9 September 2021
		The Decision of the Basic State Prosecutor's Office Kotor no.11/21 of 8 September 2021
		The Decision of the Basic State Prosecutor's Office Pljevlja no.7/21-2 of 10 September 2021
		The Decision of the Basic State Prosecutor's Office Berane no.7/2021 of 9 September 2021
		The Decision of the Basic State Prosecutor's Office Podgorica no.14/21 of 15 September 2021
The Union of Municipalities of Montenegro	02.08.2021.	The Decision of the Union of Municipalities of Montenegro, no. 03-578/21 of 05 August 2021

Vlada Crne Gore
Ministarstvo finansija i socijalnog staranja
Ul. Stanka Dragojevića 2
81000 Podgorica

N/r licu ovlašćenom za postupanje po zahtjevima za slobodan pristup informacijama

Na osnovu člana 1 stav 1, člana 2 i člana 18 Zakona o slobodnom pristupu informacijama („Službeni list Crne Gore”, br. 44/12 od 9. 8. 2012., 30/17 od 9. 5. 2017.) tražimo pristup informaciji - dokumentu:

1.

- Da li je objekat u kome se nalazi Vaše Ministarstvo pristupačan za osobe sa invaliditetom (OSI) i u kojoj mjeri? Da li u svom timu imate zaposlene OSI i koliko?
- Koliko je centara za socijalni rad i ustanova socijalne i dječje zaštite pristupačno OSI i u kojoj mjeri (navesti naziv institucije, sjedište i nivo pristupačnosti OSI)?
- Da li u okviru Vašeg Ministarstva postoji poseban odsjek koji se bavi pravima OSI? Ukoliko ima, koliko je osoba u njemu zaposleno, a ako nema, u okviru kojeg odsjeka i koliko zaposlenih se bavi pravima OSI? Koliki je budžet za 2021. godinu predviđen za rad odsjeka i/ili zaposlenih koji se bave pravima OSI? Koji je to procenat u odnosu na ukupan budžet Vašeg Ministarstva?
- Koliki je procenat budžeta u odnosu na ukupan budžet Vašeg Ministarstva za 2021. godinu predviđen za obezbjeđivanje finansijskih sredstava za rad organizacija OSI? Kako i kada se taj iznos opredjeljuje i kojim organizacijama OSI?
- Koji procenat od ukupnih budžetskih izdvajanja tokom poslednje 4 godine je namijenjen OSI? Koji su to udjeli u ukupnom BDP-u ili sektorskim budžetima? Navedite koje budžetske linije su isključivo opredjeljene za OSI. Postoji li neko obavezno izdvajanje iz budžeta javnih subjekata za OSI? Da li postoji bilo koji budžetski sistem za praćenje/marker/kod koji omogućava raščlanjivanje budžetskih podataka prema polu ili invaliditetu?
- Koliki je udio vladinog budžeta potrošen na ustanove socijalne i dječje zaštite (uključujući i dnevne centre i dnevne boravke) i grupne zajednice u odnosu na individualizovane 1 na 1 usluge podrške za život u zajednici za OSI i njihove porodice? Koje su ustanove socijalne i dječje zaštite (uključujući i dnevne centre i dnevne boravke) i grupne zajednice izgrađene u poslednje četiri godine? Za svaku ustanovu navesti u kojoj opštini se nalazi, koliko novca je potrošeno za njenu izgradnju, koliki je njen kapacitet i za koje OSI je namijenjena.
- Postoje li zakonom prepoznate mjere, programi i prava za omogućavanje inkluzije i jednakosti OSI, a koji se još uvijek ne finansiraju iz državnog budžeta (npr. tumačenje i prevođenje na znakovni jezik, pristupačnost objekata i površina u javnoj upotrebi, pristupačnost obrazovnog procesa, didaktičkih sredstava i omogućavanje asistencije u nastavi, e-pristupačnost ili usluge socijalne i dječje zaštite koje se pružaju OSI po principu 1 na 1)? Postoji li prostor za preraspodjelu sredstava iz programa koji nisu usklađeni sa Konvencijom UN-a o pravima OSI na postojeće ili nove programe koji su inkluzivni? (npr.

preraspodjela sredstava za specijalno obrazovanje na inkluzivno obrazovanje, preraspodjela sredstava za ustanove socijalne i dječije zaštite i grupne

zajednice na usluge podrške za život u zajednici koje su pružaju po principu 1 na 1)?

- Koji je ključni uticaj pandemije COVID-19 na budžet do sada (npr. koji su rashodi smanjeni, a koji povećani)? Da li je bilo koja od revizija budžeta uticala na pružanje usluga OSI? Ako je došlo do smanjenja budžeta, da li je smanjenje bilo proporcionalno među socijalnim grupama ili su sredstva za OSI neproporcionalno smanjena u odnosu na sredstva za druge grupe?
- Da li je Vaše Ministarstvo iniciralo i/ili učestvovalo u usklađivanju propisa sa Konvencijom UN o pravima OSI? Da li je Vaše Ministarstvo podnijelo i koliko inicijativa Ustavnom sudu Crne Gore za ocjenu ustavnosti i zakonitosti, a u cilju usklađivanja propisa sa Konvencijom UN? Navesti koji su propisi u pitanju, kada je inicirano njihovo usklađivanje, koji su rezultati preduzetih koraka.
- Šta je Vaše Ministarstvo preduzelo na usvajanju Akcionog plana za implementaciju preporuka Komiteta UN-a za prava OSI i Strategije deinstitucionalizacije OSI? Kada se očekuje usvajanje ovih dokumenata? Na koji način su organizacije OSI i u kom udjelu (procenuto) u odnosu na ukupan broj članova Radne grupe, uključene u ovaj proces?
- Koje je aktivnosti i mjere Vaše Ministarstvo u posljednje dvije godine preduzelo na edukaciji relevantnih stručnjaka/inja koje rade s osobama s invaliditetom (OSI), opšte javnosti i samih OSI o pravima OSI iz oblasti socijalne i dječije zaštite? Za svaku aktivnost ili mjeru navesti: temu, dužinu trajanja edukacije, broj obuhvaćenih osoba, predavače/trenere, način uključivanja organizacije OSI u planiranje, sprovođenju i evaluaciji edukacije.
- Koje aktivnosti i mjere je Vaše Ministarstvo preduzelo da OSI informiše u različitim pristupačnim formatima o pravima iz oblasti socijalne i dječije zaštite i dostupnim mjerama za podnošenje pritužbi? Za svaku mjeru i aktivnost navesti: vrstu obezbjeđene informacije/materijala; broj OSI kojima je distribuiran/a, njihov pol, mjesto stanovanja i vrstu invaliditeta; vrstu pristupačnog formata u kojem je urađen/a.
- Koje osoblje/profesionalci je uključeno u sprovođenje pojedinačnih procjena invaliditeta u okviru prvostepenih i drugostepene Socijalno-ljekarske komisije? Koje su njihove kvalifikacije i da li prolaze početnu i konitnuiranu obuku? Koji mehanizmi regulacije i kontrole kvaliteta postoje u sistemu procjene invaliditeta? Da li su procesi procjene i utvrđivanja potpuno dostupni i pristupačni za OSI (u smislu usluga, informacija i procesa procjene za sve vrste invaliditeta)? Da li postoji funkcionalan i pristupačan mehanizam za žalbe OSI?
- Koji je broj i udio (u odnosu na ukupnu populaciju) OSI koje trenutno borave u ustanovama socijalne i dječije zaštite u opsegu od ustanova do malih grupnih zajednica. Navesti naziv ustanove/grupne zajednice i njeno sjedište, broj OSI korisnika/ca (razvrstane prema polu, starosti, invaliditetu, mjestu stanovanja prije smještaja u ustanovu/grupnu zajednicu) i koliko godina su u predmetnoj ustanovi/grupnoj zajednici. Koliko je OSI starosti ispod 65 godina smješteno u staračkim domovima i u kojim (razvrstati podatke prema polu, invaliditetu, mjestu stanovanja prije smještaja u starački dom)?
- Kakva su iskustva OSI koje žive u ustanovama socijalne i dječije zaštite u vrijeme pandemije? Koliki je udio infekcija i smrtnih slučajeva OSI koje žive u ustanovama socijalne i dječije zaštite i grupnim zajednicama, u odnosu na ukupan broj OSI koji žive u tim ustanovama i u odnosu na ukupan broj infekcija i broj smrtnih slučajeva izazvanih

virusom COVID-19?

- Da li i u kojim ustanovama socijalne i dječije zaštite postoji uspostavljen anonimni i pristupačni mehanizam žalbi i obavezni protokol koji se mora pratiti nakon bilo kakvih navoda o zlostavljanju korisnika, kao i mjere za izbjegavanje incidenata poput gušenja? Koliko je OSI imalo koristi od ovih mehanizama, protokola i mjera? Koliko je bilo smrti OSI u ustanovama socijalne i dječije zaštite (uključujući i dnevne centre i dnevne boravke) i grupne zajednice u posljednje četiri godine nakon kojih nije vršena obdukcija?
- Da li su i koliko OSI u ustanovama bile podvrgnute abortusu i/ili sterilizaciji (razvrstati podatke prema polu, invaliditetu, godinama starosti, mjestu stanovanja prije smještaja u ustanovu)?
- Da li postoje usluge za OSI koje trpe nasilje, bilo unutar kuće ili izvan kuće, kao što su skloništa, službe za podršku žrtvama, telefonske linije i mehanizmi žalbi, uključujući i na lokalnom nivou, koje uključuju i rodnu ravnopravnost, kao i perspektivu djeteta? Za svaku službu navesti: opštinu u kojoj je dostupna, vrstu usluge, broj OSI korisnika (podatke razvrstati po polu, starosti, mjestu stanovanja i invaliditetu).
- Koliko je djece s invaliditetom smješteno u hraniteljske i usvojiteljske porodice? Za svako dijete s invaliditetom navesti: da li je u pitanju hraniteljska ili usvojiteljska porodica, mjesto stanovanja, pol, dob i vrstu invaliditeta djeteta, koja se dodatna podrška za hraniteljsku ili usvojiteljsku porodicu pruža.
- Da li i koja podrška se pruža roditeljima s invaliditetom koji brinu o svojoj djeci? Koliko roditelja s invaliditetom prima ovu podršku i u kojim opštinama? Koliko je roditelja s invaliditetom potpuno ili djelimično lišeno roditeljskog prava u posljednje četiri godine (navesti podatke po starosti, mjestu stanovanja i vrsti invaliditeta roditelja).
- Da li i koja podrška se pruža roditeljima djece s invaliditetom? Koliko roditelja djece s invaliditetom prima ovu podršku i u kojim opštinama? Koliko je djece s invaliditetom odvojeno od svojih bioloških roditelja (navesti podatke po starosti, mjestu stanovanja i vrsti invaliditeta djeteta).
- Koje su vrste usluga socijalne i dječije zaštite na raspolaganju OSI i kojim grupama? Koje usluge nedostaju (uzimajući u obzir pol, starost, vrste oštećenja i posebno nedovoljno zastupljene OSI kao i geografsku distribuciju)? Kako se usluge finansiraju i pružaju? Koliko je osoba, uključujući profesionalce, sertifikovano za pružanje ovih usluga na 1000 OSI (navesti vrstu sertifikata/profesiju i uslugu)? Da li su, na koji način i koje organizacije OSI konsultovane i uključene u kreiranje i primjenu usluga socijalne i dječije zaštite, mjera i programa u oblasti socijalne i dječije zaštite?
- Navedite broj i udio OSI u ukupnom broju korisnika/ca koje pristupaju uslugama podrške žrtvama krivičnih djela prema polu, starosti, invaliditetu, geografskoj distribuciji i vrsti usluge.
- Na koji način Vaše Ministarstvo osigurava da je višestruka intersekcijaska diskriminacija žena s invaliditetom adresirana politikama i programima u oblastima zaštite od nasilja, eksploatacije i zlostavljanja i invalidnosti? Koliko je žena s invaliditetom (razvrstati podatke po starosti, mjestu stanovanja i invaliditetu) imalo koristi od ovih politika i programa? Da li postoji dodatna podrška za samohrane majke s invaliditetom, a koje za cilj imaju da njihovo dijete ostane sa njima? Ako postoje navesti u kojim opštinama, koja vrste usluge/podrške i koliko je korisnica tih usluga podrške. Kako je COVID-19 uticao i/ili poremetio usluge socijalne i dječije zaštite za OSI? Kako je to uticalo na njih? Da li je Vaše Ministarstvo učestvovalo u izradi izvještaja o diskriminaciji OSI u pristupu uslugama

socijalne i dječije zaštite i novčanoj pomoći ili socijalnoj zaštiti tokom krize izazvane pandemijom i u toku oporavka od COVID-19? Ako jeste, dostavite Izvještaj. Kako se mjerama pristupačnosti daje prioritet u planiranju i programima oporavka od COVID-19? Postoje li procjene uticaja/brze procjene potreba/ankete, koje se odnose konkretno na OSI? Jesu li neke zakonske reforme preduzete kao rezultat krize izazvane pandemijom COVID-19? Ako je odgovor da, da li su te reforme osigurale da se prava OSI poštuju i uključuju i jesu li usklađene s principima Konvencije UN o pravima OSI? Kako su organizacije OSI uključene u analizu uticaja pandemije COVID-19, kao i u planiranje, reagovanje i donošenje odluka o oporavku? Da li je njihovo učešće bilo efikasno i sadržajno?

- Navesti datume održavanja javnih rasprava i nazive dokumenata povodom čije izrade su iste organizovane, a u okviru kojih su ispoštovane obaveze iz člana 16 Uredbe o izboru predstavnika nevladinih organizacija u radna tijela organa državne uprave i sprovođenju javne rasprave u pripremi zakona i strategija („Službeni list Crne Gore" br. 041/18 od 28.06.2018.). Koliko je OSI učestvovalo u ovim javnim raspravama? Koji procenat sugestija OSI i njihovih organizacija je usvojen u okviru javnih rasprava u kojima su one učestvovala?
- U kojim radnim grupama Vašeg Ministarstva su učestvovali predstavnici/e organizacija OSI, i koliki je udio (procenat) predstavnika organizacija OSI u tim radnim grupama u odnosu na ukupan broj članova radnih grupa? Koji procenat sugestija organizacija OSI je usvojen u okviru radnih grupa u kojima su one učestvovala?
- Koji mehanizmi postoje za praćenje sprovođenja politika i planova koji se odnose na prava OSI? Koje su zainteresovane strane uključene u rad tih mehanizama? Jesu li i na koji način organizacije OSI angažovane kao članovi takvih mehanizama?
- Da li postoji osoba za OSI na nivou Vašeg Ministarstva sa dovoljnim ovlaštenjima da integriše prava OSI u sve politike i programe? Ako takva osoba ne postoji, na koji način je osigurano da su prava OSI integrisana u sve politike i programe Vašeg Ministarstva?
- U kojoj mjeri ankete i istraživanja koje sprovodi Vaše Ministarstvo prikupljaju podatke o invaliditetu? Postoje li administrativni podaci o ostvarivanju prava OSI u odnosu na stanovanje, adekvatan životni standard, socijalnu i dječiju zaštitu, i zaštitu od nasilja, eksploatacije i zlostavljanja i dr.? Ukoliko postoje, navedite podatke po godinama razvrstane prema polu, starosti, invaliditetu, mjestu stanovanja itd. Da li su dostupni podaci relevantni i dostupni donosiocima odluka u procesu primjene i monitoringa Konvencije UN-a? Da li su izvještaji i podaci o OSI kojima raspolaže Ministarstvo dostupni u pristupačnim formatima, i ukoliko jesu, u kojim?
- Koji su dokazi dostupni o nejednakosti OSI u siromaštvu i prihodima (numeracija odgovara indikatorima Visokog komesara UN za ljudska prava, Konvencije UN-a i ciljeva održivog razvoja):
 - 28.22 Udio stanovništva ispod međunarodne granice siromaštva, prema polu, starosti, statusu zaposlenja i geografskom položaju (urbano/ruralno) i invaliditetu (indikator ciljeva održivog razvoja 1.1.1)
 - 28.23 Udio OSI koje žive ispod međunarodne granice siromaštva od 1,90 američkih dolara dnevno u odnosu na udio ukupne populacije, prema polu i starosti.
 - 28.24 Udio stanovništva koje živi ispod nacionalne linije siromaštva prema polu i starosti (indikator ciljeva održivog razvoja 1.2.1) i invaliditetu.
 - 28.25 Udio muškaraca, žena i djece svih satrosnih dobi koji žive u siromaštvu u svim

njegovim dimenzijama prema nacionalnim definicijama indikator ciljeva održivog razvoja 1.2.2) prema invaliditetu, prije i poslije socijalnih transfera

- 28.26 Udio ljudi koji žive ispod 50 procenata od prosječnih prihoda prema starosti, polu i invaliditetu (indikator ciljeva održivog razvoja 10.2.1).

2. Pristup predmetnom dokumentu tražimo u cjelosti. Predmetni dokumenti/informacije se traže radi pripreme Izvještaja o situaciji poštovanja prava lica s invaliditetom u Crnoj Gori u okviru uvodne faze projekta UN partnerstva za prava osoba s invaliditetom, koju sprovodi UNICEF, UNDP i Kancelarija stalnog predstavnika UN-a za Crnu Goru.

3. Pristup predmetnom dokumentu želimo ostvariti: u elektronskom formatu na e-mail adresu: imiboke@gmail.com i u štampanoj i zvučnoj formi na CD-u dostavom putem pošte na adresu: Stari grad br. 454, 85330 Kotor.

Napomena: U slučaju kada je podnosilac Zahtjeva lice s invaliditetom, troškove postupka snosi organ vlasti (član 33 stav 4 Zakona o slobodnom pristupu informacijama).

Inicijativa mladih s invaliditetom Boke

Izvršna direktorka

Miroslava-Mima Ivanović

Government of Montenegro
The Ministry of Finance and Social Welfare
Stanka Dragojevića 2 st.
81000 Podgorica

To the person authorized to act upon Requests for Free Access to Information

Pursuant to Article 1, paragraph 1, Article 2 and Article 18 of the Law on Free Access to Information ("Official Gazette of Montenegro", No. 44/12 of 9 August 2012, 30/17 of 9 May 2017), we request access to the following information - document:

1.

- Is the facility where your Ministry is located accessible to persons with disabilities (PWDs) and to what extent? Do you have employees with disabilities in your team and if yes, how many?
- How many centers for social work and institutions of social and child protection are accessible to PWDs and to what extent (state the name of the institution, its seat and the level of accessibility to PWDs)?
- Is there a special department within your Ministry that deals with the rights of PWDs? If so, how many people are employed in it, and if not, how many employees deal with the rights of PWDs and within which departments are they employed? What is the budget for 2021 for the work of departments and/or employees dealing with the rights of PWDs? What is the percentage in relation to the total budget of your Ministry?
- What is the percentage of the budget in relation to the total budget of your Ministry for 2021 provided for the provision of financial resources for the work of organizations of persons with disabilities (OPDs)? How and when is this amount determined and to which OPDs?
- What percentage of the total budget allocations during the last 4 years has been earmarked to PWDs? What are these shares in total GDP or sector budgets? Indicate which budget lines are exclusively dedicated to PWDs. Is there any obligatory allocation from the budget of public entities for PWDs? Is there any budget tracking system that allows budget data to be broken down/disaggregated by gender or disability?
- What share of the government budget is spent on social and child protection institutions (including institutions and daycare centres) and group communities compared to individualized 1 on 1 community life support services for PWDs and their families? What social and child protection institutions (including institutions and daycare centres) and group communities have been built in the last four years? For each institution, state in which municipality it is located, how much money was spent on its construction, what is its capacity and what group of PWDs it is intended for.

- Are there legally recognized measures, programs and rights to enable inclusion and equality of PWDs that are still not financed from the state budget (e.g. interpretation and translation into sign language, accessibility of facilities and areas in public use, accessibility of the educational process, teaching aids and providing teaching assistance, e-accessibility or social and child protection services provided to PWDs on a 1 on 1 basis)? Is there room for reallocation of funds from programs that are not in line with the UN Convention on the Rights of Persons with Disabilities to existing or new programs that are inclusive? (e.g. reallocation of funds for special education to inclusive education, reallocation of funds for social and child protection institutions and group communities on community-based life support services they provide on a 1 on 1 basis)?
- What has been the key impact of the COVID-19 pandemic on the budget so far (e.g. which expenditures have been reduced and which have been increased)? Have any of the budget revisions affected the provision of PWD services? If there was a reduction in the budget, was the reduction proportional among social groups or were the funds for PWDs disproportionately reduced compared to the funds for other groups?
- Has your Ministry initiated and/or participated in the harmonization of regulations with the UN Convention on the Rights of Persons with Disabilities? Has your Ministry submitted and how many initiatives to the Constitutional Court of Montenegro for the assessment of constitutionality and legality, to harmonize regulations with the UN Convention? Indicate which regulations are in question, when their harmonization has been initiated, what are the results of the steps undertaken.
- What did your Ministry do to adopt the Action Plan for the implementation of the recommendations of the UN Committee on the Rights of Persons with Disabilities and the Strategy for the Deinstitutionalization of Persons with Disabilities? When is the adoption of these documents expected? In what way are OPDs and in what share (percentage) in relation to the total number of members of the Working Group involved in this process?
- What activities and measures have your Ministry taken in the last two years to educate relevant professionals working with PWDs, the general public and PWDs themselves on the rights of persons with disabilities in the field of social and child protection? For each activity or measure, state: topic, duration of the training, number of persons involved, lecturers/trainers, manner of OPDs involvement in the planning, implementation and evaluation of the training.
- What activities and measures have your Ministry taken to inform PWDs in various accessible formats about social and child protection rights and available measures for filing complaints? For each measure and activity indicate the type of information/material provided; the number of PWDs to whom it has been distributed, their gender, place of residence and type of disability; the type of accessible format in which it was made.
- Which staff/professionals are involved in conducting individual disability assessments within the first and second instances of the Social Medical Commission? What are their

qualifications, and do they undergo initial and continuous training? What mechanisms of regulation and quality control are there in the disability assessment system? Are assessment and identification processes fully accessible and accessible to PWDs (in terms of services, information and assessment processes for all types of disabilities)? Is there a functional and accessible mechanism for complaints of PWDs?

- What is the number and share (in relation to the total population) of PWDs currently residing in social and child protection institutions ranging from institutions to small group communities. Indicate the name of the institution/group community and its seat, the number of PWD beneficiaries (sorted by gender, age, disability, place of residence before joining the institution/group community) and how many years they have been in the institution/group community. How many PWDs under the age of 65 are placed in nursing homes and in which (sort data by gender, disability, place of residence before placement in a nursing home)?
- What are the experiences of PWDs living in social and child protection institutions during the pandemic? What is the share of infections and deaths of PWDs living in social and child protection institutions and group communities, in relation to the total number of PWDs living in these institutions and in relation to the total number of infections and deaths caused by the COVID-19 virus?
- Is there an anonymous and accessible complaint mechanism and a mandatory protocol that must be followed after any allegations of abuse of beneficiaries, as well as measures to avoid incidents such as suffocation? How much have PWDs benefited from these mechanisms, protocols and measures? How many deaths of PWDs have occurred in social and child protection institutions (including institutions and daycare centres) and group communities in the last four years after which no autopsy was performed?
- Have and to what extent PWDs in institutions been subjected to abortion and/or sterilization (sort data by gender, disability, age, place of residence before their placement in the institution)?
- Are there services for PWD who were victims of violence, either inside or outside the home, such as shelters, victim support services, telephone lines and complaint mechanisms, at the local level as well, that take into account gender equality as well as the perspective of the child? For each service, state: the municipality in which it is available, type of service, number of users (data by gender, age, place of residence and disability).
- How many children with disabilities are placed in foster and adoptive families? For each child with a disability, state: whether it is a foster or adoptive family, place of residence, sex, age and type of disability of the child, what additional support is provided to the foster or adoptive family.
- Is and if yes, what support, is provided to parents with disabilities who care for their children? How many parents with disabilities receive this support and in which municipalities? How many parents with disabilities have been completely or partially

deprived of parental rights in the last four years (indicate data by age, place of residence and type of disability of the parents).

- Is, and what kind of support is provided to parents of children with disabilities? How many parents of children with disabilities receive this support and in which municipalities? How many children with disabilities are separated from their biological parents (indicate data by age, place of residence and type of disability of the child).
- What types of social and child protection services are available to PWDs and to which groups? What services are missing (taking into account gender, age, types of impairments and especially underrepresented PWDs as well as geographical distribution)? How are services financed and provided? How many persons, including professionals, are certified to provide these services per 1000 PWDs (specify the type of certificate/profession and service)? Are, in what way and which OPDs consulted and involved in the creation and implementation of social and child protection services, measures and programs in the field of social and child protection?
- Indicate the number and share of PWDs in the total number of beneficiaries accessing support services for victims of crime by gender, age, disability, geographical distribution and type of service.
- How does your Ministry ensure that multiple intersectional discrimination against women with disabilities is addressed in policies and programs in the areas of protection from violence, exploitation and abuse and disability? How many women with disabilities (disaggregated by age, place of residence and disability) have benefited from these policies and programs? Is there additional support for single mothers with disabilities that aims to keep their children with them? If so, state in which municipalities, what types of services/support and how many the beneficiaries are there of these support services.
- How has COVID-19 affected and/or disrupted social and child protection services for PWDs? How has this affected them? Has your Ministry been involved in drafting reports on discrimination against PWD in access to social and child protection services and financial assistance or social protection during the pandemic crisis and recovery from COVID-19? If so, submit the Report. How are accessibility measures given priority in COVID-19 recovery plans and programs? Are there impact assessments/rapid needs assessments/surveys, which are specific to PWDs? Have any legal reforms been undertaken as a result of the crisis caused by the COVID-19 pandemic? If the answer is yes, have these reforms ensured that the rights of PWDs are respected and included and are they in line with the principles of the UN Convention on the Rights of PWDs? How are OPDs involved in the impact analysis of the COVID-19 pandemic, as well as in planning, responding and making recovery decisions? Was their participation efficient and meaningful?
- Indicate the dates of public hearings and the names of documents based on which they were organized, within which the obligations under Article 16 of the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies ("Official Gazette of

Montenegro" Above " No. 041/18 of 28 June 2018). How many PWDs participated in these public hearings? What percentage of the suggestions of PWDs and their organizations were adopted in the public hearings in which they participated?

- In which working groups of your Ministry did the representatives of OPDs participate, and what is the share (percentage) of representatives of OPDs in these working groups in relation to the total number of members of the working groups? What percentage of the suggestions of OPDs were adopted within the working groups in which they participated?
- What mechanisms are there aimed at monitoring the implementation of policies and plans related to the rights of PWDs? Which stakeholders are involved in the work of these mechanisms? Are and in what way OPDs engaged as members of such mechanisms?
- Is there contact person for PWDs at the level of your Ministry with sufficient authority to integrate PWD rights into all policies and programs? If there is no such person, how is it ensured that the rights of PWDs are integrated into all policies and programs of your Ministry?
- To what extent do surveys and research conducted by your Ministry collect data on disability? Are there administrative data on the exercise of PWDs' rights in relation to housing, adequate living standards, social and child protection, and protection from violence, exploitation and abuse, etc.? If available, provide data by year sorted by gender, age, disability, place of residence, etc. Is the available data relevant and available to decision-makers in the process of implementing and monitoring the UN Convention? Are the reports and data on PWDs in the possession of the Ministry available in accessible formats, and if so, in which ones?
- What evidence is available on PWD inequality in poverty and income (numbering corresponds to the indicators of the UN High Commissioner for Human Rights, the UN Convention and the Sustainable Development Goals):
 - 28.22 Proportion of population below the international poverty line, by sex, age, employment status and geographical location (urban/rural) (SDG indicator 1.1.1) and disability.
 - 28.23 Proportion of persons with disabilities living below the US\$1.90 per day international poverty line compared to the proportion of the overall population, by sex and age.
 - 28.24 Proportion of population living below the national poverty line by sex and age (SDG indicator 1.2.1) and disability.
 - 28.25 Proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions (SDG indicator 1.2.2) disaggregated by disability, before and after social transfers.
 - 28.26 Proportion of people living below 50 per cent of median income, by age, sex, and persons with disabilities (SDG indicator 10.2.1).

2. We seek access to the document in question in its entirety. Relevant documents/information are requested for the preparation of the Report on the Respect for the Rights of Persons with Disabilities in Montenegro within the introductory phase of the UN Partnership for the Rights of Persons with Disabilities Project implemented by UNICEF, UNDP and the Office of the UN Permanent Representative for Montenegro.

3. We would like to gain access to this document: in electronic format to the email address: imiboke@gmail.com and in printed and audio form on a CD by mail to the address: Stari grad no. 454, 85330 Kotor.

Note: If the Request is filed by a person with disabilities, the costs of the proceedings shall be borne by the public authority (Article 33, paragraph 4 of the Law on Free Access to Information).

Executive Director

Miroslava-Mima Ivanović

APPENDIX II: THE SURVEY WITH OPDs

The survey has encompassed 20 OPDs, 12 of which (60%) are active at both national and local level, 1 OPD (5%) is active only at the national level, while 7 OPDs (35%) are active at the local level only. Half of the respondents identify as persons with disabilities. Overall, 90% of the respondents are persons with disabilities or parents of a person with a disability, with only 1 out of 20 respondents not belonging to either of the two aforementioned groups.

As the response to the question, if they belong to any national or ethnic minority, 15 respondents (75%) have stated that they do not belong to any national or ethnic minority by choosing option No, 4 (20%) respondents have chosen the option Yes (identifying as an Albanian, Croat or Bosnian respectively, while one respondent has chosen not to specify his/her national affiliation), and 1 respondent (5%) has chosen not to say what national or ethnic group s/he belongs to.

The section of the interview entitled „What has worked well?“ has explored the questions related to the actions that have made the biggest positive impact on the day-to-day life of both the respondents as well as other persons with disabilities, the factors that have led to the eventual success, the actions carried out by the State and local government exerting the biggest positive impact on the respondents' personal day-to-day life and the life of other persons with disabilities and the specific changes that have resulted from the work the respondents mentioned in response to the questions asked in this section of the survey.

In response to the question: “What work or actions carried out by you personally and/or your organization have made the biggest positive impact on your personal day-to-day life?”, the respondents identifying as persons with disabilities have cited: projects for solving spatial barriers, projects aimed at providing personal assistance services, initiation of court proceedings for protection against discrimination, participation in the drafting of certain national and local documents, purchasing cars for persons with disabilities and hiring physiotherapists. One respondent has added that all projects have contributed to a certain extent, while the other has stated that participating in any project makes people feel more humane and thus contributes to achieving a positive impact. The parents of persons with disabilities have been more specific with respect to this question, citing projects aimed at improving the access of children with disabilities and persons with disabilities to health and social protection, education, employment, sports, culture etc., the project “My right to Know”²³⁷, local-level projects that enabled the development of an action plan to protect persons with disabilities from discrimination, projects that have led to amending various strategies, laws and regulations relevant to persons with disabilities, children with disabilities and their families, projects which have implicitly increased the visibility of persons with disabilities, projects advocating the respect for the rights of visually impaired people and the project "Our ID card". The respondents (parents of persons with disabilities) have also mentioned local and national projects and initiatives such as: opening the playhouse for children with disabilities, starting a daycare centre, the establishment and registration of a travel agency

aimed at improving the tourist offer for persons with disabilities, conducting research on the status of persons with disabilities in the field of labour and employment, A few respondents have also referred to the accessibility of public transport and traffic infrastructure. The OPDs active at the local level have provided more general responses in comparison to those active at the national level (which have cited specific projects and issues) or have not responded at all to this question. Local OPDs have opted for all projects, all projects to a certain extent or simply stated that more attention should be given to this problem.

TABLE I: THE ACTION WITH MOST POSITIVE IMPACT – RESPONSES OF PERSONS WITH DISABILITIES

Projects for solving spatial barriers
Projects aimed at providing personal assistance services
Initiation of court proceedings for protection against discrimination
Participation in the drafting of certain national and local documents
Purchasing cars for persons with disabilities and hiring physiotherapists

TABLE II: THE ACTION WITH MOST POSITIVE IMPACT – RESPONSES OF PARENTS OF PERSONS WITH DISABILITIES

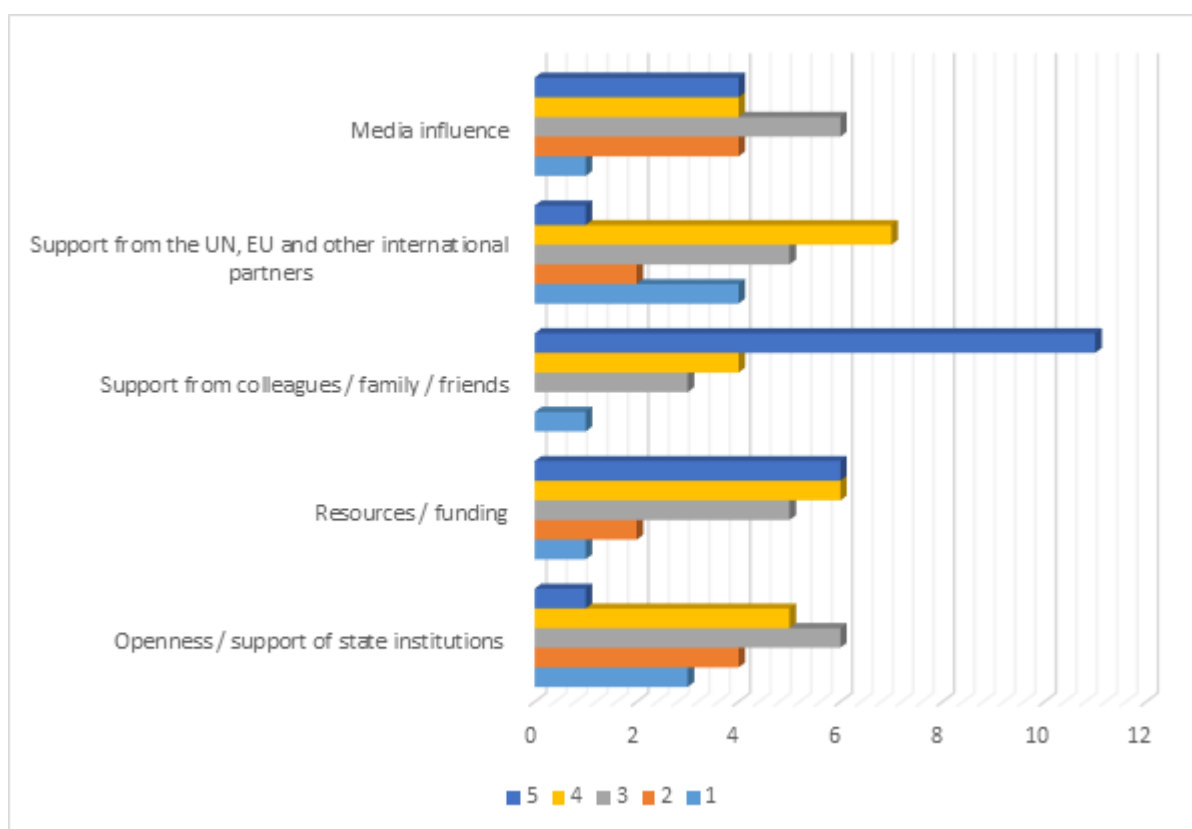
Projects aimed at improving the access of children with disabilities and persons with disabilities to health and social protection, education, employment, sports, culture
The project “My right to Know” ²³⁸
Local-level projects that enabled the development of an action plan to protect persons with disabilities from discrimination
Projects that have led to amending various strategies, laws and regulations relevant to persons with disabilities, children with disabilities and their families
Projects which have implicitly increased the visibility of persons with disabilities
Projects advocating the respect for the rights of visually impaired people
The project "Our ID card

Local and national projects and initiatives such as: opening the playhouse for children with disabilities, starting a daycare centre, the establishment and registration of a travel agency aimed at improving the tourist offer for persons with disabilities, conducting research on the status of persons with disabilities in the field of labor and employment

The accessibility of public transport and traffic infrastructure

When asked to grade the factors that have enabled the activities and projects to be successful (1 being the least important, and 5 being the one that has contributed most), the majority of respondents (11 respondents, i.e. 55%) have marked the support of colleagues, families and friends as the most significant factor. Six of the respondents believe resources/finances are the most significant factor, while only one of them has indicated that the openness and support of state institutions are worthy of the highest grade. The chart below indicates the correlation between factors provided and grades awarded. ²³⁹

CHART I: RANKING THE FACTORS THAT HAVE ENABLED THE PROJECTS TO BE SUCCESSFUL



The replies to the question: “What work or actions carried out by the State and local government have made the biggest positive impact for your (personal) day-to-day life?” are varied and the

respondents identifying as persons with disabilities have cited independent living support projects and the development of the legislative framework in the field of employment. Five respondents have not specified any project, leaving the space for answers blank. Other respondents that identify as persons with disabilities have reiterated that the NGOs and not local or state authorities are to be given credit for initiating projects with positive practice while parents of persons with disabilities have insisted that parents themselves have had to fight for everything. The parents have also mentioned the following actions:

TABLE III: WORK AND ACTIONS THAT HAVE MADE THE BIGGEST IMPACT ON PERSONAL DAY-TO-DAY LIFE

The development of the education system
Amendments to the Law on Social and Child Protection Parent-Caregiver and the implementation of the aforementioned law
Projects financed by the Employment Agency - Grant schemes
Municipal support in financial terms to provide certain free support services for children with disabilities such as a speech therapist or psychologist in Albanian.
Personal disability benefits compensation to the parent/guardian of a child with disabilities, child allowance, travel benefits for persons with disabilities, subsidies for electricity and water consumption, etc.
activities that include training and capacity building for other target groups, including the officials in state bodies, police, judiciary, prosecutor's office
removal of architectural barriers
opening of the first-day centre and a playhouse for children with disabilities
The development of the education system

The previous question in the survey focused on the positive impact on the life of the respondents and their families, while the next question focused on the positive impact the local or national government activities had on the life of other persons with disabilities. The responses (the recurring ones have been omitted) are presented in form of bulletins as follows (hereinafter the answers provided by persons with disabilities have been marked by □):

TABLE IV: WORK AND ACTIONS THAT HAVE MADE THE BIGGEST IMPACT ON THE LIFE OF OTHER PERSONS WITH DISABILITIES

Projects that provided various types of material assistance*
Opening social and child protection services - daycare centres and home help, the introduction of support for children in the education system - teaching assistants
Involvement in sports activities, cultural events, work-occupation workshops
Amendments to the Law on Social and Child Protection and the introduction of parent/caregiver allowance; Amendments to the Pension and Disability Insurance Act
Projects of the Employment Agency *
Adoption of LAP for protection of persons with disabilities from discrimination and readiness to implement it
The selective financing of NGO project which has had a positive impact on other people with disabilities, as well as their families
The removal of architectural barriers
Ratification of the UN Convention with the Optional Protocol *
UNICEF projects,
Inclusive education *
Projects leading to the employment of persons with disabilities *
Projects in many and various fields *

The purpose of the last question in this section was to elicit what concrete changes had resulted from the work mentioned in response to the previous questions. The respondents have mentioned the following changes: more independent moving□, better access to education and social and child protection, socialization of the target group, improvement of the living standard and living conditions of the family, increased ability of persons with disabilities, employment of persons with disabilities□ and training them for occupations adapted to them□, raising awareness in the community, greater parental support for children with disabilities, support from teaching staff, the adoption of strategies, laws and regulations. A few specific responses by persons with disabilities

have referred to favourable employment regulations and a “very good legislation that prescribes benefits to employers who employ a person with a disability, so many people with disabilities have found employment and thus provided a livelihood for themselves and their families”. In addition to these changes, the persons with disabilities have cited the greater visibility and presence of persons with disabilities issues in socio-political life, better accessibility, while the parents have mentioned the increased level of awareness of citizens and decision-makers about the needs and opportunities of persons with disabilities, the empowerment of persons with disabilities and their families to exercise and protect their rights and to combat systemic discrimination in this regard.

TABLE V: THE CHANGES RESULTED FROM THE WORK OF LOCAL/STATE GOVERNMENT

More independent moving□
Better access to education and social and child protection
Socialization of the target group
Improvement of the living standard and living conditions of the family
Increased ability of persons with disabilities
Employment of persons with disabilities□ and training them for occupations adapted to them□
Raising awareness in the community
Greater parental support for children with disabilities
Support from teaching staff, the adoption of strategies, laws and regulations
The greater visibility and presence of persons with disabilities issues in socio-political life,
Better accessibility
The increased level of awareness of citizens and decision-makers about the needs and opportunities of persons with disabilities
The empowerment of persons with disabilities and their families to exercise and protect their rights and to combat systemic discrimination in this regard

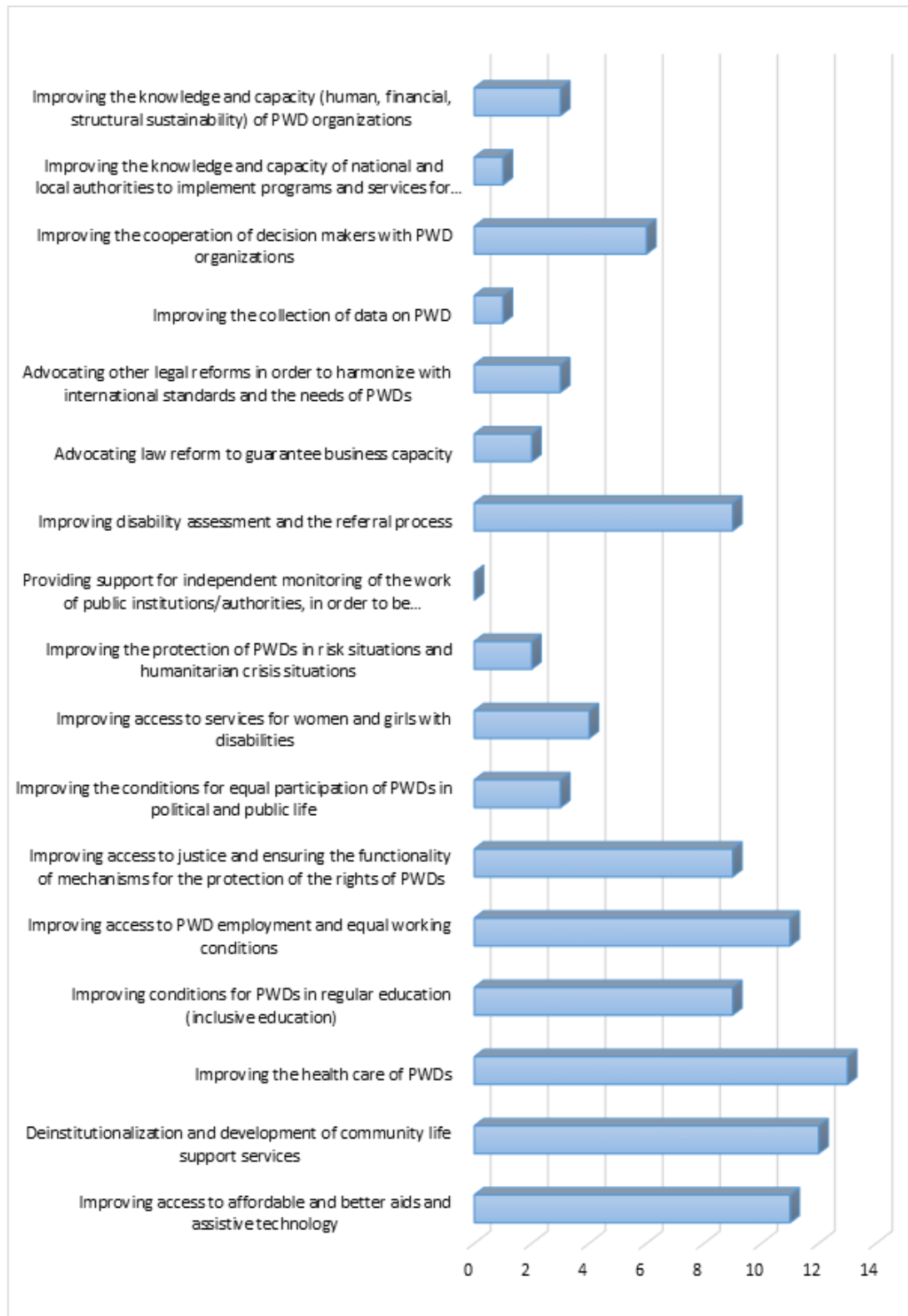
The next set of questions has been envisioned as the “Your ideal” section. Asked to state how their life would be different if they lived in an ideal world, persons with disabilities have insisted that such life would not be different from the life of persons without disability, that in such a world it would be easier to attain everything they wanted and they would not face a plethora of obstacles

and barriers that they currently face (starting from physical obstacles in the environment, lack of accessibility elements for the visually impaired, inaccessibility of information at all levels and in all areas, to the lack of support services for independent living). One respondent has simply posed the question: “What would that be like?”, while the other two have stated that the level of disability would be reduced to a minimum or a lesser degree. For other respondents, such a world would be marked by better communication, visibility and inclusion in the social life of the community, the smaller degree and form of discrimination, better access to justice, the feeling of dignity, equality, lack of need to spend time and energy to exercise basic human rights, simpler and more meaningful life, greater choice of opportunities and greater participation in social life. One respondent has provided a response many others have mentioned as well: “that all persons with disabilities would have the social and child protection services they need; that environment, transportation and information would be accessible and there would be state and local institutions that would act as a service to the citizens”.

The parents of persons with disabilities imagine such an ideal world as the one in which everything would be accessible in accordance with the Convention on the Rights of Persons with Disabilities and everyone would have an equal chance to grow up and live; all children would have the same rights, without differences and prejudices; life would be much easier for all family members with a more meaningful life for persons with disabilities, everyone would have more opportunities for a dignified and quality life; parents would not have to burden themselves and fight so hard to exercise their rights and the rights of their children, persons with disabilities would have complete systemic access to all resources and possibilities of state institutions for the best possible inclusion in the social environment without being discriminated against and belittled. One parent wished we were closer to Sweden and we lived in a world so medically advanced that there would be no more persons with disabilities. A respondent who is neither a person with disabilities nor a parent of a person with disabilities said that in an ideal world “we could dedicate ourselves to personal progress and development instead of continually fighting for our basic rights and opportunities”.

Within the next question, the respondents have been asked to prioritize up to five given areas/issues. The chart below presents their responses.

CHART II: PRIORITY AREAS/ISSUES



As the above chart shows, the four most prioritized issues, regardless of the level the OPDs are active at (national or local), are:

TABLE VI: FOUR MOST PRIORITIZED ISSUES

<i>Improving the health care of persons with disabilities (13 respondents marked this as a priority)</i>
<i>Deinstitutionalization and development of community life support services (12 respondents marked this as a priority)</i>
<i>Improving access to affordable and better aids and assistive technology (11 respondents marked this as a priority)</i>
<i>Improving access to persons with disabilities employment and equal working conditions (11 respondents marked this as a priority)</i>
<i>Improving the health care of persons with disabilities (13 respondents marked this as a priority)</i>

Of all the issues given as an option, *providing support for independent monitoring of the work of public institutions/authorities, in order to be responsible for their work* seems to be regarded as immaterial by the respondents, at least in the context analyzed, as no respondent prioritized this issue.

When asked to state why they had prioritized the aforementioned areas/issues, the respondents mostly stated that they made a choice believing that these areas “were essential and a prerequisite for other changes; enabled the independent functioning of persons with disabilities; provided equal opportunities for children to grow up, covered the needs of a larger number of persons with disabilities, formed the basis that needed to be met”. Half of the respondents also reiterated that it was difficult to determine what the most important issues were because all the areas were important so they went for all-encompassing ones. Two respondents also stated that they answered based on their vast experience in the field.

In response to the question what needs to be done to get the public authorities (at a national and local level) to undertake steps regarding the aforementioned issues and areas, the respondents were almost unanimous: they need to involve persons with disabilities more, to read and know more about the rights of persons with disabilities, to respect the Constitution of Montenegro and to apply the principles and standards contained in the Convention on the Rights of Persons with Disabilities when planning and implementing policies that may have an impact on the lives of persons with disabilities. A few respondents have also called for better cooperation between NGOs and the state;

better education of persons with disabilities; the need to convince decision-makers that transparent multisector cooperation is necessary; constant lobbying, media support, transparency of the work of NGOs; changing perceptions of the disability phenomenon; accountability; the appointment of responsible, educated, informed persons in the ministries and secretariats.

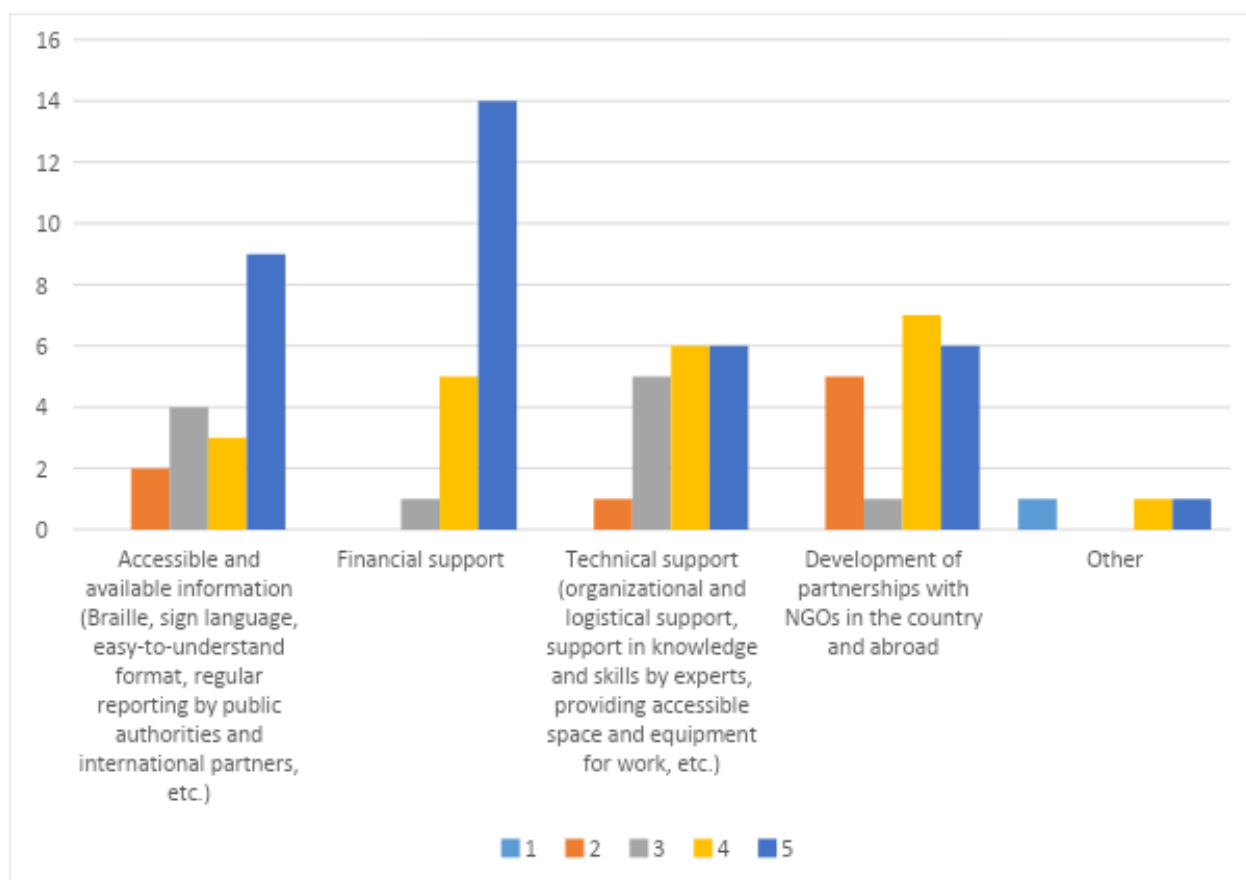
TABLE VII: WHAT THE PUBLIC AUTHORITIES NEED TO DO

To involve persons with disabilities more
To read and know more about the rights of persons with disabilities,
To respect the Constitution of Montenegro
To apply the principles and standards contained in the Convention on the Rights of Persons with Disabilities when planning and implementing policies that may have an impact on the lives of persons with disabilities
To boost cooperation between NGOs and the state
To provide better education of persons with disabilities
To convince decision-makers that transparent multisector cooperation is necessary
To ensure constant lobbying, media support, transparency of the work of NGOs
To change perceptions of the disability phenomenon
To assume accountability
To appoint responsible, educated, informed persons in the ministries and secretariats

One respondent simply said that the way to get the local authorities to act was to prosecute them.

“What resources would you ideally like to assist you to make progress on these issues?” was the next question. The respondents were given 5 options which they had to grade (1 being the least important resource, and 5 being the one that they deem most significant). The results are presented in the chart below.

CHART III: THE RESOURCES NEEDED TO MAKE PROGRESS



As the above table shows, 14 respondents have marked *financial support* as the most important resource and not even one respondent has marked it as least important. This resource is followed by *accessible and available information* and then the *development of partnerships with NGOs in the country and abroad* (this option received 6 highest marks and 7 respondents marked it as the second most important resource). Three respondents chose the option OTHER, one respondent deeming the development and improvement of multisector cooperation with representatives of the government and line ministries as the most important resource (giving it 5 points), one respondent believes that the education about using IPA funds is the second most important resource (giving it 4 points) and one respondent awarding 1 point to the cooperation with state and local institutions.

The next section of the survey is entitled Sustainable Development Goals and the first question within this section is aimed at eliciting who within the disability community is most at risk of being left behind as a result of their type of impairment. Ten respondents have stated that the ones most at risk of being left behind are **persons with intellectual and psychosocial disabilities**. Two respondents (parents of persons with disabilities) have indicated that persons with psychosocial disabilities (autism) are most at risk, while other persons with disabilities specified other forms of disability: persons with visual, hearing and speech impairments, persons with severe forms of disability, persons with multiple disabilities, persons with psycho-social disabilities, and all those

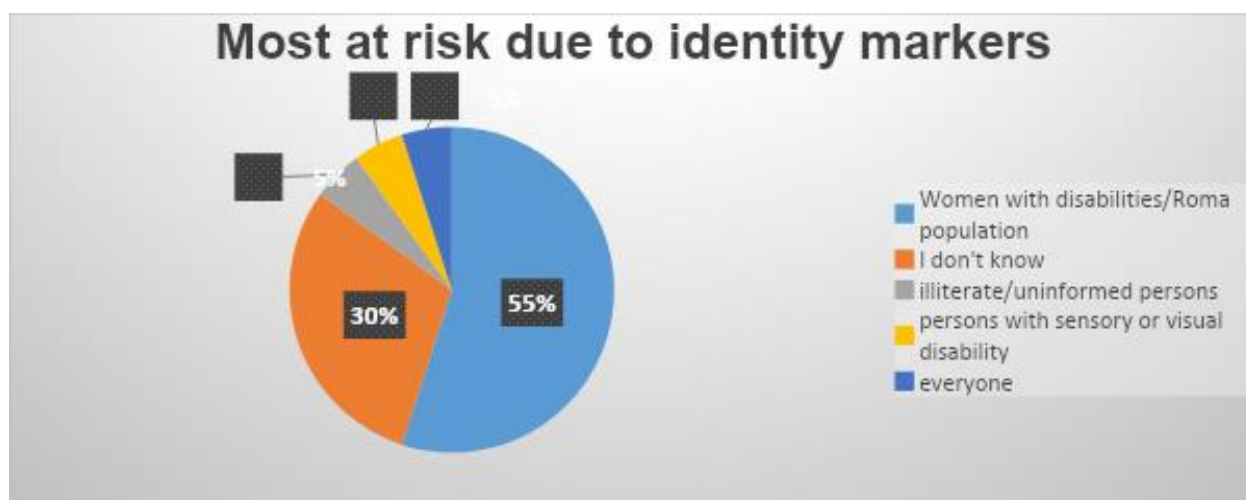
deprived of normal communication and information. In addition to persons with intellectual and multiple disabilities, parents of persons with disabilities have cited children with an intellectual disability or psychosocial disability (specifically autism), persons with disabilities coming from poor families who are not members of any OPD, girls and women with disabilities, people with rare disabilities and diseases. **In conclusion, the overwhelming number of responses in some form referred to persons with intellectual or psychosocial disabilities as the ones most at risk.**

TABLE VIII: MOST AT RISK TO BE LEFT BEHIND AS A RESULT OF THEIR IMPAIRMENT

Persons with intellectual disabilities
Persons with psychosocial disabilities
Persons with visual, hearing and speech impairments
Persons with severe forms of disability
Persons with multiple disabilities
All those deprived of normal communication and information
Persons with disabilities coming from poor families who are not members of any OPD
Girls and women with disabilities
People with rare disabilities and diseases

The focus of the second question is on who within the disability community is most at risk of being left behind as a result of other identity markers (gender, ethnicity, sexual identity, etc.). As indicated in the table above, eleven responses (55%) referred to women and girls with disabilities and marginalized ethnic groups, specifically Roma people (with/without disability) as the ones most at risk due to their identity markers. Six respondents (30%) have replied that they simply do not know the answer to this question, while individual responses also referred to illiterate or uninformed persons, persons with sensory or visual disabilities and everyone as being at risk due to some identity marker.

CHART IV: MOST AT RISK DUE TO IDENTITY MARKERS



When asked what should be done to facilitate the inclusion of persons most at risk in the process (*i.e. what can be done to actively consult with them and involve them in decision-making*) the respondents have offered the following suggestions (recurring answers have been omitted and those are primarily the ones related to the involvement of persons with disabilities at risk and the need of educating them):

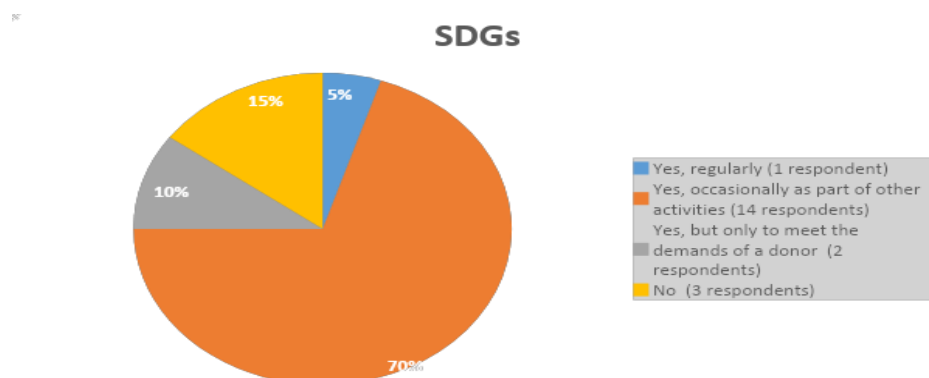
TABLE IX: WHAT SHOULD BE DONE TO FACILITATE INCLUSION

Involve persons with disabilities, at all levels, in creating solutions for a better quality of life in cooperation with OPDs (3 respondents)
Develop self-advocacy
Develop a decision making support service
Educate them, ensure cooperation for all (4 respondents)
Empower them
Work on empowering these target groups, involving them as much as possible, and educating them both formally and informally.
Involve persons with disabilities who represent persons with disabilities and work on the advancement and promotion of their rights through the state and public system.
Establish a system of support for organizations of persons with disabilities in a way that they are recognized as organizations of special social importance, which would solve the issue of self-representation, but very importantly their financial sustainability.

Inform them first of all about their rights and then give them the opportunity to present their opinions and needs to decision-makers either through direct participation or through representatives
First recognize that they are multiply marginalized and excluded, and then define inclusive policies, measures, programs and actions that will lead to the reduction of inequality and enable inclusive growth.
Provide them with logistics support, assistance
Respect domestic and international legislation and seek its full application
Align national legislation with the UN Convention on the Rights of Persons with Disabilities and other international regulations in this area, allocate a larger amount of funding to support these people, raise public awareness and improve the quality of life of these people.
Provide them with information in an accessible format, abolish the institute of deprivation of legal capacity, provide them with technical, logistical and financial support for the work of their organizations and involve them in decision-making.

The last question in this section has been brought to discuss the involvement of OPDs in Sustainable Development Goals and the responses are presented in the form of a pie chart below.

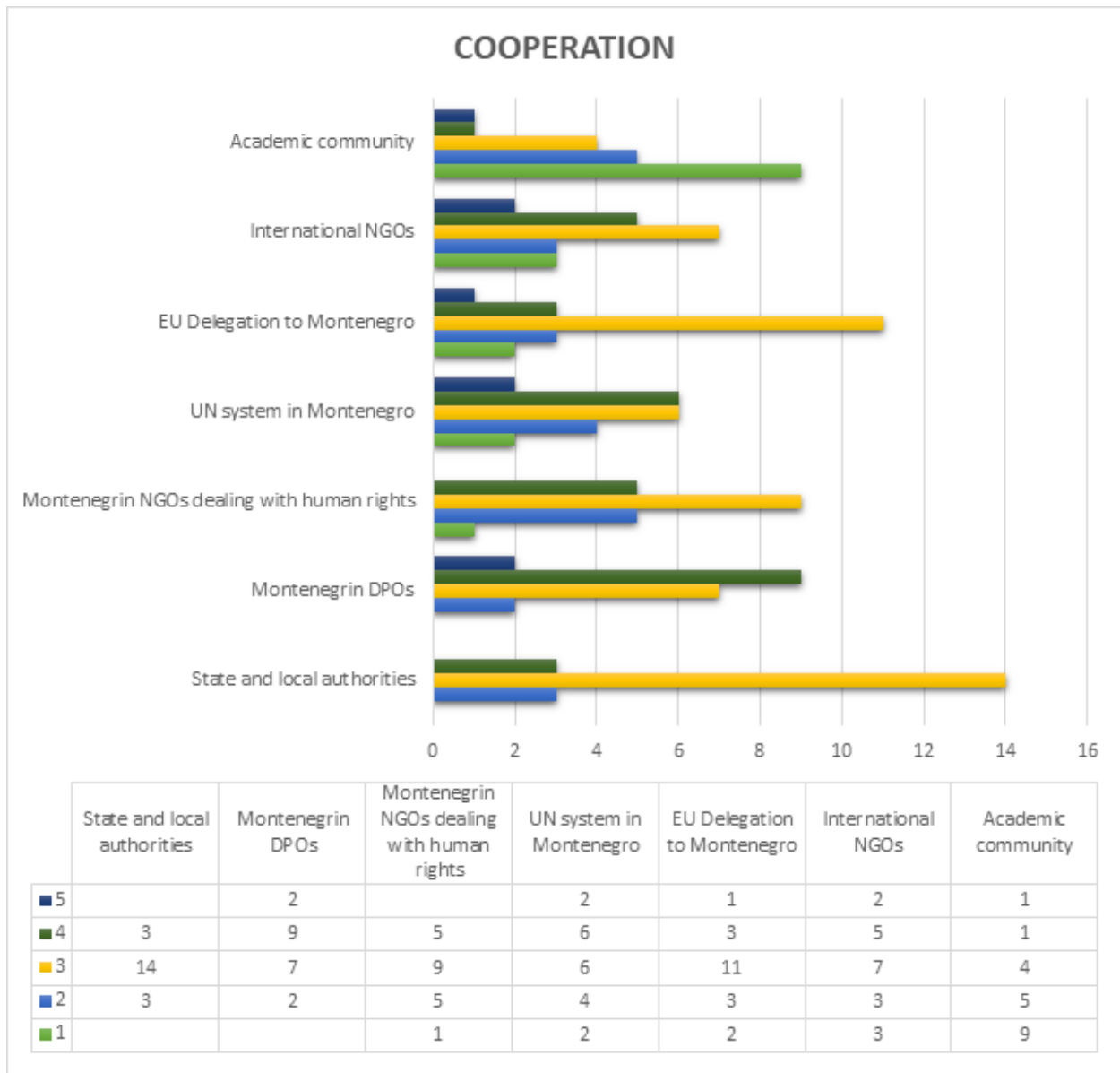
CHART V: SUSTAINABLE DEVELOPMENT GOALS



The next set of questions revolves around the cooperation of OPDs with international and domestic partners.

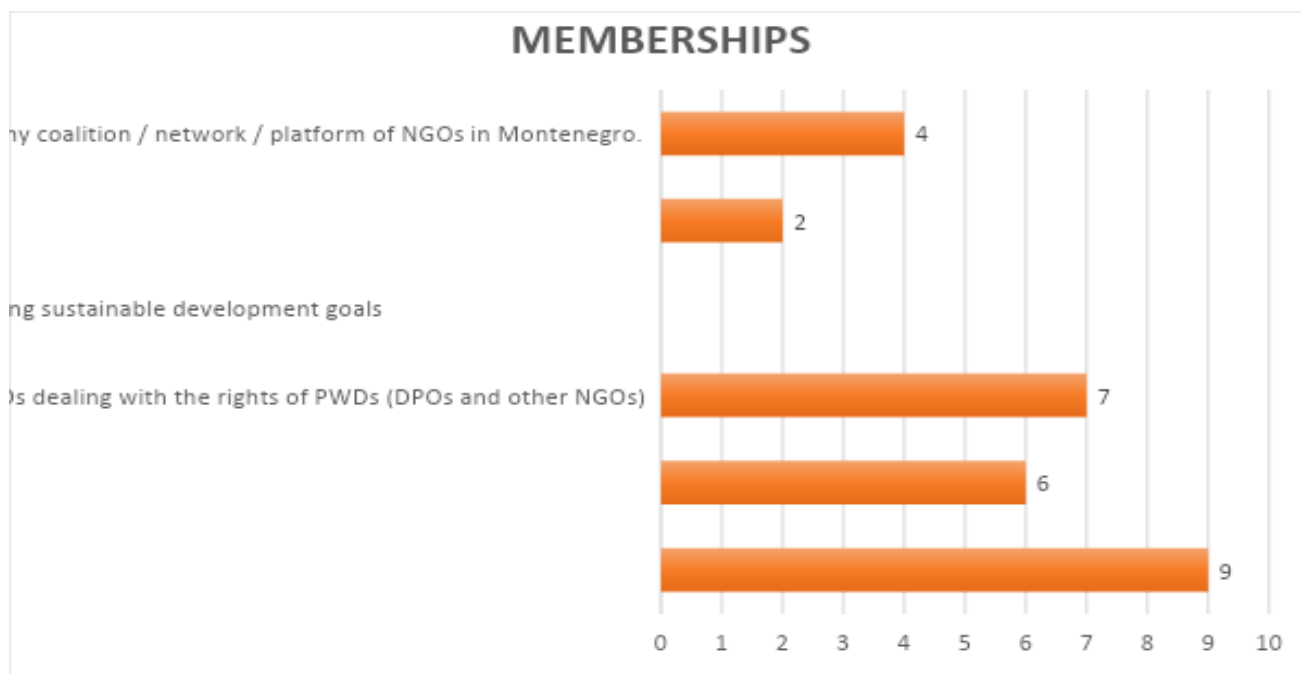
The respondents were first asked to rate from 1 to 5 (where 1 indicates that they are the least satisfied and 5 that they are completely satisfied) the level of cooperation with the given partners. Their responses are summarized in the chart below.

CHART VI: THE LEVEL OF COOPERATION



In the next question, the respondents are asked to mark the coalitions/networks/ platforms of NGOs in Montenegro in which their organization participates. These are their responses:

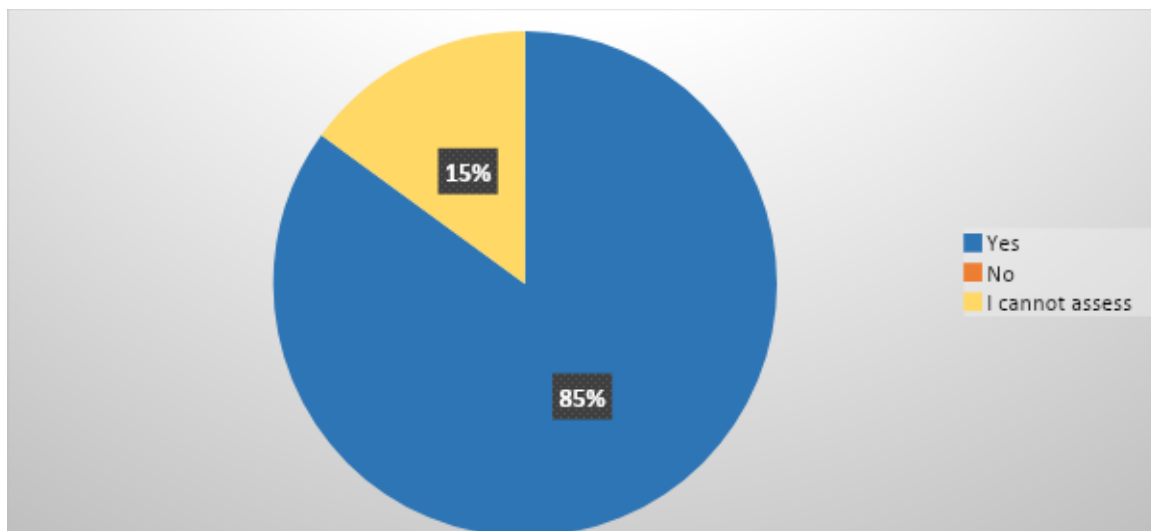
CHART VII: MEMBERSHIPS IN THE COALITIONS/NETWORKS/PLATFORMS



As the chart above indicates, the majority of the respondents take part in formal coalitions of OPDs (9 of them) or the coalitions/networks/NGOs dealing with the rights of persons with disabilities (7 of them), followed by the informal network of persons with disabilities. However, no respondents participate in NGO platforms for monitoring sustainable development goals. Local OPDs, as a rule, only marked memberships into formal coalitions of OPDs. Two respondents that chose option OTHER have indicated that they are members of the Balkans Independent Disability Framework (BIDF) and Gender Budget Watchdog Network.

The next section focused on the impact of the coronavirus pandemic on persons with disabilities and the way they had exercised their rights during this challenging period. On being asked whether the coronavirus pandemic affected the reduction of their rights and/or the rights of other persons with disabilities and their families compared to the period before the pandemic, 85% of the respondents replied that it had affected their lives by choosing the option YES.

CHART VIII: HAS THE COVID 19 PANDEMIC HAD AN EFFECT ON THE RIGHTS OF PERSONS WITH DISABILITIES



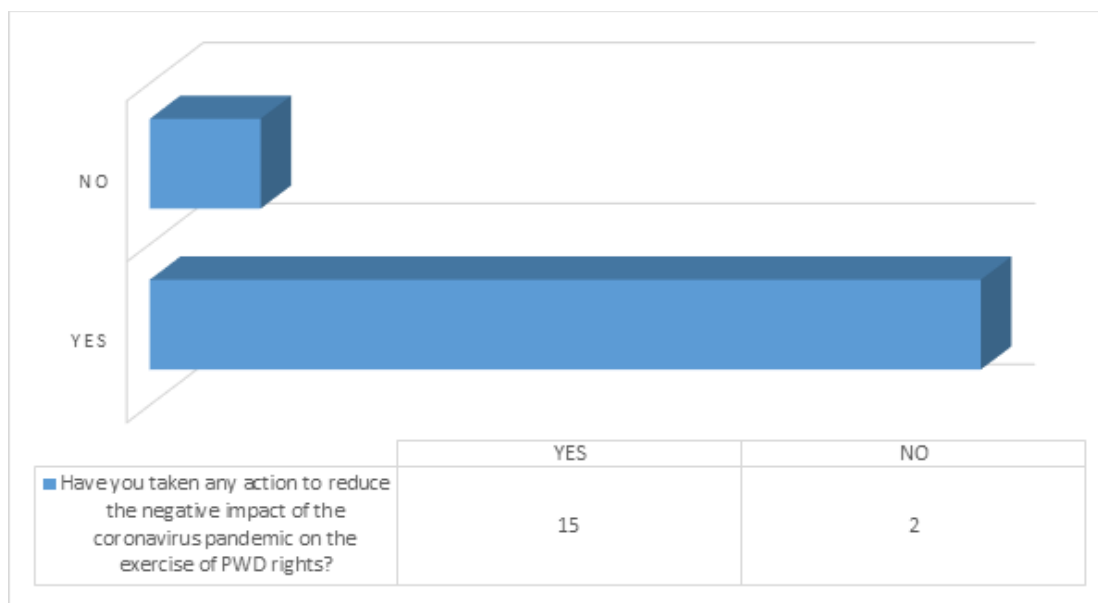
The following question was formulated in such a way as to elicit the response on how the pandemic had affected the lives of persons with disabilities and the respondents shared that it stopped all activities as well as financing of all projects, brought about financial neglect by the state, made it impossible to work on projects, workshops, meetings, disabled direct work with users and it largely affected the freedom of movement due to the measures imposed to temporarily suspend or restrict public and taxi transport. During the pandemic, as one of the respondents stated, even the small scope of rights that persons with disabilities and their families had been abolished and persons with disabilities and their families had been left without any support from the state and local authorities. The persons with disabilities emphasized that during the pandemic online teaching was not accessible, that in general many rights were infringed due to lockdown and that lack of information both in an accessible form and in general affected the freedom of movement. One respondent who identified as a person with disabilities stated that COVID-19 manifested itself in the form of illness and death of team members, reduced resources and capacities, poor allocation of resources by the state and lack of support to prevent the effects of the epidemic and to recover from it.

TABLE X: THE EFFECTS OF THE PANDEMIC ON THE LIVES OF PERSONS WITH DISABILITIES

Stopping all activities as well as financing of all projects
financial neglect by the state
impossibility to work on projects, workshops, meetings
Disabling direct work with users
Largely affecting the freedom of movement due to the measures imposed to temporarily suspend or restrict public and taxi transport.
Abolishing even the small scope of rights that persons with disabilities and their families
Leaving persons with disabilities and their families without any support from the state and local authorities
Inaccessible online teaching
Infringement of many rights due to lockdown
Lack of information both in an accessible form and in general affected the freedom of movement
Illness and death of team members reduced resources and capacities
Reduced resources and capacities
Poor allocation of resources by the state
Lack of support to prevent the effects of the epidemic and to recover from it

When asked if they had taken any action to reduce the negative impact of the coronavirus pandemic on the exercise of persons with disabilities rights, 88.2% of the respondents said that they had (see the chart below).

CHART IX: TAKING ACTION TO REDUCE NEGATIVE IMPACT OF CORONAVIRUS PANDEMIC



As for activities the OPDs have undertaken in response to COVID 19, 88.2% of the respondents (15 out of 20) confirmed that they had conducted certain activities to tackle the negative effects of COVID -19. The undertaken activities range from: obtaining medicine for children with disabilities, setting up an ICT platform in support of children with disabilities and their parents, organizing continuous professional and psychological support and counseling to help persons with disabilities cope with the effects of the pandemic, having persons with disabilities work from home to protect their health, providing one-time financial assistance to the most vulnerable persons with disabilities, providing support for persons with disabilities in the form of donations of tablet devices, distribution of food and other personal hygiene material, undertaking activities related to representation before relevant institutions (which saw the number of beneficiaries within the Legal Program and Anti-discrimination Program triple during the pandemic), referral to relevant institutions and writing numerous letters to the Ministries, visiting persons with disabilities on a regular basis, organizing transport for activists of the organizations and employees. One respondent stated that the pandemic had been nothing but a perfect excuse for those who did not want to help you, as everyone could use the pandemic as a reason not to do something they had been reluctant to do in the first place.

TABLE XI: ACTIVITIES UNDERTAKEN TO TACKLE THE NEGATIVE EFFECTS OF
COVID 19

Obtaining medicine for children with disabilities
Setting up an ICT platform in support of children with disabilities and their parents
Organizing continuous professional and psychological support and counselling to help persons with disabilities cope with the effects of the pandemic
Having persons with disabilities work from home to protect their health
Providing one-time financial assistance to the most vulnerable persons with disabilities
Providing support for persons with disabilities in the form of donations of tablet devices
Distribution of food and other personal hygiene material
Undertaking activities related to representation before relevant institutions (which saw the number of beneficiaries within the legal program and anti-discrimination program triple during the pandemic)
Referral to relevant institutions and writing numerous letters to the ministries
Visiting persons with disabilities on a regular basis
Organizing transport for activists of the organizations and employees

APPENDIX III: INTERVIEWS AND FOCUS GROUPS QUESTIONS

INTERVIEW WITH THE REPRESENTATIVES OF THE EU DELEGATION

1. Are you satisfied with the government's implementation of the strategy for the protection of persons with disabilities from discrimination and for the promotion of equality and other strategic and legal documents in the field of disability rights? If yes, please describe the progress you've seen. If not, what in your view needs to change, and what actions are you planning to address any sticking points?
2. Your 2020 Report notes, "Mandatory measures to be implemented by public institutions, administrations and local authorities should be strictly monitored in key sectors such as education, transport, employment, medical and supported-living assistance, health and social protection, justice and legal protection." (page 40). What progress have you seen in the last 9 months since the issuance of the Report?
3. Are you satisfied with the pace of de-institutionalization and the development of community-based services? If not, why not? What corrective actions would you recommend for ensuring persons with disabilities can exercise their right to live independently and in the community?
4. What measures can and should be in place to protect the rights and ensure equality of opportunity for persons with disabilities who are ethnic minorities (Albanians, Roma and Egyptians, etc.)?
5. Does Montenegrin civil society collaborate with OPDs and engage with them to carry out advocacy before the EU and within the projects you support? If yes, which civil society organisations are collaborating with OPDs and on what issues?
6. Do you have any information on NGOs and/or state and local institutions from the EU member countries which cooperate with Montenegrin OPDs or Montenegrin institutions in the disability rights field? Does the EU delegation take steps to foster such cooperation? If yes, which steps does the EU take?
7. Does the EU delegation support Montenegrin NGOs and institutions' engagement in the field of SDGs? If yes, how are disability rights taken into account?
8. Which EU programs are engaging in advancing the rights of persons with disabilities in the country, and what are their focuses? What coordination occurs between the EU delegation at the country level on disability inclusion? Is there a disability focal point within the EU delegation?
9. Are there other EU programs supporting legislative reforms, policy development or other relevant national programs and actions that are important for persons with disabilities?

10. What is the knowledge and understanding of the EU delegation staff on CRPD and have training on disability rights and inclusion been provided? If so, to whom and when, and what topics?

11. How is the situation and rights of persons with disabilities incorporated into country-level EU activities, analyses and plans (EU Annual Reports, COVID-19 Socioeconomic Impact Reports, COVID-19 Recovery analyses and plans, etc.)? What is the level of the inclusion of persons with disabilities, including engagement with OPDs, across ongoing EU programs at the country level?

12. Is key EU delegation information available in accessible formats? Are the EU delegation premises accessible?

INTERVIEW WITH THE REPRESENTATIVES OF THE UN SYSTEM

1. Thank you for providing the copy of the roadmap for the transition from institutional to community-based care. It was finalized in October 2019 (the watermark "draft" still appears on the copy).

What, if anything, from the Roadmap, has been implemented? Were funds allocated? Who monitors implementation?

2. The Council for the Care of Persons with Disabilities, which was established in June 2020 obliges the publication of an annual report of the Council's work. The UN's EoI noted (page 4) that the Council had not yet met. It also noted that it might get reconstituted in light of the elections. did it ever meet? Did it get reconstituted? Did it issue any report?

3. In the section on "disability assessments" (page 5 of the EoI), it's mentioned that there are 30 commissions that assess and determine disability in Montenegro. Perhaps this is a question for Mima, but maybe also for UNDP and the EU - what's happening with this? Have there been any concrete outputs yet from the EU project? Has there been any progress toward streamlining or synchronizing this?

4. The EoI mentions (page 7) that OPDs were actively engaged in the draft national action plan. Which OPDs were involved? What is the status of the draft action plan now? Has it been funded? Are ministries implementing actions in accordance with the action plan? To what extent are OPDs involved in implementation? To what extent are they involved in monitoring?

5. The EoI suggests (implicitly) that there is a significant gender gap. What are the best documentary sources to use to highlight that gap?

6. The EoI (page 9) identifies some other donors aside from the EU. This includes the ILO (covid related), the Westminster Foundation for democracy, and UNICEF funds. In particular, the EoI notes that OPDs have been involved in the COVID response. Are more details available?

7. I asked about the joint SDG fund ("Activate", also mentioned on page 9 of the EoI) earlier, but I now understand disability was not considered. I'm curious why not? In other words, why / how was it decided to not consider persons with disabilities within this project? Understanding why this didn't happen may be important for our barrier analysis/situational analysis.

8. Is the sustainable development cooperation framework (page 11 of EoI) available?. Can someone familiar with it please summarize it and explain the extent to which disabled persons have been involved.

9. ILO support is mentioned in terms of the revision of the law on professional rehabilitation and employment. What's the status of that work? Do we have the most current version of that law?

UPITNIK ZA INTERVJU SA OSOBAMA SA INVALIDITETOM ALBANSKE I ROMSKE NACIONALNOSTI

(Prethodno uzeti sljedeće podatke: dob, pol, mjesto stanovanja, tip invalidnosti, jezičnost, da li se intervju radi sa osobom s invaliditetom ili članom porodice)

1. Sa kim osoba živi? Živi li neovisno? U vlastitoj ili užoj ili široj porodici?
2. Da li je uključena/bila uključena u neki vid formalnog obrazovanja? Ako jeste koje? Gdje? Da li ga je završila u potpunosti? Na kom jeziku je obrazovanje sprovedeno? Na koje je barijere nailazila u toku obrazovanja?
3. Koji je glavni izvor prihoda? Socijalna pomoć? Zarada? Formalni i neformalni prihodi? Finansijska pomoć porodice? Napomena: pitanje za žene: da li imaju primanja na svoje ime i da li raspolažu njima?
4. Da li je zaposlena/bila zaposlena? Gdje? U javnom ili privatnom sektoru ili NVO? Povremeno zaposlenje? Kakvi su uslovi rada? Da li je bila tretirani jednako kao ostali zaposleni?
5. Ima li saznanja o pravima osoba s invaliditetom? Da li ostvaruje neka od tih prava? Kako je saznala za svoja prava?
6. Ima li dobre odnose sa susjedima? Ima li svoj krug pitanja? Da li se osjetila dodatno odbačena/izolovana kao OSI u odnosu na druge jer je pripadnik nacionalne manjine?
7. Da li je uključena u neki vid organizovanog načina korišćenja slobodnog vremena? Da li joj je omogućeno da raspolaže svojim slobodnim vremenom (da li joj porodica brani da se druži, izlazi, da slobodno odlučuje sa kim će se družiti).
8. Kreće li se samostalno? Kuda se kreće? Da li bi volela negdje da ide, a u tome je spriječena?
9. Koja pomagala koristi? Na koje barijere nailazi? Da li zadovoljna sadašnjim pomagalima ili bi voljela da ima neka dodatna ili naprednija?
10. Koje usluge podrške u lokalnoj zajednici koristi? I da li je zadovoljna uslugama? Da li smatra da neke nedostaju? Da li je upoznata sa time da postoje neke usluge podrške za OSI?
11. Ima li poslednjih 4 godine negativno iskustvo u komunikaciji sa zvaničnim institucijama I kakvo? Da li je to prijavljeno? Kome? Ako nije, zašto nije?
12. Ima li zadnjih 4 godine negativna iskustva u komunikaciji sa privatnim licima i kakva? Da li je to prijavljeno? Kome? Ako nije, zašto nije?

13. Da li je član neke organizacije OSI? Da li koristi neke usluge od te organizacije?
14. Da li je član neke organizacije za zaštitu prava njene nacionalne manjine? Da li ima neke benefit od tog članstva? Da li joj organizacija pruža neku specifičnu pomoć vezanu za njen invaliditet?
15. Ima li neki predlog za poboljšanje statusa osoba sa sličnim problemima i istom pripadnošću?

PITANJA ZA FOKUS GRUPU OSOBA SA OŠTEĆENJEM SLUHA

I UKLJUČIVANJE U DRUŠTVO

1. Da li je osoba uključena/bila uključena u neki vid formalnog obrazovanja? Ako jeste koje? Gdje? Da li ga je završila u potpunosti? Na kom jeziku je obrazovanje sprovedeno? Na koje je barijere nailazila u toku obrazovanja? Da li bi joj značilo da su i ostali naučili znakovni jezik i makar njegove osnove?
2. Da li je zaposlena/bila zaposlena? Gdje? U javnom ili privatnom sektoru ili NVO? Povremeno zaposlenje? Kakvi su uslovi rada? Da li je bila tretirana jednako kao ostali zaposleni?
3. Ima li dobre odnose sa susjedima? Ima li svoj krug prijatelja? Da li se osjetila dodatno odbačena/izolovana kao OSI u odnosu na druge zbog oštećenja sluha?
4. Da li je član neke organizacije OSI? Da li je zadovoljna saradnjom sa drugim organizacijama OSI. Da li osjeća da je isključena iz pokreta?

II PODRŠKA ZA INKLUZIJU

5. Da li koristi neke usluge organizacije OSI? Koji usluge podrške su joj do sada najviše pomogle? Koje usluge podrške su joj potrebne?
6. Da li je koristila uslugu prevodioca na znakovni jezik i u kojoj prilici? Koliko je bila zadovoljna i ko je snosio trošak?
7. Koje državne institucije su najviše učinile za unapređenje statusa osoba oštećenog sluha?
8. U koje državne institucije se najviše razočarala?
9. Ima li nekih prijedloga za unapređenje statusa osoba sa oštećenjem sluha?

APPENDIX IV: THE DESCRIPTION OF MAJOR OPDs IN MONTENEGRO

THE ASSOCIATION OF PARAPLEGICS OF MONTENEGRO

The Association of Paraplegics of Montenegro is a non-governmental humanitarian organization operating at the national level, based in Podgorica.

The Association was originally founded as the Union of Paraplegics of Montenegro, on November 21 1997 in order to bring together people with paraplegia and other people with physical disabilities in order to fully affirm and integrate them into society. The Association NOW has thirteen registered members operating locally.

The vision of the Alliance is: “Equal right to diversity for all, without prejudice!”

The mission of the Alliance is: “Realization of the rights of persons with disabilities provided by international standards, through the improvement of their socio-economic status, amendments to legal regulations and integration into social flows.”

The organization has implemented a large number of projects, supported mainly by foreign donors. The areas of their activity cover: human rights, strengthening civil society, social protection, health care, education, employment of persons with disabilities, accessibility, culture, sports.

The official website of the Association is <http://paraplegicari.com>.

THE ASSOCIATION OF YOUTH WITH DISABILITIES OF MONTENEGRO (AYDM)

The Association of Youth with Disabilities of Montenegro (AYDM) is a non-governmental, non-profit organization, founded on October 22, 2001. It was first named the Association of Students with Disabilities, but it changed its name in 2003. The association is committed to providing support, opportunities and programs to strengthen the personal, educational and professional development of all persons with disabilities, especially young people with disabilities.

AYDM vision is: “For youth with disabilities, without barriers!”

AYDM mission is: “AYDM promotes and contributes to equal status of youth with all types of disabilities in society through initiatives and activities aimed at establishing a legal, educational, cultural and social framework that enables it.”

The Association operates in a number of areas and through six programs: education and training program, independent living program, employment and human resources development program, accessibility program, legal program and anti-discrimination and international cooperation program. The association conducts various activities related to the relevant legislative solutions, including participation in the process of drafting legislation, monitoring the compliance of national legislation with the UN Convention on the Rights of Persons with Disabilities, awareness campaigns, support for persons with disabilities in education, with special focus on higher education, preparation for employment and employment of persons with disabilities, providing various support services such as legal counselling and representation of persons with disabilities in procedures before institutions, personal assistance, psychological counselling, accessible transport, provision of guide dogs and helpers, etc.

More information on the activities, programs and publications of the Association may be found on their official website <http://umhcg.com> and the DisabilityINFO portal <http://www.disabilityinfo.me>.

THE INITIATIVE OF YOUTH WITH DISABILITIES OF BOKA (IYDB)

The Initiative of Youth with Disabilities of Boka (IYDB) is a non-profit, non-governmental organization, founded on April 11. 2019. in Kotor. Children, young people and adults with all types of disablement, as well as other citizens interested in improving the position of these people in society, voluntarily associate in the IYDB. The work of the IYDB is based on the human rights approach to disability. The organization operates at the local, national and international levels.

The mission of the IYDB is summarized in its Articles of Association and it reads: “The initiative of Youth with Disabilities of Boka promotes and contributes to equal status of children, youth and adults with disablement in society, through initiatives and activities for the establishment of legal, cultural, political, economic and social framework which enables it.”. **The vision of the organization** is “**the society where persons with disablement live securely, enjoying the independence, equality and dignity.**”

The goals of the IYDB are: to include children, youth and adults with disablement in all segments of social and economic life, especially in the field of education, employment, health, social and child protection, information, political and public activities, culture, sports, leisure activities, etc.; to support and empower children, youth and adults with disablement to fully and on an equal basis with others enjoy their rights and freedoms, utilize their potentials and recognize and meet their needs; to create conditions for the independent living of children, youth and adults with disablement; to achieve a satisfactory level of public awareness of human rights, equality, needs and potentials of children, youth and adults with disablement; to enable the full and effective enjoyment of the rights and freedoms of children, women, Roma and other multi-discriminated persons with disablement on an equal basis with others.

The IYDB is a member of the European Network on Independent Living (ENIL), the Council for the Rights of Persons with Disabilities and the Youth Council of the Municipality of Kotor.

The website of the organization <https://imiboke.me> provides adequate, relevant, complete and accessible information about persons with disabilities and it is the first website of an NGO in Montenegro that is fully accessible to persons with disabilities.

THE NATIONAL ASSOCIATION OF PARENTS OF CHILDREN AND YOUTH WITH DISABILITIES IN MONTENEGRO "NARDOS"

The National Association of Parents of Children and Youth with Disabilities in Montenegro NARDOS was founded in 2010. It comprises 5 members of local organizations of parents from Pljevlja, Bijelo Polje, Herceg Novi, Tuzi and two from Podgorica.

The vision of the association is to make Montenegro an inclusive, equal society of realized rights and equal opportunities.

The mission is to contribute to the inclusion of children and youth with disabilities in the social and work environment through supporting the development of health and social care services, education, employment, strengthening the family as well as raising awareness of society about their rights and opportunities. The main goal is to improve the realization of human rights, with special emphasis on the rights of children and youth with disabilities and their families.

Members of NARDOS are members of many bodies for the rights of the child. The official website of the Association is <https://nardoscg.me>

THE NATIONAL ASSOCIATION OF PERSONS WITH INTELLECTUAL DISABILITIES IN MONTENEGRO “SELF-ADVOCATES”

The National Association of Persons with Intellectual Disabilities in Montenegro "Self-Advocates" was founded in 2020 with the support of the Association of Parents of Children with Disabilities "Ray of Hope" from Pljevlja.

It was established to represent the rights of an underrepresented group of persons with intellectual disabilities. The members are people with intellectual disabilities from Montenegro. They are currently training for self-advocacy with the support of assistants and participation in self-advocacy clubs.

THE UNION OF ASSOCIATIONS OF PARENTS OF CHILDREN AND YOUTH WITH DISABILITIES “OUR INITIATIVE “PODGORICA

The Union of Associations of Parents of Children and Youth with Disabilities "Our Initiative" Podgorica, was established on March 6, 2002, as a non-governmental, voluntary, independent, non-political, non-profit, socio-humanitarian organization comprised of associations of parents of children and youth with disabilities. The abbreviated name is "The Union Our Initiative Podgorica".

"The Union Our Initiative Podgorica" is a network and umbrella NGO on a national level that consists of 20 local associations of parents of children with disabilities situated in 15 cities in Montenegro. The local associations encourage and initiate improvement of life quality for children and youth with disabilities.

The purpose of the establishment and existence of this organization is to protect and improve the position of persons with disabilities, non-institutional and informal education, primarily for children and youth with disabilities, the improvement of social, health and educational care, and enhancement of employment policies for persons with disabilities. The Union also seeks to contribute towards the improvement of the capacity of local associations of parents of children and youth with disabilities across Montenegro.

The Union "Our Initiative" regularly cooperates with local and state authorities, international agencies and organizations, NGOs and the media. More information on this organization can be found on their website: <https://www.nasainicijativa.me>.

THE UNION OF THE BLIND OF MONTENEGRO

The Union of the Blind of Montenegro is a non-governmental and non-profit organization of persons with disabilities, which gathers about 1000 persons with visual impairments who are members of eight local organizations of the blind, covering the area of all 21 municipalities in our country. The Union was founded on April 11, 1947, in Cetinje.

The Vision of the Union is: “Visually impaired people: empowered, integrated, and included in society.”

The mission of the Union is the involvement of visually impaired people through encouragement and implementation of activities that emphasize abilities and strengthen their personality in the community.

In the past 70 years of its existence, the Union has been working on: providing support and encouraging members to go to school and achieve the highest possible level of education; providing support and assistance in employment; procuring and distributing tyflo-technologies providing free holidays at sea or in the mountains; organizing a vast number of cultural events in which persons with visual impairments took part, such as literary evenings, music concerts, exhibitions of handicrafts and the like; organizing sports activities and competitions, publishing Braille and audio magazines, among which the most important is the audio magazine "Zvučna revija", which has been published for 4 decades as a monthly magazine.

In addition to the above activities, the Union has placed great emphasis on international cooperation throughout its existence. It is a member of the European and World Alliance of the Blind and it has representatives in several commissions of the European Association of the Blind. It is also a member of the Balkan Consultative Committee, the Western Balkans Advocacy Network and IBCA (International Braille Chess Association).

The official website of the Union is <https://ss-cg.org>.

THE ASSOCIATION OF THE DEAF AND HARD OF HEARING OF MONTENEGRO

The Association of the Deaf and Hard of Hearing of Montenegro also exists, including its local organisations, but they are mainly not included in the disability rights movement due to a lack of capacities and support for their engagement.

LITERATURE AND REFERENCES

- ¹ Census of Population, Households, and Dwellings in Montenegro 2011, Population with disability in performing daily activities, by municipalities in Montenegro, available at: <http://monstat.org/userfiles/file/popis2011/saopstenje/Smetnje%20u%20obavljenju%20svakodnevnih%20aktivnosti%20popis%202011.pdf>
- ² Montenegrin Alternative Report on the Implementation of the Un Convention on the Rights of Persons with Disabilities, available at: <https://umhcg.com/en/publikacije/>
- ³ <https://www.electionguide.org/countries/id/245/>
- ⁴ The Law on the Ratification of the CRPD with an Optional Protocol ("Official Gazette of Montenegro - International Agreements", No. 02/09 of July 27, 2009);
- ⁵ Article 9 of the Constitution of Montenegro ("Official Gazette of Montenegro", No. 01/07 of 25.10.2007, 38/13 of 02.08.2013);
- ⁶ The Montenegro's Initial Report on the implementation of the CRPD, available at: <https://documentsddsny.un.org/doc/UNDOC/GEN/G15/248/09/PDF/G1524809.pdf?OpenElement>
- ⁷ The Public Call of the Ministry of Labour and Social Welfare, available at: <https://www.gov.me/clanak/118863--javni-poziv>
- ⁸ The Montenegrin Alternative Report on the Implementation of the CRPD, available at: <http://umhcg.com/wp-content/uploads/2018/06/Izvjestaj-ENG.pdf>
- ⁹ CRPD Committee (2017), Concluding Observations on Initial State Report;
- ¹⁰ Paragraph 62 of the Concluding Observations on Initial State Report (2017), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMNE%2fCO%2f1&Lang=en;
- ¹¹ Montenegro's Report on Follow-up to Concluding Observations (2018), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMNE%2fCO%2f1%2fAdd.1&Lang=en;
- ¹² Response of the CRPD Committee to Montenegro's Report on Follow-up to Concluding Observations(2020),available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMNE%2fCO%2f1%2fAdd.2&Lang=en
- ¹³ Paragraphs 1, 2, 4, 5, 8, 14, 19 and 20 of the Response of the CRPD Committee to Montenegro's Report on Follow-up to Concluding Observations (2020);
- ¹⁴ Paragraph 66 of the Concluding Observations on Initial State Report (2017), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMNE%2fCO%2f1&Lang=en;
- ¹⁵ The list of representatives of non-governmental organizations proposed to the Working group for the development of an action plan for the implementation of the recommendations of the UN Committee on the rights of persons with disabilities under the public invitation of April 25, 2019,

available at: <https://www.gov.me/clanak/200621--lista-predstavnik-nevladinih-organizacija-predlozenih-u-radnu-grupu-za-izradu-akcionog-plana-za-realizaciju-preporuka-un-komite>

¹⁶ Analysis of the harmonization of the legislation in Montenegro with the Law on Prohibition of Discrimination against Persons with Disabilities and the CRPD, with recommendations for harmonization (2016), available at: <https://www.gov.me/dokumenta/06bc7189-91f3-4686-a4a3-0211fd4f8a27>

¹⁷ The Strategy on Integration of Persons with Disabilities in Montenegro for 2008-2016, available at: <https://www.gov.me/dokumenta/42f772c4-4b8e-421f-a687-0ee6b1f4493c>

¹⁸ *Ibid*

¹⁹ The Strategy for the Protection of persons with disabilities from Discrimination and Promotion of Equality 2017-2021, available at: <https://wapi.gov.me/download-preview/e177f258-825a-4acf-beaa-1bc126ff1718?version=1.0>

²⁰ The Decision of the Ministry of Justice, Human and Minority Rights, No. 01-040/21-7891, of 19 July 2021;

²¹ Article 149 paragraph 1 point 1, 2, 3 and 8 of the Constitution of Montenegro ("Official Gazette of Montenegro", No. 01/07 of 25.10.2007, 38/13 of 02.08.2013);

²² Article 150 paragraphs 1 and 3 of the Constitution of Montenegro ("Official Gazette of Montenegro", No. 01/07 of 25.10.2007, 38/13 of 02.08.2013);

²³ The Law on Protector of Human Rights and Freedoms ("Official Gazette of the Republic of Montenegro", No. 41/03 of 10 July 2003);

²⁴ Article 17-23 of the Law on Protector of Human Rights and Freedoms ("Official Gazette of Montenegro", No.42/11 of 15.08.2011, 032/14 of 30.07.2014, 21/17 of 31.03.2017) and Article 21 of the Law on Prohibition of Discrimination ("Official Gazette of Montenegro", No. 46/10 of 06.08.2010, 40/11 of 08.08.2011, 18/14 of 11.04.2014, 42/17 of 30.06.2017);

²⁵ https://www.ombudsman.co.me/O_instituciji.html#

²⁶ The Decision of the Protector of Human Rights and Freedoms of Montenegro, no. 03-955/21-1 of 13 August 2021;

²⁷ Article 2 paragraph 1 of the Law to the State Prosecutor's Office ("Official Gazette of Montenegro", No. 11/15, 42/15, 80/17, 10/18, 76/20, 59/21);

²⁸ Article 42 of the Criminal Code of Montenegro ("Official Gazette of the Republic of Montenegro", No. 70/03, 13/04, 47/06, "Official Gazette of Montenegro", No. 40 / 08, 025/10, 73/10, 32/11, 64/11, 40/13, 56/13, 14/15, 42/15, 58/15, 44/17 from, 49/18, 03/20, 26/21);

²⁹ Article 183 of the Criminal Code of Montenegro;

³⁰ Article 3 paragraph 2 of the Law on Inspection Supervision ("Official Gazette of the Republic of Montenegro", No. 39/03 of 30.06.2003, Official Gazette of Montenegro ", No. 76/09 of 18.11.2009, 57/11 of 30.11.2011, 18/14 from 11.04.2014, 11/15 from 12.03.2015, 52/16);

³¹ Article 27 point 15 and 16 of Law on Local Self-government ("Official Gazette of Montenegro", No. 02/18 of January 10, 2018, 34/19 of June 21, 2019, 38/20 of April 25, 2020);

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- ³² Strategic measure 1 within Strategic Goal 8 of the Strategy (page 36);
- ³³ Page 85 of the Action Plan for Realization of the Strategy 2019-2020 with the Report on the implementation of the Action Plan for 2017-2018, available at: <https://wapi.gov.me/download-preview/01b9a780-f630-4b29-a0e0-8cfa274bf3ad?version=1.0>;
- ³⁴ Page 60 of the Action Plan for Realization of the Strategy 2021 with the Report on the implementation of the Action Plan for the 2019-2020, available at: <https://wapi.gov.me/download-preview/9bc79930-c13d-49be-aeb8-77d1998d5291?version=1.0>;
- ³⁵ Article 10 paragraph 1 and 2 and Article 15 paragraph 1 and 2 of the Law on Non-Governmental Organizations ("Official Gazette of Montenegro", No. 39/11 of 04.08.2011, 37/17 of 14.06.2017);
- ³⁶ Article 10 paragraph 1 and 2 of the Law on Non-Governmental Organizations
- ³⁷ Section II and III of the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies ("Official Gazette of Montenegro", No. 41/18 of June 28, 2018);
- ³⁸ Article 3 paragraph 1, Article 11, Article 12 paragraph 1 and Article 15 paragraph 1 and 2 of the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies ("Official Gazette of Montenegro", No. 41/18 of June 28, 2018);
- ³⁹ Article 4 and Article 6 paragraph 1 of the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies;
- ⁴⁰ The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021
- ⁴¹ Article 10 of the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies ("Official Gazette of Montenegro", No. 41/18 of June 28, 2018);
- ⁴² Article 13 and Article 18 of the Decree on the Election of Representatives of NGOs to the Working Groups of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies ("Official Gazette of Montenegro", No. 41/18 of June 28, 2018);
- ⁴³ Ibid, Article 16 paragraph 1;
- ⁴⁴ Ibid, Article 16 paragraph 2;
- ⁴⁵ More information available at: <https://www.unicef.org/montenegro/en/its-about-ability-implemented-2010-2013>;
- ⁴⁶ Report on the Rapid Social Impact Assessment of the COVID-19 outbreak in Montenegro April–June 2020, available at: https://montenegro.un.org/sites/default/files/202009/Report%20on%20the%20Rapid%20Social%20Impact%20Assessment%20of%20the%20COVID19%20outbreak%20in%20Montenegro%2C%20April%20E2%80%93June%202020_0.pdf

⁴⁷ More information on the project “Disability Determination System Reform” available at: <https://www.me.undp.org/content/montenegro/en/home/projects/reform-of-the-national-disability-determination-system.html>

⁴⁸ United Nations Common Country Analysis, Montenegro 2021, available at: <https://montenegro.un.org/sites/default/files/2021-06/Common%20Country%20Assessment%20Montenegro%202021%20-%20ENG.pdf>

⁴⁹ The Association of Youth with Disabilities of Montenegro and the Union of the Blind of Montenegro (December 2020), The Impact of Covid-19 on Youth with Disabilities in Montenegro: and disability inclusion in the Montenegro Government COVID-19 response; available at: <http://umhcg.com/publikacije/>

⁵⁰ More information available at: <http://ipa3.me/en/faq>

⁵¹ <https://www.gov.me/dokumenta/7841ffa2-0281-4e96-afe4-2ba4b6692102>

⁵² <http://www.sluzbenilist.me/pregled-dokumenta-2/?id={AC4AF462-C958-404C-98E8-42EF788A9F46}#>

⁵³ <http://www.sluzbenilist.me/pregled-dokumenta-2/?id={E54FE675-5C27-4C6F-9051-74071D6F9A15}>

⁵⁴ <https://www.gov.me/clanak/javni-poziv-nvo-za-predlaganje-predstavnika-ce-za-clana-icu-radne-grupe-za-pregovaracko-poglavlje-19-socijalna-politika-i-zaposljavanje>

⁵⁵ Article 10 of the Rulebook on the Internal Organization and Systematization of the MJHMR;

⁵⁶ The Decisions of the MI, MPADSM, MESCS, MFSW - for the full list of references see Appendix I

⁵⁷ The Decision on Establishment of the Council for Care of Persons with Disabilities , available on: <https://wapi.gov.me/download-preview/722e5af0-dea6-43a7-9cb7-33e60327e871?version=1.0>

⁵⁸ United Nations Common Country Analysis, Montenegro 2021, p. 44, available at: <https://montenegro.un.org/sites/default/files/2021-06/Common%20Country%20Assessment%20Montenegro%202021%20-%20ENG.pdf>

⁵⁹ CRPD Committee (2017), at *supra note 15*, para 10(c).

⁶⁰ Paragraphs 23 and 24 of the Concluding Observations on the Initial Report of Montenegro of the CRPD Committee;

⁶¹ The Family Law ("Official Gazette of the Republic of Montenegro", No. 01/07 , "Official Gazette of Montenegro", No. 53/16 , 76/20);

⁶² Article 2 of the Law on Amendments to the Law on Non-Contentious Procedure ("Official Gazette of Montenegro", No. 67/19 of 11 December 2019);

⁶³ Article 1 of the Law on Amendments to the Law on Non-Civil Procedure ("Official Gazette of Montenegro", No. 67/19 of 11 December 2019);

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- ⁶⁴ Article 30 of the Law on Non-Contentious Procedure ("Official Gazette of the Republic of Montenegro", No. 27/06 of 27.04.2006, "Official Gazette of Montenegro", No. 73/10 of 10.12.2010, 20/15 of 24.04.2015, 75 / 18 from 11/23/2018, 67/19 from 12/11/2019);
- ⁶⁵ Article 235 of the Law on Non-Contentious Procedure ("Official Gazette of the Republic of Montenegro", No. 27/06 of 27.04.2006, "Official Gazette of Montenegro", No. 73/10 of 10.12.2010, 20/15 of 24.04.2015, 75 / 18 from 11/23/2018, 67/19 from 12/11/2019);
- ⁶⁶ The Decision of the Ministry of Finance and Social Welfare, no. 16-UIP-113-037/21-41-1 of 16 August 2021
- ⁶⁷ The Decision on the Establishment of the Commission for the Development of Civil Code, available at: <https://www.gov.me/dokumenta/a2237a22-226a-40a7-8b24-3eb1b0930290>
- ⁶⁸ Article 8 of the Constitution of Montenegro;
- ⁶⁹ Article 8 of the Constitution of Montenegro;
- ⁷⁰ Article 25 paragraph of the Constitution of Montenegro;
- ⁷¹ Article 159 and Article 443 of the Criminal Code of Montenegro;
- ⁷² The Decisions of the State Prosecutor's Offices - for the full list see Appendix I
- ⁷³ Article 18 paragraph 1 of the Law on Prohibition of Discrimination ("Official Gazette of Montenegro", No. 46/10, 040/11, 18/14, 42/17);
- ⁷⁴ Ibid, Article 34, paragraph 1 point 2
- ⁷⁵ Article 24 paragraphs 3 and 4 of the Law on Prohibition of Discrimination;
- ⁷⁶ Ibid, Article 21 point 4 and Article 24 paragraph;
- ⁷⁷ Ibid, Article 27;
- ⁷⁸ Article 385 paragraph 1 of the Law on Obligations ("Official Gazette of Montenegro", No. 47/08, 04/11, 22/17);
- ⁷⁹ Article 33 paragraphs 1 and 2 of the Law on Prohibition of Discrimination;
- ⁸⁰ Article 33 of the Law on Prohibition of Discrimination;
- ⁸¹ Page 186 of the Annual Report of the Protector for 2018, available on: https://www.ombudsman.co.me/docs/1554460353_05042019-cir-final-godisnji-izvjestaj-2018.pdf;
- ⁸² Page 232 of the Annual Report of the Protector for 2020, available on: https://www.ombudsman.co.me/docs/1619074992_izvjestaj_01042021.pdf;
- ⁸³ Paragraph 11 of the Concluding Observations on the Initial Report of Montenegro of the CRPD Committee;
- ⁸⁴ Page 10 of the Alternative Report on Completion of Action Plan for Implementation of Strategy for Protection of Persons with Disabilities Against Discrimination and Promotion of Equality, available at: <https://umhcg.com/publikacije/>

⁸⁵ The Decision of the Protector of Human Rights and Freedoms of Montenegro, no. 03-955/21-1 of 13 August 2021, The Decision of the Constitutional Court of Montenegro, no. 491/21-1 of 12 August 2021;

⁸⁶ The Decision of the Protector of Human Rights and Freedoms of Montenegro, no. 03-955/21-1 of 13 August 2021;

⁸⁷ Page 187 of the Annual Report of the Protector for 2019, available at: https://www.ombudsman.co.me/docs/1590478014_www-final---05---izvjestaj-o-radu-za-2019.pdf;

⁸⁸ Article 42a and Article 42b paragraphs 2 and 3 of the Law on Non-Contentious Procedure ("Official Gazette of the Republic of Montenegro", No. 27/06, "Official Gazette of Montenegro", No. 73/10, 20/15, 75 / 18, 67/19);

⁸⁹ Article 15 of Law on Patients' Rights ("Official Gazette of Montenegro", No. 40/2010 and 40/2011

⁹⁰ Article 132 paragraph 1 of the Law on Health Protection ("Official Gazette of Montenegro", No. 03/16, 39/16, 02/17, 44/18, 24/19, 24/19, 82/20, 08/21);

⁹¹ Article 24 of the Law on Protection and Exercise of the Rights of Mentally Ill Persons ("Official Gazette of the Republic of Montenegro", No. 32/05 of 27.05.2005, "Official Gazette of Montenegro", No. 73/10 of 10.12.2010, 40/11 of 08.08. 2011, 27/13 from 11/06/2013);

⁹² Article 50 of the Law on Non-Contentious Procedure ("Official Gazette of the Republic of Montenegro", No. 27/06 of 27.04.2006, "Official Gazette of Montenegro", No. 73/10 of 10.12.2010, 20/15 of 24.04.2015, 75 / 18 from 11/23/2018, 67/19 from 12/11/2019);

⁹³ CRPD Committee (2017), at *supra note 15*, para 34.

⁹⁴ Paragraph 13.d of the Concluding Observations on the Initial Report of Montenegro of the CRPD Committee;

⁹⁵ The Decision of the MFSW, no. 16-UPI-113-037/21-41-1 of 16 August 2021;

⁹⁶ The Decisions of State Prosecutor's Offices and decisions of the MIA - for full list of references see Appendix I

⁹⁷ The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021

⁹⁸ Articles 3 and 4 of the Rulebook on Medical Indications for Exercising the Right to Material Security, Allowance for Care and Assistance, Personal Disability and Salary Compensation for Working with Half of Full Working Time ("Official Gazette of Montenegro", No. 58/14 of December 29, 2014);

⁹⁹ Article 4 paragraph 1 of the Rulebook on Detailed Conditions for Education, Composition and Work of Work of Social-medical Commissions ("Official Gazette of Montenegro", No. 44/14 of 21.10.2014, 019/19 of 29.03.2019, 06/21 of 22.01.2021);

¹⁰⁰ Article 19 of The Law on Education and Upbringing of Children with Special Educational Needs

¹⁰¹ *Ibid*, Article 19 and 20

¹⁰² Article 8, paragraph of *the Law on Professional Rehabilitation and Employment of Persons with Disabilities* ("Official Gazette of Montenegro", No. 49/08 dated 15/08/2008, 73/10 dated 10/12/2010, 39/11 dated 04/08/2011, 55/16 dated 17/08/2016)

¹⁰³ Article 5 paragraph 1 of the Rulebook on the Composition and Manner of Work of the Commission for Professional Rehabilitation ("Official Gazette of Montenegro", no. 51/2017 and 13/2020)

¹⁰⁴ Article 11 of the Law on Social and Child Protection ("Official Gazette of Montenegro", No. 27/13 , 001/15 , 42/15 , 47/15 , 56 / 16 , 66/16 , 01/17 , 31/17 , 42/17 , 50/17 , 59/21);

¹⁰⁵ Decision on Adjustment of the Amount of the Basis for Exercising the Right to Material Security and the Amount of Material Benefits from Social and Child Protection ("Official Gazette of Montenegro", No. 94/21 of 03.09.2021);

¹⁰⁶ Article 32 paragraph 1 and Article 33 paragraph 1 of the Law on Social and Child Protection;

¹⁰⁷ Articles 3 and 4 of the Rulebook on Medical Indications for Exercising the Right to Material Security, Allowance for Care and Assistance, Personal Disability and Salary Compensation for Working with Half of Full Working Time ("Official Gazette of Montenegro", No. 58/14 of December 29, 2014);

¹⁰⁸ Article 4 paragraph 1 of the Rulebook on Detailed Conditions for Education, Composition and Work of Work of Social-medical Commissions ("Official Gazette of Montenegro", No. 44/14 of 21.10.2014, 019/19 of 29.03.2019, 06/21 of 22.01.2021);

¹⁰⁹ Article 60 paragraph 1 and Article 69 of the Law on Social and Child Protection;

¹¹⁰ *Ibid*, Article 62 paragraph 2;

¹¹¹ The Licence of the Ministry for Labour and Social Welfare, no: UPI-109-109/20-60-5 from 27. 10. 2020;

¹¹² The Licence of the Ministry for Labour and Social Welfare, no: 56-1548/18-6 from 11. 3. 2019;

¹¹³ The Licence of the Ministry for Labour and Social Welfare, no: UPI-109-109/20-2/5 from 25. 2. 2020;

¹¹⁴ The Registry of MFSW Licensed Service providers, available at: <https://www.gov.me/clanak/registar-licenciranih-pruzalaca-usluga-2;>

¹¹⁵ The Decision of the MFSW, no. 16-109-128/21-3065/1 from the 1. 9. 2021, available at: <https://www.gov.me/clanak/rjesenje-o-utvrdivanju-cijene-usluge-personalna-intervencija;>

¹¹⁶ The Decision of the MFSW, no. 16-109-128/20-6894 from 19. 2. 2021, available at: <https://www.gov.me/clanak/rjesenje-o-utvrdivanju-cijene-usluge-pomoc-u-kuci-4;>

¹¹⁷ EU Progress Report to Montenegro (2020), page 39;

¹¹⁸ The Decision of Center for Social Work for Municipalities of Kotor, Tivat and Budva, no. UP/I-49-2 from 24. 7. 2018.;

¹¹⁹ The decision of the MFSW, no. 16-UP-I-113-037/21-41-1 of 16 August 2021;

¹²⁰ Paragraph 15 item b of the Concluding Observations on the Initial Report of Montenegro of the CRPD Committee (2017);

¹²¹ US State Department (2020), Montenegro 2020 Human Rights Report, page 47. available at: <https://www.state.gov/wp-content/uploads/2021/03/MONTENEGRO-2020-HUMAN-RIGHTS-REPORT.pdf>

¹²² Analysis of The System of Assessment of the Eligibility for Social Protection of Children with Disabilities: The Level of Compliance Between Present Practice and The Legislative Framework in Montenegro and The Recommendations of the Committee for Monitoring the Implementation of the Convention On the Rights of Persons with Disabilities

¹²³ The Decision of the MFSW, no. 16-UPI-113-037/21-41-1 from 13 September 2021;

¹²⁴ *Ibid*

¹²⁵ Article 70 paragraph 1, of the Law on Social and Child Protection;

¹²⁶ The Decision on Establishment of Public Institution for Accommodation ff Adults with Disabilities and the Elderly "Podgorica" ("Official Gazette of Montenegro", No. 97/20 of 25.09.2020, 098/20 of 30.09.2020) and the Decision on Establishment of Establishment Accommodation of Adults with Disabilities and the Elderly "Nikšić" ("Official Gazette of Montenegro", No. 62/20 of June 26, 2020);

¹²⁷ The Decision on Establishment of a Public Institution for Accommodation of Adults with Disabilities and the Elderly "Pljevlja" ("Official Gazette of Montenegro", No. 57/17 of 15.09.2017, 006/19 of 30.01.2019);

¹²⁸ The Decision of the Public Institution „Komanski most“, No. 01-142-/21-2-2 of 13 August 2021;

¹²⁹ *Ibid*

¹³⁰ The Decision of the MFSW, no. 16-UPI-113-037/21-41-1 from 13 September 2021;

¹³¹ Law on Health Care ("Official Gazette of Montenegro", No. 03/16 , 39/16 , 02/17 , 44/18 , 24/19 .2019, 24/19 , 82/20 , 08/21);

¹³² Law on Compulsory Health Insurance ("Official Gazette of Montenegro", No. 06/16 , 02/17 , 22/17 , 013/18 , 67/19);

¹³³ Page 8 of the Policy Brief on Rights of Patients with disabilities (the Association of Youth with Disabilities of Montenegro) (2019/9, available at: <https://umhcg.com/wp-content/uploads/2013/11/policy-brief-.pdf>;

¹³⁴ Article 19 paragraph item 10, Article 40 paragraph 5, Article 47 paragraph 2 of the Law on Compulsory Health Insurance and the Article 3 paragraph 1 of the Rulebook on Indications and Manner ff Using Medical Rehabilitation in Healthcare Institutions Performing Specialized Medical Rehabilitation ("Official Gazette of Montenegro", No. 81/7 of 06/03/2017 of 28.12.2016, 50/18, 47/19, 04/21);

¹³⁵ Paragraph 40 item b of the CEDAW Committee (2017) Concluding observations on the second periodic report of Montenegro , available at: <https://digitallibrary.un.org/record/1305056>;

¹³⁶ Page 48 of the US State Department (2020) Montenegro 2020 Human Rights Report, page 47. available at: <https://www.state.gov/wp-content/uploads/2021/03/MONTENEGRO-2020-HUMAN-RIGHTS-REPORT.pdf>

¹³⁷ Page 8 of the Policy Brief on Rights of Patients with disabilities (the Association of Youth with Disabilities of Montenegro) 2017, available at: <https://umhcg.com/wp-content/uploads/2013/11/policy-brief-.pdf>;

¹³⁸ Article 2 paragraph of the Law on Health Protection;

¹³⁹ Article 15 item 3 of the Law on Compulsory Health Insurance;

¹⁴⁰ Article 33 of the Law on the Protection and Exercise of the Rights of the Mentally Ill;

¹⁴¹ Article 132 of the Law on Health Protection;

¹⁴² Article 24 of the Law on the Protection and Exercise of the Rights of the Mentally Ill;

¹⁴³ *Ibid*, Article 43;

¹⁴⁴ Paragraphs 28, 29, 30, 31, 34 and 35 of the Concluding Observations on the Initial Report of Montenegro of the CRPD Committee (2017);

¹⁴⁵ The Decision of the Special Psychiatric Hospital Kotor 01-037/21-253/7 of 21 September 2021;

¹⁴⁶ Paragraph 21 item c of the Concluding Observations on the Initial Report of Montenegro of the CRPD Committee (2017);

¹⁴⁷ *Ibid*

¹⁴⁸ The Strategy for Improving the Quality of Health Care and Safety of Patients for the period 2019-2023. years with the Action Plan for 2019-2020, available at: <https://www.gov.me/dokumenta/a3ebb1d5-a301-410e-bd0a-0a9fc3fbd2ac>;

¹⁴⁹ Page 3 of the Report on the Implementation of the Action Plan for Implementation Strategies for the Protection and Promotion of Mental Health in Montenegro for 2020, available at: <https://www.gov.me/dokumenta/522c0124-ffb2-430d-b466-eede594da890>;

¹⁵⁰ The Law on Upbringing and Education of Children with Special Educational Needs ("Official Gazette of the Republic of Montenegro", No. 080/04 of 29.12.2004, "Official Gazette of Montenegro", No. 045/10 of 04.08.2010, 047/17 of 19.07.2017)

¹⁵¹ The Law on Higher Education (Official Gazette of Montenegro, 044/14 of 21 October 2014, 052/14 of 16 December 2014, 047/15 of 18 August 2015, 040/16 of 30 June 2016, 042/17 of 30 June 2017)

¹⁵² Article 11, paragraph 4 of the General Law on Education and Upbringing ("Official Gazette of the Republic of Montenegro", No. 064/02, 031/05, 049/07, "Official Gazette of Montenegro", no. 004/08, 021/09, 045/10, 073/10, 040/11, 045/11, 036/13, 039/13, 044/13, 047/17, 059/21)

¹⁵³ Montenegro 2019 - 2025 Inclusive Education Strategy p.7, available at: <https://www.unicef.org/montenegro/media/7876/file/MNE-media-MNEpublication312.pdf>

¹⁵⁴ Analysis of the Cross-sector System Support for Children with Disabilities in Montenegro, p.9 available at: <https://www.unicef.org/montenegro/media/15361/file/mne-media.805.publication.pdf>

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- ¹⁵⁵ The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021
- ¹⁵⁶ Article 30a paragraph 3 of the Law on Upbringing and Education of Children with Special Educational Needs
- ¹⁵⁷ The data obtained from the Montenegrin Education Information System (MEIS);
- ¹⁵⁸ The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021
- ¹⁵⁹ *Ibid*
- ¹⁶⁰ Articles 70 paragraph 4, Article 90 paragraph 5, Article 93 paragraph 4 and Article 92 paragraph 3 of the Law on Higher Education ("Official Gazette of Montenegro", No. 44/2014, 52/2014, 47/2015, 40/2016, 42/2017, 71/2017, 55/2018, 3/2019, 17/2019, 47/2019, 72/2019 and 74/2020)
- ¹⁶¹ 2020 Narrative Report, p.3 available at: <http://umhcg.com/o-nama/godisnji-izvjestaji/>
- ¹⁶² Articles 23 paragraph 1.3 of the Law on Higher Education
- ¹⁶³ The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021
- ¹⁶⁴ Montenegro 2019 - 2025 Inclusive Education Strategy, available at: <https://www.unicef.org/montenegro/media/7876/file/MNE-media-MNEpublication312.pdf>
- ¹⁶⁵ The Decision of the Ministry of Economic Development No. 002-037-21-6960/5 of 22 September 2021;
- ¹⁶⁶ *The Law on Professional Rehabilitation and Employment of Persons with Disabilities* ("Official Gazette of Montenegro", No. 49/08 dated 15/08/2008, 73/10 dated 10/12/2010, 39/11 dated 04/08/2011, 55/16 dated 17/08/2016)
- ¹⁶⁷ *Ibid*, Article 21, paragraph 1 and 2
- ¹⁶⁸ The Decision of the Employment Agency of Montenegro filed under no. 06/100/18-21 of 19 August 2021;
- ¹⁶⁹ Analysis of the Cross-sector System Support for Children with Disabilities in Montenegro, p.6, available at: <https://www.unicef.org/montenegro/media/15361/file/mne-media.805.publication.pdf>
- ¹⁷⁰ Gender Responsive Budgeting in the Field of Employment of Persons with Disabilities in Montenegro: Policy Brief p.13; available at: <https://imiboke.me/library>
- ¹⁷¹ *Ibid*, p. 11
- ¹⁷² The Decision of the Employment Agency of Montenegro filed under no. 06/100/18-21 of 19 August 2021
- ¹⁷³ Page 10 of the Annual Report for 2019 of the EAM (2020), available at: <https://www.zzzcg.me/wp-content/uploads/2020/01/Izvjestaj-o-radu-ZZZCG-za-2019.-godinu.pdf>;

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- ¹⁷⁴ Page 11 of the Annual Report for 2020 of the EAM (2021), available at: <https://www.zzzcg.me/wp-content/uploads/2021/03/Godisnji-izvjestaj-o-radu-2020-18.02.2020-ISPRAVKA-NIVO-KVALIFIKACIJE.pdf>;
- ¹⁷⁵ Article 3 of the Rulebook on Conditions, Criteria and Procedure for Exercising the Right to Subsidies ("Official Gazette of Montenegro", No. 39/12 of 23.07.2012, 046/14 of 31.10.2014);
- ¹⁷⁶ For the full list of references see Appendix I
- ¹⁷⁷ The Decision of the Ministry of the Interior No 30-4/I-037/21-3067 of 17 August 2021
- ¹⁷⁸ Article 77 paragraph 2, Article 78 paragraph 1 and Article 79 of the Law on Civil Procedure ("Official Gazette of the Republic of Montenegro", No. 022/04, 028/05, 076/06, "Official Gazette of Montenegro", No. 73/10, 47/15, 48/15, 51/17, 75/17, 62/18, 34/19, 42/19, 76/20);
- ¹⁷⁹ *Ibid*, Article 122 paragraph 3;
- ¹⁸⁰ Article 13 item 3 of the Law on Free Legal Aid ("Official Gazette of Montenegro", no. 20/2011)
- ¹⁸¹ Page 47 of the US State Department (2020), Montenegro 2020 Human Rights Report;
- ¹⁸² Article 3 of the Law on Interpreters ("Official Gazette of Montenegro" 52/16)
- ¹⁸³ The List of Court Interpreters, the MJHRM 2021, available at: <https://www.gov.me/clanak/spisak-tumaca-azuriran-1542021godine>
- ¹⁸⁴ For the full list of references see Appendix I
- ¹⁸⁵ The Decision of the Constitutional Court of Montenegro, no. 491/21-1 of 12 August 2021
- ¹⁸⁶ For the full list of references see Appendix I
- ¹⁸⁷ Montenegro 2020 Report, p.31 available at: https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/montenegro_report_2020.pdf
- ¹⁸⁸ The Decision of the Constitutional no. 23/17 "Official Gazette of Montenegro, No. 109/2020" dated 10 November 2020
- ¹⁸⁹ The Decision of the Constitutional Court no. 32/14 of June 27 2017 "Official Gazette of Montenegro, No. 40/2017"
- ¹⁹⁰ Article 3 paragraph 5 of the Rules on Determining and Arranging Polling Stations and Measures to Ensure the Secrecy of Voting ("Official Gazette of Montenegro", No. 011/16 of February 18, 2016, 076/17 of November 17, 2017)
- ¹⁹¹ Articles 56 paragraph 2, 68 paragraph 3, 84 paragraph 4 of the Law on the Election of Councilors and Members of Parliament, ("Official Gazette of the Republic of Montenegro", No. 004/98, 005/98, 017/98, 014/00, 018/00, No. 073/00, 009/01, 041/02, 046/02, 045/04, 048/06, 056/06, No. 046/11, 014/14, 047/14, 012/16, 060/17, 010/18, 109/20)
- ¹⁹² Article 85 of the Law on the Election of Councilors and Members of Parliament
- ¹⁹³ The Judgment of the Basic Court in Podgorica no. 1470/19 of 28 February 2020 and the Judgment of the Higher Court in Podgorica no. GŽ 2406/20
- ¹⁹⁴ Montenegro Parliamentary Elections 30 August 2020; ODIHR Limited Election Observation Mission Final Report, p.8 available at: <https://www.osce.org/files/f/documents/5/2/473532.pdf>

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- ¹⁹⁵ Civic monitoring of Parliamentary and Local Elections Montenegro 2020 FINAL REPORT, p. 68 available at: <https://cemi.org.me/wp-content/uploads/2021/01/CeMI-FInal-Report-Civic-Monitoring-of-Parliamentary-and-Local-Elections-Montenegro-2020.pdf>
- ¹⁹⁶ Montenegro Parliamentary Elections 30 August 2020; ODIHR Limited Election Observation Mission Final Report, p.22 available at: <https://www.osce.org/files/f/documents/5/2/473532.pdf>
- ¹⁹⁷ The Opinion of the Protector of Human Rights and Freedoms of Montenegro, p. 3, available at: https://www.ombudsman.co.me/docs/1614076458_15022021-prpeoruka-dik.pdf
- ¹⁹⁸ Civic monitoring of Parliamentary and Local Elections Montenegro 2020 FINAL REPORT, p. 68 available at: <https://cemi.org.me/wp-content/uploads/2021/01/CeMI-FInal-Report-Civic-Monitoring-of-Parliamentary-and-Local-Elections-Montenegro-2020.pdf>
- ¹⁹⁹ Article 165 of the Law on Spatial Planning and Construction of Facilities("Official Gazette of Montenegro", No. 51/08 , 40/10 , 34/11 , 40/11 , 47/11 , 35/13 , 39/13 , 33/14 , 64/17 , 11/19);
- ²⁰⁰ The Action Plan for Adaptation of Buildings in Public Use for Access, Movement and Use by Persons with Disabilities and Persons with Reduced Mobility 2014, available at: <https://www.gov.me/dokumenta/b2ca7a2f-919c-4083-a74c-3110084cd898>;
- ²⁰¹ The Action Plan for Adaptation of Buildings in Public Use for Access, Movement and Use by Persons with Disabilities and Persons with Reduced Mobility 2018, available at: <https://www.gov.me/dokumenta/68b8a93e-c5dc-4d29-825b-88a348577c15>;
- ²⁰² For the full list of references see Appendix I.
- ²⁰³ The Decision of the Police Administration no. 112/21-23545/1 of 20 August 2021
- ²⁰⁴ The Decision of the Constitutional Court of Montenegro, no. 491/21-1 of 12 August 2021; The Decision of the Supreme Court, no. 335/21 of 27 August 2021; The Decision of the Supreme State Prosecutor's Office Podgorica, No 9/21 of 7 September 2021; The Decision of the Basic State Prosecutor's Office Kotor no.11/21 of 8 September 2021
- ²⁰⁵ The Decision of the Administration for Inspection Affairs, no.1001-037/21-118/2 of 17 August 2021
- ²⁰⁶ The Decision of the Ministry of Finance and Social Welfare, no. 16-UPI-113-037/21-41-1 of 16 August 2021
- ²⁰⁷ *Ibid*
- ²⁰⁸ The Decision of the Ministry of Public Administration, Digital Society and Media, no. 01-037/21-1511/2 of 27 August 2021;
- ²⁰⁹ The Decision of the Ministry of Economic Development No. 002-037-21-6960/5 of 22 September 2021;
- ²¹⁰ Law on Spatial Planning and Building Construction ("Official Gazette of Montenegro", No. 64/17 , 2017, 44/18 , 2018, 63/18 , 2018, 011/19 , 2019, 82 / 20);
- ²¹¹ Paragraph 17 item b of the Concluding Observations on Initial State Report (2017);
- ²¹² The Decision of the Ministry of Education, Science, Culture and Sports No: 14/1-04-037/21-2048/2 of 14 September 2021;

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- ²¹³ Article 6 item 9 of the Rulebook on Detailed Conditions and Manner of Adaptation of Facilities for Access and Movement of Persons with Reduced Mobility and Persons with Disabilities ("Official Gazette of Montenegro", No. 48/13 of 14.10.2013, 44/15 of 07.08.2015);
- ²¹⁴ Article 95 paragraph 1 item 3 of the Law on Road Transport ("Official Gazette of Montenegro", No. 71/17 of 31.10.2017, 67/19 of 11.12.2019);
- ²¹⁵ The Decision of the Ministry of Capital Investments No: 06/1-341/21-9810-1 of 14 September 2021;
- ²¹⁶ The Decision of the Basic State Prosecutor's Office Bijelo Polje no.10/21-2 of 9 September 2021; The Decision of the Police Administration, no. 037/21-23013 of 13 August 2021
- ²¹⁷ For full list of references see Appendix I
- ²¹⁸ The Roadmap for the Transition from Institutional towards Family and Community-based Care in Montenegro Based on a Minimum Package of Family and Community-based Services including Costing Analysis, p.ii.
- ²¹⁹ *Ibid*, p.ii.
- ²²⁰ The Decision of the MFSW, no. 16-UPI-113-037/21-41-1 of 16 August;
- ²²¹ The Decision of MFSW, no. 16-UPI-113-037/21-21-1 from 28. 4. 2021;
- ²²² Article 154 paragraph 4 of the Law on Social and Child Protection;
- ²²³ Decision on the Budget of the Capital Podgorica for 2021 "Official Gazette of Montenegro - municipal regulations, No. 46/2020" of 30 December 2020.
- ²²⁴ The Budget Law, Official Gazette of Montenegro, No. 70/2021 of June 25, 2021
- ²²⁵ Budget lines no. 421-5, 421-6 and 421-7 in the Budget Law for 2021
- ²²⁶ The Budget Law "Official Gazette of Montenegro", No. 89/2017; "Official Gazette of Montenegro", No. 74/2019 and 61/2020; "Official Gazette of Montenegro", No. 74/2019 and 61/2020
- ²²⁷ <https://www.gov.me/clanak/zakon-o-budzetu-crne-gore-za-2021-godinu>
- ²²⁸ Article 32 paragraph 5 of the Law on Non-Governmental Organizations;
- ²²⁹ Paragraph 9 of the CRPD Committee (2017), Concluding Observations on Initial State Report;
- ²³⁰ The Decision on the Distribution of Funds for Financing Non-governmental Organizations in the Field of Protection of Persons with Disabilities, the Ministry of Labor and Social Welfare, No. 109-128/20-604/154 of 9 October 2020; The Decision on the Distribution of Funds for Financing Programs/Projects of Non-governmental Organizations in the Field of Protection of Persons with Disabilities from Discrimination and Promotion of Equality for 2020 Entitled „Say No to Discrimination Against Persons with Disability“, The Ministry of Human and Minority Rights, No. 056-1/20-201 of 21 October 2020; The Decision on the Distribution of Funds for Financing Non-governmental Organizations in the Field of Protection of Persons with Disabilities in Transport, The Ministry of Transport and Maritime Affairs, No. 056/20-01-1457/3 of 20 July 2020
- ²³¹ For the full list of references see Appendix I.

²³² The Decision of the MFSW, no. 16-UPI-113-037/21-41-1 of 16 August and 13 September 2021;

²³³ Page 232 of the Annual Report of the Protector for 2020;

²³⁴ Paragraph 9 of the Analysis of the Cross-sector System Support for Children with Disabilities in Montenegro (2019);

²³⁵ The Decision of the Protector of Human Rights and Freedoms of Montenegro, no. 03-955/21-1 of 13 August 2021;

²³⁶ *Ibid*

²³⁷ focused on upholding the right of PWD and their guardians to know their rights and be fully informed on them

²³⁹ The respondents were given freedom to rank more than one factor as “the most important “, so each ranking may have greater or fewer than 20 responses.

