

# **Association of Youth with Disabilities of Montenegro**



## **Human Rights of Persons with Disabilities Report for Montenegro, 2012 and 2013.**

**Podgorica, October 2013**

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## 2. EXECUTIVE SUMMARY

Below is report on human rights of persons with disabilities, based on holistic approach which implies monitoring of respect, respectively violation of human rights of persons with disabilities in three areas: individual experience of persons with disabilities based on field interviews, monitoring of the laws, legislation and policies which treats human rights of persons with disabilities, and social attitudes toward persons with disabilities reflected through media coverage of issues related to persons with disabilities. For all three areas was made a separate report which was later incorporated into a holistic report.

In introduction, methodology which were used has been explained in details, as well as statistical and demographic data which characterized included areas where individual experiences took place. All key activities such as: coordination of the project, coordination of conducting interviews as well as conducting interviews on the field, data processing and analysis, monitoring of the Laws and policies as well as monitoring of the media where implemented exclusively by persons with disabilities.

Concept of the report was determined in accordance with areas which were recognized as most critical during individual experiences, which means that structure of this report was determined by persons with disabilities. All other aspects in report arise in relation to that key areas of life, respectively objective status of persons with disabilities in Montenegro.

Based on the merged results and analysis we have quantitatively obtained the most human rights violations in the areas of: social participation, labor and employment, insurance income and support services, privacy and family life and health, therefore these areas are the subject of special attention in this report. However, there are areas where people with disabilities allocates believing that they perceive to be the major field, and that, therefore the situation in these areas should be significantly improved.

*In this part we would to express our gratitude to partner organizations and local coordinators, to the team who worked on preparation of the report, as well to all other individuals who participated and gave their contribution to the quality of the results and the entire report.*

*Also, we would like to thank to the Regional Centre for Monitoring the rights of persons with disabilities in South East Europe for their support and cooperation, and especially to Disability Rights Promotion International and York University for providing financial support for implementation of this project and monitoring of human rights of persons with disabilities in Montenegro and in general for support in capacity building of Association of Youth with Disabilities for implementation of these and similar projects in aim of contributing to respect of human rights of persons with disabilities in Montenegro.*

**Team of Association of Youth with Disabilities of Montenegro**

### 3. METHODOLOGY

The project „Monitoring on rights of people with disabilities in Montenegro“ is based on a holistic approach to the rights of persons with disabilities, which includes:

1. Individual experiences of people with disabilities;
2. Systemic measures taken to protect and improve the rights of persons with disabilities (laws, policies, programs) and
3. Media image and the social attitudes about disability issues.

#### 3.1 ABOUT HOLISTIC APPROACH:

##### 3.1.1. Individual Experiences monitoring

This part of the report focuses on the individual experiences of people with disabilities, which were made through interviews on the field and in three towns in Montenegro: Bar, Podgorica and Bijelo Polje. The objective approach based on individual respondents' experiences is related to the intention to find out the experiences of the respondents in the access or denial of their human rights. With the persons with disabilities who were interviewed in the field were discussing with people with disabilities themselves, so that the goal and the foundation of the project, as well as individual experiences to engage people with disabilities and organizations of persons with disabilities, to lift and strengthen their capacity in order to develop a unified monitoring system on which to base all further research and monitoring and implementation of human rights, which means that the approach itself is based on a model of human rights. In interviews, *the individuals involved in total of 89 subjects (49 men and 40 women), per 30 from Bar and Podgorica and 29 from Bijelo Polje.* The aim of the research, ie the study of individual experiences in the field was to obtain data on human rights violations of people with disabilities in various areas of life, in the following areas: privacy and family life, education, labor and employment, social participation, information and communication, access to justice, disability income insurance and support services, health, habilitation and rehabilitation. *The basis of the testings of subjects experience in these areas were based on the five principles of human rights, namely: dignity, autonomy, equality and non-discrimination, participation, inclusion and accessibility and respect for diversity.* So in all areas apart the respondents spoke in terms of these principles of human rights in these areas. Interviews were taped, then retyped and coded using the coding scheme developed by D.R.P.I. and analyzed using the software NVivo10. Individual monitors (interviewers) were, as we have already said, selected by cross disability principal, based on what's been selected 20 people with different characteristics with respect to age, sex, type of disability, education and employment status, previous experience, etc. On a week-long training session (from 21 to 28 January 2012.) with the participation of all those who were later involved in the realization of the project was selected 10 pairs of monitors who were tasked with conducting interviews in the field. Among the interviewers were employed in the organizations of persons with disabilities, students, as well

as longtime activists of the disability movement. Interviews were administered at after retying Nvivo, then coded. After the coding was done analysis of interviews and written analytical report, as part of a comprehensive holistic report. The process of entering, coding and analysis of the interviews lasted 3 months and at the forefront of analytical Monitors Marina Vujačić from Association of Youth with Disabilities and her associate Milan Šaranović from Centre for antidiscrimination "EQUISTA".

### **3.1.2. Systemic Monitoring**

The goal of the systematic monitoring is to identify and draw attention to critical gaps and weaknesses in the national legislation and political frameworks in the field of protection and promotion of human rights of persons with disability, through the analysis of the five general principles of human rights. Systematic monitoring is done by the pattern of systematic monitoring, published by D.R.P.I. Systematic monitoring was implemented in a period of three months by a team consisting of Milan Šaranović, Team Leader and Miroslava- Mima Ivanović, a member of the team from Association of Youth with Disabilities with the associates` help Janko Adžić, the Coordinator of Legal Affairs at the Centre for Anti-discrimination "EQUISTA".

### **3.1.3. Media Monitoring**

The goal of media monitoring, and tracking of social attitudes means summary and retrieval of the model in which disability, apropos people with disabilities are in printed media, broadcast and online media, in order to learn social and public attitudes towards people with disabilities. Later this information is used to corroborate individual experience and systematic measures and thus will produce one part of the recommendations in order to combat the negative stereotypes and prejudice, apropos human rights violations. The media monitoring for this project dealt with 175 articles from a variety of electronic media (television and internet portal), as well as articles in the daily press. In order to analyze the social attitudes were used articles published from 1.07.2012. to 31.12.2012., that is to say a period of six months during the project, and the processing was carried out for a period of 3 months. In addition to the team coordinator for media monitoring Milenko Vojičić, on media monitoring were working also the associates from the Association of Youth with Disabilities of Montenegro, Sandra Nedović, politicologist, and Aleksandra Nenezic sociologist. Media monitoring is done based on a system of encryption D.R.P.I. and analyzed using the Guide.

At the beginning of a short analysis of media monitoring is important to mention that the most followed were the media with national coverage, because we use the program archive media and was denied access to the local media. For this reason, the following media were monitored: ND Vijesti, Vijesti Portal, Television "Vijesti", Public service -Radio Television of Montenegro (RTCG), TV Pink M, MONTENA TV, RTV Atlas, daily press "Dan", a DN "Dnevne novine", daily press "Pobjeda," web portal "E-Balkan", Portal "Analitika" and portal "Cafe del Montenegro".

### 3.2. OTHER PRINCIPLES OF HOLISTIC APPROACH

Holistic approach follows the rights of persons with disabilities in several ways, and then integrates information. Such an approach gives a better insight into the realities faced by people with disabilities. It also allows to find out how different problems affect each other, whether they are based in the laws and policies, practices, or social attitudes or attitude of the media towards people with disabilities. Coalition of PWD's organizations at the initial meeting among other things agreed that cities in Montenegro in conducting the monitoring of individual experiences of people with disabilities will be Podgorica as a big city in the central region, Bar as a small city in south-coastal region and Bijelo Polje and its rural area, as a city on the north of Montenegro. Likewise Association of Youth with Disabilities of Montenegro has been selected for the project owner. At the beginning of the realization of this project was held a week-long training for all participants in the project implementation in order to provide closer guidance, training and capacity building of persons with disabilities in the implementation of a comprehensive monitoring of the human rights of people with disabilities in Montenegro. Part of the training participants, and subsequently monitors of individual experiences of people with disabilities in the selected municipalities were 20 persons with disabilities selected by the cross disability principal. In that same way that they later selected and people with disabilities with whom an individual interview was done on the field or in the communities in which they live. So, when choosing subjects were taken into account the representation of people with disabilities in relation to sex, age, type of disability, education and employment status.

Another principle of the project was based on the need that in the project should be involved people with disabilities living in large urban areas, followed by those living in the smaller city as a whole, as well as people from rural areas (explained in background). AYDM in the realization of this project collaborated with members of organizations of persons with disabilities and organizations of persons with disabilities of the three mentioned cities, who participated in this project, together with the perpetrators of the monitoring, field (site) coordinators, analytical and system monitors, and project coordinator. They have all contributed to the content and the organization of this report.

To learn about the demographic background of the areas in which interviews were conducted individual experiences, we will present only the most basic information about the locations of monitoring individual experiences.

**Podgorica** is the capital of Montenegro, which covers an area of 1,500 square kilometers, or 10.7% of the territory of Montenegro. The latest statistics show that in Podgorica today live 187 085 inhabitants, which represents 30% of total Montenegrin population. Population is 49.39% male and 50.61% female. The majority of the population of Montenegro in Podgorica is due to greater opportunities for personal and professional development, better and more diverse educational opportunities and personal job choices and better opportunities for employment and human resources development.

**Bar** combines modernity, tradition and beauty. It is significant as a dynamic economic center of Montenegro, as well as a city that has a rich cultural and historical tradition. Bar is one of the sunniest cities in the Mediterranean. 44 km of coastline, of which over 9 km are sea beaches, 67 km of beaches of Lake Skadar and the mountain range that separates the two large bodies of water, make Bar an ideal destination for tourists.

**Bijelo Polje** is located in the northeast of Montenegro beside the highway and the railroad Belgrade-Bar, area of 924 km<sup>2</sup> with a population of 46.051, Bijelo Polje is by area the fourth and by the number of population is the third municipality in the country, represents a transportation, commercial, cultural and educational center of Montenegro's north. The town center is situated on two accumulative terraces at an altitude of 575 m, while the surrounding rural area is intersected by river valleys of several rivers. The climate is continental. The territory of Bijelo Polje is a basin and mountainous area with very favorable conditions for the development of many branches of agriculture and tourism.

### 3.3. STATISTICS, DEMOGRAPHIC AND SOCIO-ECONOMIC DATA ON PEOPLE WITH DISABILITIES

With the latest census in 2011 for the first time in Montenegro appears the possibility of obtaining statistics on people with disabilities. Although poorly-defined question: "Do you have disturbance in your everyday activities?", resulted in obtaining much of the data on persons with disabilities, as well as the causes, of "disturbance in the performance of activities".

The following table 1. lists the demographic data of the population who reported having difficulties in performing daily activities, as they are the only official statistics.

Table1.

POPULATION BY DIFFICULTIES IN PERFORMING EVERYDAY ACTIVITIES					
	Total population	Has disturbance	Refuse to answer	Has No disturbance	Unanswered
Montenegro	620029 100.0%	68064 11.0%	891 0.1%	545985 88.1%	5089 0.8%
Podgorica	185937 100.0%	18573 10.0%	247 0.1%	166216 89.4%	901 0.5%
Bar	42048 100.0%	4713 11.2%	89 0.2%	37052 88.1%	194 0.5%
Bijelo Polje	46051 100.0%	6552 14.2%	20 0.0%	39197 85.2%	282 0.6%

In order to provide a closer demographic and socio-economic data on the respondents who participated in the interviews of individual experiences, we are showing the table 2. of basic features.

Table 2.

Demographic and socio-economic structure of the respondents	Total of the respondents
Sex of the respondents	
Male	49
Female	40
City – place	
Podgorica	30
Bar	30

Bijelo Polje	29
Education profile	
Regular primary	7
Regular high school	21
Faculty	24
Special primary	5
Special high school	29
College	0
No education	2
Age	
18 – 25	16
26 – 40	26
41 – 55	33
56 – 70	11
over 70	3
Mode of obtaining disability	
Congenital	43
Acquired	46
Type of disability	
Physical disability	43
Hearing impairment	13
Visual impairment	20
Intellectual disability	3
Psycho-social disability	1
Combined Disability	9
Type of accommodation	
In your own or a family apartment or house	74
In a rented apartment or house	11
Barack	3
Social Housing	0
Nursing home	1
Employment Status	
Employed	24
Unemployed	40
Retired	17
Disability pension	3
Dependent	3
Self-employed or an entrepreneur	2



## 4. KEY RECOMMENDATION

In the introduction we highlight the key recommendations in relation to a holistic approach in relation to the key areas in which the respondents emphasized violation of human rights.

1. Financial support to organizations of persons with disabilities in order to strengthen capacities and implement projects for improving the status of persons with disabilities, through passing of Law on the organizations of persons with disabilities (Fourth quarter of 2013);
2. Provide consultation on policies at the highest state level with organizations of persons with disabilities in order to improve their implementation (continuously);
3. Strictly implementing the Law on Spatial Planning and Construction in respect of the accessibility standards for persons with disabilities (continuously);
4. Conduct campaigns based on human rights approach to raise awareness about people with disabilities (continuously);
5. Provide a higher level of their self-representation by strengthening and capacity building of persons with disabilities (continuously);
6. Educate people in competent institutions and the general public on the rights of persons with disabilities appropriate terminology (continuously, begin in 2014);
7. The government should consider issues related to persons with disability as a priority, by defining specific measures and activities which will be implemented especially when it comes to accessibility; (continuously, begin in 2013);
8. Adjust public transport to persons with disabilities (continuously, begin in 2013);
9. Improve conditions in inclusive education (including providing assistants to the students with disabilities) for all categories of persons with disabilities (continuously, begin in September 2013);
10. Ensure a dedicated spending from the Fund for professional rehabilitation and employment of persons with disabilities (2014, after law changes);
11. Amend the Law on professional rehabilitation and employment of persons with disabilities in order to define certain parts of the law more precisely, as well as providing better practice; (2014);
12. Establish and develop support services for people with disabilities - primarily personal assistance, assistance at home (continuously, begin in 2013);
13. It is necessary to employ sign language interpreters in public institutions (continuously, begin in 2013);
14. Hiring sign language interpreters at the Employment Bureau and local labor bureaus, will provide support for the people with hearing impairments, when they seek employment (continuously, begin in 2013);
15. Changes to the Laws on the Health Protection and Law on Health Insurance it is necessary to ensure the best level and standard of health care and the latest technical achievements in the field of prosthetics for those who are unable to pay (2015)
16. Initiate the reform of laws (Family Law, Law on out litigating proceedings, The Law on the Protection and Rights of Mentally ill Persons) relating to working capacity of persons with intellectual or mental disabilities, as soon as possible, so these people would not live a life unworthy of man, and so that they would realize their basic human rights (2016)
17. Trough changes the Law on fertility treatment with assisted reproductive technologies clearly define measures for providing reproductive health services under the same conditions and freely

expressed will of people with disabilities (2014)

18. Agree on the terminology in the field of health in order to allow full realization of the right to health care to persons with disabilities (continuously, during the changes of all laws in area of health)
19. Through the changes the Law on election of Members of the Parliament and Councilors harmonize the electoral legislation with the obligation to protect the confidentiality of voting (2013)

## **5. Background of Montenegrin coalition of organization of PWD:**

Association of Youth with Disabilities of Montenegro is a non-governmental organization, registered on October 22, 2001. It gathers youth with all kinds of disabilities (cross-disability approach) as well as people without disabilities willing to participate in activities of the future co-existence and integration. It is a non-profit organization, founded firstly to provide psychosocial support, solving numerous and complex problems that youth with disabilities encounter daily, as well as creation of educational conditions for College and University opportunities. In our work we are guided by a model based on human rights.

Association of Youth with Disabilities of Montenegro in cooperation with the Coalition of organizations of persons with disabilities (DPOs) of Montenegro, as part of a global collaborative project "International promotion of the rights of persons with disabilities" (Disability Rights Promotion International - D.R.P.I.), and with the support of York University, Toronto, (Canada) and the Regional Centre for South Eastern Europe, implemented the project of monitoring the human rights of people with disabilities in Montenegro - "Monitoring the human rights of persons with disabilities in Montenegro", aimed at building the capacity of people with disabilities and organizing persons with disabilities in the field of monitoring and compliance of human rights of persons with disabilities.

The coalition of organizations of persons with disabilities who participated in this project, in addition to the Association of Youth with Disabilities of Montenegro are: the Association of Youth with Disabilities of Kotor, Association of Youth with Disabilities of Niksic, Association of "PLEGIJE" of Niksic, Association of the Blind people of Niksic, Savnik and Pluzine, Association of the Blind people for Bar and Ulcinj, Association of Paraplegics of Montenegro, Association of Paraplegic of Bar, Association of Paraplegics of Bijelo Polje and Mojkovac, Association of Paraplegic of Pljevlja, the Association of Paraplegics of Montenegro-Rozaje, Association of Paraplegic of Budva, Association of Paraplegic of Cetinje, the Association of Paraplegics of Berane, Association of persons with physical disabilities of Montenegro, the Association for support for persons with disabilities of Bijelo Polje, Association of Persons with Disabilities of Berane, the Organization of Multiple Sclerosis of Berane, the Organization of Multiple Sclerosis of Bijelo Polje, Alliance of Organization of the Deaf and Hard of Hearing of Montenegro, Association of the Deaf and Hard of Hearing of Cetinje, Alliance of the Association of Parents of Children and Youth with disabilities "Our initiative" (associate member), the Association of handicapped persons "Heart" Mojkovac, NGO of persons with disabilities "Steps" and the Centre for Anti-discrimination "EQUISTA" (associate member).

## **6. Key issues for people with disabilities:**

By analysis of individual experiences and analytical monitoring we have obtained that the human rights of persons with disabilities are violated extensively in all areas of life. However, there are areas in which the human rights of persons with disabilities is the most common, the most obvious and perhaps the people with disabilities are most aware of the rights violations in these areas. This concerns the area of social participation in a broader sense, labor and employment, privacy and family life, income security and support services and health, habilitation and rehabilitation (as shown in table below). Therefore, in this

report we will in detail reflect and analyze these areas and experiences of the people with disabilities in the mentioned areas.

Table 3.

Areas	Person	Experiences
Social participation	81	412
Privacy and family life	53	156
Work and employment	47	157
Income Security and Support Services	43	118
Health, habilitation and rehabilitation	26	73
Information and communication	17	35
Access to justice	16	51
Education	12	50

As you can see in the table 3. one person has more than one (different) experience in the same area of life. For example: From total 89 respondents in the area of social participation them 81 has experience, either positive or negative. This fact confirms several times repeated discrimination in the same area. For example a respondent had positive experiences in relationships with friends and negative in area of accessibility. Both areas are in the broad area of social participation.

## 6.1. Social participation

### 6.1.1. Individual experiences of social participation

In the field of social participation, the most negative experiences were recorded under the principle of respect for diversity, where 47 persons reported 97 examples, followed by 30 persons with 64 negative experience under the principles of dignity and non-discrimination and equality, even 37 women compared to men where were indicated 27 experience (this does not go to the fact that a large number of women with disabilities cited this experience as compared to men, but it can talk about the fact that a woman has more than one such experience). The experiences of the respondents with respect to gender when it comes to other principles are approximate for men and women.

Table 4.

Experience of respondents according to the principles in the areas of social participation	Number of experiences according to the principles	Number of persons (including repeated experiences)
1 : Dignity	69	43
2 : NEGDIGPART	64	40
3 : POSDIGPART	5	4
4 : Non-discrimination and equality	69	31
5 : D&INEQPART	64	30
6 : ND&EQPART	5	4
7 : RESPECT FOR DIVERSITY	127	56
8 : DISRESPART	97	48
9 : RESPART	30	22

10 :AUTONOMY	27	19
12 : LAPART	20	13
11: SDPART	7	6
13 : PARTICIPATION, INCLUSION AND ACCESSIBILITY	120	60
14 : EXPART	72	41
15 : INCPART	48	36
<b>Number of negative experiences according to the principles</b>	<b>317</b>	<b>172</b>
<b>Number of positive experiences according to the principles</b>	<b>95</b>	<b>72</b>
<b>Total number</b>	<b>412</b>	<b>244</b>

*Comment: In the table 4. you can see more people in the individual experiences than the number of persons per principles. This means that it happens that the same person has both positive and negative experiences in this field. Field of social participation is characterized by such experiences as the broad concept of social participation. When respondents reported negative experiences they often thought to accessibility, and when they talked about positive experiences they thought on the relationship with friends, involvement in the community...*

The majority of adverse experiences are observed in people with physical disabilities, and in people with visual impairments and in terms of the above principles. The least positive experiences are under the principle of dignity where 4 persons reported 5 experiences, while the least negative experiences are in the area of independence and the number is 20. This number was reported by 13 persons. When it comes to the principle of the dignity of 22 persons with physical disabilities (who reported experiences), it is interesting to note that was indicated 36 negative experiences, while there was not a single example of a positive experience. Also experiences are approximate with regards the principles of non-discrimination and equality, where the ratio is 37 of the negative experiences by 17 persons compared to the only one positive example reported by person.

"By the very movement in our city or municipality barriers are shown at every turn. From the sidewalk to the institutions neither here is adapted for the people with disabilities. It is especially bad where people take out personal documents and come to a tricky situation that for thirty meters they are carried by four people, just to be able to take their personal documents and also to get them back. Let's not talk about the banks, I'm not sure if the pharmacies, certainly not, or even supermarkets are adapted for people with disabilities. In fact not a single institution in Bijelo Polje is adapted, and I think that it is the main form of discrimination. "

Male, between 41-55 years old, retired

.....

"But I was sad, I was sad because I am not able to attend the concert, which was held in the great hall of the castle of King Nikola, as there were in front of me about ten steps. And there is no ramp to get up there. This evening I will never forget, and then I cried. I felt miserable and worthless, believe me. I cried for days because I wished to hear the concert, I looked back around in the hope that someone will come

to help me, that of course, with the effort to overcome these ten steps. Maybe there would not be that much, maybe less either. But for me it was like the mountain in front of me. So I felt miserable, worthless. "

Female, between 56-70 years old, retired

When it comes to people with visual impairments, 9 persons was highlighted 20 negative experiences in relation to the principle of non-discrimination and equality. The majority of adverse experiences on individual basis can be found just in 29 persons with physical disabilities and the score is 57 in principle of participation, inclusion and accessibility.

Based on the obtained data it can be concluded that the most people with disabilities are most commonly facing several problems in the treatment of a person without a disability, and then they are facing discrimination and associated injured dignity.

*Also, the people with disabilities most commonly have talked about the inaccessibility of the environment, public areas and institutions that lead to discrimination and thus a violation of dignity, inequality and the like.*

"I remember that I felt angry when my friend who was getting married did not call me at the wedding party or a wedding reception, and before that we were good friends, and we hang out, it was really hard for me."

Male, between 26 - 40 years old, unemployed

"I feel humiliated and violated as a person who is on the margins of society and that society does not pay enough attention"

Male, between 26 - 40 years old, employed

.....

"I feel like a minority, like someone who was just pushed to the side."

Male, between 41-55 years old, self-employed

"When we talk about disability I often say that my handicap, you better read discrimination is not because I do not see, it is because of inadequate attitude of the society towards me."

Male, between 26 - 40 years old, employed

*People with intellectual disabilities almost never participate in social activities, and they are often excluded from social life, they rarely go out and socialize.*

"And tell us do you get out in front of the building, in the city?

- I do not go out. No.

And why are you not going out?

- They laugh at me.

And tell us, how and what for they are laughing at you?

- And they mock at me. "

Male, between 26 - 40 years old, unemployed

### 6.1.2. The legal aspect

Several members of the Convention on the Rights of Persons with Disabilities are processing the area of social participation. For the purposes of this section of the report we analyzed articles 8, 9, 29 and 30. The Montenegrin legislation is regulating this area as follows:

On one of the main causes of social inaction and non-participation of people with disabilities, raising awareness of Montenegrin legislation does not have any standards. The only documents that mention the raising of awareness is the **Strategy for the Integration of Persons with Disabilities in Montenegro** and that is only in the general objectives. In the action plans for the implementation of this strategy are set out measures to promote the human rights of persons with disabilities who are unfortunately in practice realized only through the projects, i.e. unsystematic.

**Despite the existence of relatively good legal framework, the people with disabilities continue to face the problem of inaccessibility.**

By the Law on Spatial Planning and Construction and the bylaws, are prescribed the standards of architectural accessibility, while the availability of information is guaranteed by laws in the field of electronic communications and the media.

During the construction of buildings and areas that are used by the public, it is necessary to meet accessibility standards, which are part of the preliminary and final design. The testing procedures meeting the requirements for obtaining a use permit among other things include the fulfillment of inquiries of standard accessibility as one of the conditions. In the article 165 of The Law on Spatial Development and Construction which ends in August 2013, is defined a five-year term to adjust the buildings for the public use of individual access and movement of persons with reduced mobility. Although the legal standard are defined in line with the principles of participation, inclusion and accessibility, non-discrimination and equality and respect for diversity, in practice these are not implemented and the situation in this area is almost not changed for years.

Excerpts from the article: "People with disabilities continue to have problems because of architectural barriers." The column Society, published on 19/11/2012 on the web portal "Vijesti"

**The building of the Parliament of Montenegro, the Health Insurance Fund, the Health Center at the Old Airport and Human Resources Management, are just some that are still inaccessible to people with disabilities.**

Despite appeals, inaccessibility continues to be at the top of the problems that the people with disabilities are facing.

Vladan Nikolic from the Association of Paraplegics of Montenegro, as the examples of inaccessibility alleged the construction of ramps that are not usable, buildings without elevators and the like.

The Ministry of Sustainable Development and Tourism announced that amendment to the construction of facilities for public use is in parliamentary procedures and admitted that they failed with the intention of the legislation.

"The deadline for the application of this law, which was enacted in 2008 was five years. All this process was expensive for the state, and some public institutions absolutely do not want to adapt," said Gvozdenovic.<sup>1</sup>

Legal norms in the media guarantee the availability of persons with hearing and visual impairments, as well as the financing of measures to making available existing media content. However, it is not prescribed strict liability or measures that media companies must implement to media content and information that they provide, to make them more accessible to people with disabilities. This means that the principles of participation, inclusion and accessibility, non-discrimination and respect for diversity are taken into account, but the measures to ensure their fulfillment are not legally regulated.

Providing labels in Braille/alphabet, except in Preliminary Work Plan and in commands in an elevator (Articles 12 and 35 of the Regulations), as well as the easy-to-read and understandable forms and other forms of direct aid, and is not defined in the legislation.

The Law on Road Transport in Article 42 says that the special line transport performs, among other things; include the transportation of persons with disabilities and passengers who need special medical care. Also by the same law in Article 67 which regulates the conditions for obtaining a license for the provision of bus stations, according to a legal or physical person may obtain a license for the provision of bus stops, if it meets including the requirement to own or lease a building of the bus station that among other things, has access for persons with disabilities.

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<sup>1</sup> <http://www.vijesti.me/vijesti/osobe-sa-invaliditetom-dalje-imaju-probleme-zbog-arhitektonskih-barijera-clanak-101150>



The same law states the conditions for obtaining a license for the public transport of passengers and cargo, however, conditions in relation to people with disabilities are not mentioned, which does not guarantee their equality in the field of road transport.

The Section 142 of The Law on Road Traffic Safety regulates the conditions of transport and next to other it states that the vehicle (motor vehicles or trailers) must be reserved for two to six seats nearest the entrance for people with disabilities. "Information on the number of seats and standing room and on the seats reserved for persons with disabilities must be displayed in a prominent place on the vehicle."

The Law on contractual relations in the railway traffic in Article 10, paragraph 1 states that the carrier is obliged to provide information to persons with disabilities or persons with reduced mobility on access to rail transport, the conditions for access and use of railway vehicles, as well as other amenities on the train. The same article, paragraph 2 states that the operators and infrastructure managers shall allow persons with disabilities or persons with reduced mobility, free of charge to provide the necessary assistance for access to and use of railway rolling stock.

Despite the legal provisions that define the mandatory provision of conditions for the use of public roads and railways are not implemented the same in practice, which means that there are no accessible station / bus transportation, and support for the use of these modes. What is disturbing is the lack of commitment of getting exclusively affordable vehicles of road and railway transportation.

"I have never seen in Bijelo Polje a cab which is adapted for people with disabilities or wheelchair users as if these people do not exist. I have not seen any public transport for such persons. "

Male, between 41 and 55 years old, retired

"- As for the vehicle, taxi drivers usually blackmail me because I cannot enter in the vehicle without help.

Explain a little closer your arrival in Bijelo Polje.

- My only means of transport is by taxi which is very expensive, especially when they see in what condition I am. Because I have to use their services and they're blackmailing me in this way and I have to pay astronomical prices, because I have to, regardless of whether if I can pay or not, I just have to.

Female, age between 41 and 55, user of foster care

- Trains, for example, are very inaccessible and it always means that at least two or three people would be needed to help me to get on train.

-Is that still happening or has happened only once?

- Well, almost always when I travel, whether by bus or train, it is actually common.

Are there any other details you want to share with us about this experience?

- Well, there were quite a few unpleasant experiences; I would single out one in particular. I came five or six minutes before the train was supposed to depart, but as it was little raining, I asked a few of passersby to help me. However, no one helped me. Meanwhile, it was the time of departure of the train, so I missed it and I did not leave. I felt helpless and humiliated. "

Male, between 26 - 40, employed

Excerpt from the article: "Still waiting for trains that they cannot get in", Daily newspapers "Dnevne novine", 09 October 2012, Society

"In Montenegro there is no transportation for people with disabilities (PWDs), although it is one of the leading support services for this population. While the Railways praised the fact that the stations Spuz, Danilovgrad, Ostrog and Niksic are equipped with modern equipment and in accordance with the standards to meet the needs of all travelers, the Podgorica's station, which is also the busiest, remains inaccessible to people with disabilities. Neither the owners of buses for long-distance transport are not thinking about purchasing a vehicle adapted to this population, nor do taxi associations have cars that would meet their needs, because, they say, the state has not shown a willingness to subsidize the purchase of the much more expensive vehicles.

The consequence of inaccessible transport is a large number of passive people with disabilities, says the Executive Director of the Association of Youth with Disabilities of Montenegro, Marina Vujacic, who cannot even be transported from point A to point B in their own city and let alone to use long-distance traffic.

"We cannot travel, to be at the center of social events, exercise the right of personal mobility and freedom of movement, to be mobile, informed and to have the basic human rights. Then I think it is clear enough how equal people with disabilities are," said Vujacic.

The Law on Obligations and Basic Property Relations in Air Transport in Section 2 that includes definitions of certain terms states that the medical transport, "the transport of the sick, the injured and the people with disabilities by aircraft that are equipped with the necessary equipment for this type of transportation." This violates the principle of non-discrimination and equality, because they are viewed in terms of bio-medical model as patients and not as dignified and independent human beings.

However, the Law on Air Transport in Article 54, paragraph 3 states that the service provider handling of passengers is required to provide to the passengers with disabilities and reduced mobility services in a way that allows those people to be on equal terms and without discrimination to be transported by air. This ensures complete equality, respect for the dignity and diversity, and allows full participation, inclusion and accessibility to persons with disabilities, and therefore it is required to adjust the Law on Obligations and the basis of property rights in air transport with the provisions contained in the law of air traffic.

Montenegrin electoral legislation, except for the part about the possibility that the people with disabilities are allowed to provide assistance in voting at their request by one person they choose, it does not contain provisions that talk about the accessibility of voting procedures, equipment and materials, as well as polling stations. Although the assistance in voting is provided, it may prejudice the right of secrecy of voting that is violated in this way. Also, there is no provision that defines an affirmative measures to include persons with disabilities in public and political life.

According to national legislation, the freedom of association is guaranteed, and discrimination against persons with disabilities in non-governmental organizations is prohibited, thus the legislative level guarantees equality of non-governmental organizations, including organizations of persons with disabilities.

As our Secretary is the person without disability, I spoke to him and asked for help. As we simply feel bad and as we are in a difficult financial situation, I proposed to the Secretary and asked him for financial help, but his reaction was very bad, and in some way I was quite hurt by his action. I am terribly hurt and I was very unhappy that he did not help me, I would love if the secretary of our organization has been much better, if he could help in some way, but it usually does not happen, it usually happens that he do not help us at all. The secretary of the organization does not care about us and everything that he gets he puts in his pocket. I think that he thinks that people like me are simple minded.

Female, age between 41 and 55, unemployed

Electoral Assembly of the Union of the Blind where I am, let's say, in this part of the election as the opposition and thought differently like some of my colleagues just to cancel those elections and that the absolutism simply did not allow us to let our mind and that is my own, to be realistically accepted and to acknowledge my voice. But it was simply canceled because they did not like it, then as a consequence, I am not invited to certain cultural events, music, and before that I was regularly called upon considering I'm into music and chess.

Male, between 41 and 55 years old, unemployed

This all leads to a violation of the principles of participation, inclusion and accessibility, non-discrimination and equality, respect for diversity and autonomy.

It is necessary to define the accessibility of voting procedures, equipment, materials and polling stations, as well as defining the measures to achieve equality of opportunity to participate in public and political life.

Laws and policies recognize the importance and guarantee the participation and accessibility of cultural facilities for the people with disabilities. Policies and laws guarantee the right and provide measures for the development and the use of creative, artistic and intellectual potential of people with disabilities.

It is only the Strategy for the integration of persons with disabilities that provides a measure of acceptability for persons with disabilities to cultural materials, television programs, films, theater and other cultural activities, in accessible formats for them, but there is no statutory or other legally binding provision (other than the Convention) which guarantees persons with disabilities the access to cultural materials and facilities in accessible form. This directly violates the principle of participation, inclusion and accessibility, non-discrimination and equality and respect for diversity.

By any statutory or other legally binding provisions (other than the Convention) is not recognized specific cultural and linguistic identity of persons with disabilities, or sign language, and culture of persons with hearing impairments.

Cultural and linguistic identity of people with disabilities has been recognized only in Strategy of the integration of people with disabilities. Legal non-recognition violates the principle of dignity and respect for diversity.

The significant improvement in terms of providing cultural material and content in an accessible format, and the recognition of a specific cultural and linguistic identity of people with disabilities, particularly for persons with hearing impairments is needed.

Laws and Strategy for the integration of persons with disabilities guarantee the participation in specific sports, but not in activities that are intended for general population. This means that the principles of participation, inclusion and accessibility, non-discrimination and equality and respect for diversity, but also the principle of independence are not complied for people with disabilities, because the choice to participate in sports and recreational activities is narrowed to only those ones specifically organized for them.

Support for specific sporting and recreational activities of persons with disabilities is satisfactory regulated.

It takes a significant improvement in terms of guaranteeing regular access to sports and recreational activities and facilities for the participation of persons with disabilities.

## **6.2. Work and employment**

### **6.2.1. Individual experiences in work and employment**

Labor and employment is one area in which the subjects have often presented their experiences, whether positive or negative. Principles of human rights are violated most of the unemployed people and when it comes to the principles of participation, inclusion and accessibility, non-discrimination and equality, where we have 19 persons who reported 25 experiences and 18 persons with 19 experience (1 person reported experience of non-discrimination and equality for two times in accessing the labor market and job) respectively. Also in these people we have 9 who reported 11 instances in which the principle of respect for dignity was violated. When it comes to employed people with disabilities, in the majority of them were

recorded violations of the principles of participation, inclusion and accessibility. Most often for the unemployed persons were violated several principles simultaneously and in the same experience.

"I feel bad because I am a very useless at home, sitting around all day, watching television, listening to music, and I do get bored. And I'd like to get a job, to get my own money, to not depend on anybody. "

Female, between 18 and 25 years old, unemployed

The total number of adverse experiences in all six categories of persons with disabilities is 104 experiences reported by 47 respondents. From individual experience can also be concluded that the principle of respect for diversity of unemployed people is most often violated in accessing the labor market and job.

Men with disabilities cited a number of experiences with the principle of non-discrimination and equality, while for the women with disabilities in the area of labor and employment, the principle of respect for diversity is commonly violated and the score is 12 times reported by 6 women (where one woman reported more than one a violation of this principle).

"As I understand from your story, the employers respond in that way because of your disability. How you felt about it?

- I felt bad, I come from abroad, and in foreign countries no one is watching it as a disability, if you have the knowledge. The wheelchair is the last thing someone would think of. But here it is totally reversed, so as soon as they see it as a stroller, it is embarrassing. "

Male, between 18-25 years old, unemployed

Respect for diversity and autonomy are otherwise principles that are the least respected in both sexes. Within people with visual impairments there is no positive example that is given when it comes to the principle of autonomy in the area of labor and employment. The minimum number of positive experiences for 5 persons with hearing impairments, compared to the total number of experiences was recorded with the principle of non-discrimination and equality in 7 examples. The majority of adverse experiences in relation to the total number of respondents (9 respondents) were noted in people with multiple disabilities in 23 negative experiences. 19 men with disabilities reported more positive experiences (35), compared to 11 women with disabilities who reported 18 positive experiences in this field. In this area we also can conclude that women are still more discriminated than men.

Couples with disabilities (more often with hearing impairments), often both husband and wife without a job, with a very small monthly income are experiencing multiple discrimination.

There are concerns about the money, because I do not work and my husband does not work, we receive only 90 € of social welfare and live from it. I tried to get a job at the Tisa (day care center), but I could not get it, there was not available position, so I tried in a nursing home, which is located here, and there they told me that I could not get a job because I have no so collusion, no communication .. . And my husband tried to get a job at Lovcen insurance company, but with no success.

Women between 41 and 55 years old, unemployed

If we talk about the employment status of the respondents in relation to the type of disability, it is clear that the majority of people with multiple disabilities are employed compared to the total number of respondents in the group of persons with disabilities in 0.33%, then followed by the hearing and visual impairments which is 0.30% of the total number of respondents with these types of disabilities. But on the other hand we also have the highest number of unemployed persons with multiple disabilities in relation to the total number of respondents with this type of disability in 0.55% of them, then the person with hearing loss in 0, 53%. After these, the largest number of unemployed persons compared to the total number of respondents with this type of disability is persons with visual impairments (0.35%) and persons with physical disabilities (0.44%).

Very few people with disabilities start their own business, just the two of them.

When it comes to comprehensive data on labor and employment, we have 40 unemployed, 24 employees, 17 retirees and three persons who are entitled to a disability pension, and who were held by other parties.

In what extension the rights of workers with disabilities are violated, is shown by an example of the 2008th when a woman with disabilities was prohibited from coming to work in the company of a guide dog while in Montenegro existed the legal guarantee of free movement and access with the guide dog in all areas of life, including in the field of labor and employment. Also, quite often the people with disabilities are the first ones released from work and who are declared redundant.

"By the end of 2008. I had a problem at work. Because of the use of a guide dog, I was thrown out of work, in inappropriate way, in the middle of working time, without notice, without warning, without anything that hinted that something like that would happen. Since then I took the difficult struggle for about three and a half years to fight for my rights. I was struggling through all the institutions of the system. "

Women, between 26 and 40 years of age, employed

.....

In the last five years, I experienced many inconveniences in terms of jobs and in terms of failure on the job. After twenty years of working in the health center in the early 2011, I declared redundant as a person with disability with 70% physical damage and vision 90%. I tried to exercise my rights or

reinstatement or payment as much as it was my legal ration.

Male, between 41-55 years old, unemployed

It can be concluded that in the area of labor and employment the discrimination against persons with disabilities, regardless of the type of disability is very well spread. This applies to persons employed at their workplace and during working process and also to unemployed job seekers. Experience shows that unemployed people with disabilities feel useless and as a burden to their family and society.

### 6.2.2 Legal aspects

The Article 27 of the Convention on the Rights of Persons with Disabilities handles labor and employment issues. Montenegrin legislation regulates this area as follows:

Disability also is cited as grounds for discrimination in general norms on the prohibition of discrimination in the employment Law.

The right to form trade unions is provided by the general provisions of the Labor Law, but there is no legal requirement that prescribes measures and the manner of exercise of rights by persons with disabilities. This means that is by the *de jure* declared this right for people with disabilities.

There are no defined measures for ensuring equal access to general technical and vocational guidance programs, as well as encouraging possibilities of career advancement of people with disabilities, or the program for return to work for persons with disabilities.

This is not in accordance with the principle of respect for diversity.

The Law on professional rehabilitation and employment of persons with disabilities provides a number of measures to encourage the employment of people with disabilities, such as vocational rehabilitation, adapting the workplace and working conditions, loans on more favorable terms for the purchase of machinery, equipment and tools required for employment with disabilities, co-financing of sheltered workshops, as well as wage subsidies for persons with disabilities. All these measures are financed from the Fund for professional rehabilitation and employment of persons with disabilities. The obligation of employment of persons with disabilities is defined equally to public and private sector and it is alternatively set. An employer may choose whether to employ a person with disabilities or pay a special contribution to the Fund, and the punishment is prescribed for non-payment of a special contribution, not for not hiring persons with disabilities.

This means that there are no strictly prescribed duties of employment of persons with disabilities by employers. Therefore, in practice, there was no significant increase in the number of employees with disabilities because employers prefer to pay a special contribution than take advantage of subsidies and incentives provided by the Law. However, when the employer is a state institution then Law is double violated, for state institutions do not employ people with disabilities or pay a special contribution,

because they state that it is technically impossible, as the account of the Fund is a part of the treasury budget.

Excerpt from the article: "They do not give me a chance to prove myself", Daily newspaper "Dnevne novine" Society, 15 August 2012

Persons with disabilities (PWDs) are facing a number of problems when it comes to job searching; however, one of the greatest problems is struggle with prejudice. Employers question the ability of persons with disabilities to perform the job to the end fast enough on their own despite having all the necessary qualifications; as the interlocutor A.I. of the "Dnevne novine" said. This is evidenced by the fact of the Employment Agency that there are currently 2,800 unemployed persons with disabilities. Employers are slaves to prejudices when it comes to people with disabilities, and believe that someone who is qualified, but for example is blind, cannot handle the job properly, says A.I., a member of the Association of the Blind.

"Although I am able to work independently on a computer, I cannot convince employers that this is so. They believe that we can do the job partly, but that we will not be able to have an appropriate pace of work that he would have to call someone to kick in, that I would not be able to do the work by myself. Because of the prejudice, they would not give me a chance," said A.I.

The Association of Youth with Disabilities considers that the prejudices come from families themselves, who often do not provide sufficient support to their members with disabilities to be employed or to actively seek employment. "One reason surely is that families do not want their members to lose their "safe" income, such as care and assistance, personal disability income and so on, because the Law is restrictive in that area. To qualify for a disability allowance, someone has to be declared as "incapable for independent life and work", because of that many people were not able to get job," said the Executive Director of the Association, Marina Vujacic.

"I applied six months ago, in a state institution through competition for trainees because in our country there is a law on vocational rehabilitation and employment of persons with disabilities, I felt that I should be admitted for that position, however quite the opposite happened, I was rejected by the state institutions, so that documents are retrieved and I consider this as a kind of discrimination with great irregularities and illegal acts".

Female, between 18 and 25 years old, unemployed

An additional problem is the illegal use of funds from the Fund for the financing of projects for grant schemes provided by this Law, but not implemented for years and hence the overflow of excess funds from the Fund to the state budget and for the unknown purposes.



Extract from the text: @Where is the money from the fund@, announced in ND "Vijesti", Society, 07 July 2012.

The Fund management is subjected to criticism of the NGO sector since its inception, as the annual budgets of the body, each year go into the state coffers, and not to improve the investment and employment situation of the people with disabilities. Fund Budget is filling itself from pockets of employers who have employees among people with disabilities, as the Law on professional rehabilitation and employment of the population commits them.

In the past three years (from 2009 till 2011), the fund reached 10 million €.

That the observation of non-governmental organizations is right shows the fact that the expectations of the 2012th year that the Fund for Vocational Rehabilitation will be paid about seven million, and that for people with disabilities is provided only 1.5 million, if that does not include trainees.

"To what extent the Law and the decisions that protect the rights of people with disabilities are respected?

-They are not respected, we all are witnesses of these things here, and the employment law is not respected.

Could you please explain us the Law on employment, in what way it is not respected?

Well, certainly it is not respected; the Law was implemented to hire people; It happened, but in such a small percentage that I think that is completely irrelevant to think of it, if that's such a small percentage. So they made the Law, they established the Fund; I heard that the money from the Fund are returned again and flowed back into the budget. I mean, they only made themselves a favor; it is all I can say. "

Female, between 26 and 40 years old, employed

Also, the Law does not provide funding to adapt the work environment, but only of the workplace and working conditions, which is a narrower term and refers strictly to the area where persons with disabilities performed their tasks. In practice, this can lead to fact that people with disabilities their tasks can fulfill only if done individually (in their office), i.e. without the cooperation of colleagues who may be in an inaccessible work environment.

These measures do not ensure the full respect of the principles of participation, inclusion and accessibility.

For all these reasons, this area needs to be supplemented by secondary legislation and the obligation of employment of persons with disabilities by employers.

Daily newspaper "Dnevne novine", 12 October 2012, Society (Page 13)

The Commission for vocational rehabilitation should begin to work in November

Persons with disabilities (PWD) in Montenegro have problems in employment, not only because of the prejudice that they are not able to finish the job, according to the Association of Youth with Disabilities, but also because the Commission to determine the degree of disability, assessment of skills of the labor and employment opportunities is not formed, even though they promised that last year. While the Minister of Labour and Social Welfare, Suad Numanović, said for the „Dnevne Novine“ that the establishment of the Commission is in the course, and that he hopes that the process will soon be completed; the Employment Agency of Montenegro (ZZCG) announced the start of its operations next month.

"The Commission for Vocational Rehabilitation will begin to work in early November of this year. This is a multi-disciplinary committee, which was first formed as such in Montenegro and whose opinions will be in accordance with the International Classification of Diseases and the International Classification of Functioning, Disability and Health" claims the ZZCG.

*Comment: Despite all the aspects and info given in this interview showed that the Commission should start with its work much before. But the first meeting of the mentioned Commission was held in late December 2012.*

### **6.3. Privacy and family life**

#### **6.3.1. Individual experiences in privacy and family life**

This area is in some examples and experiences intertwined with social life and participation of people with disabilities in society, in terms of relationships with others. People with disabilities have often talked about these experiences in a connected manner.

53 respondents indicated a total of 130 experiences from which 116 were negative and 66 positive in the area of family life and privacy. Respect for diversity and dignity of persons with disabilities are the principles that are often violated and women were those one who again cited several such experiences. 9 women was reported violation of the principle of respect for diversity for 18 times and 8 of them emphasize 19 times violation of the principle of human dignity.

- The personal assistant. The fact me just influenced me hard; I asked my father about it and he said "no, I do not need a woman", and later I cried, it was really difficult, even aunt talked to him, he did not want to talk about the same story. Well, as if he should not need a woman, but to me it's just necessary.

Have you informed anyone about that?

- Well, yes, I informed my aunt and she said -do not cry. She talked to him.

How has it affected you?

- I was influenced by the fact that he has to decide for me. When I want something he does not do that.

Women between 18 and 25 years old, unemployed

When it comes to the principles of participation, inclusion and accessibility, it can be noted that the more positive experiences are cited by women with disabilities and just because they cited that they attributed to the work of some kind or the most jobs in the house. The minimum number of persons with positive experiences we have with the principle of non-discrimination and equality, and respect for diversity (5 persons - 5 experiences).

"I can understand them because they are not people with disabilities and cannot normally understand how we feel. They in one second think they understand you, but they do not understand us, this is a fact."  
"

Women between 26 and 40 years old, unemployed

The highest number was recorded in the experiences of people with physical disabilities, as well as in those with visual impairments. However, it should be noted that such information is logical given that most of the respondents were with a precisely specified types of disabilities. Respondents have the largest number of experiences when it comes to the principle of dignity and respect for diversity, 9 persons with physical disabilities reported 15 experiences, while 6 people with visual impairments led six instances in which occurred the violation of the principle of respect for diversity, and five examples of the violation of the principle of independence reported by 4 people (where one person have 2 experiences with the same principle). **When it comes to the persons with hearing impairments, there was not a single positive example of the principle of non-discrimination and equality, respect for diversity and autonomy.** The minimum number of positive examples is highlighted by 5 persons to the principle of non-discrimination and equality. Violence in the family was reported by two woman with a physical disability. But it is especially problematic that the women with disabilities are not aware that violence is the most brutal form of human rights violations and they do not have the awareness of the severity of violence, as well as of the outcome.

No, my father only put his hand on me, slap me in the face or pluck me like this ...

Woman between 18 and 25 years old, unemployed

I asked him for a response to tell me who was the woman who called me a cripple, and we do not know each other at all. Instead of the answer I got the fist on the jaw. In that way he protected her name, it hurt me a lot and so on. And then he called me a cripple in the same way, and I reacted and he used physical force on me. Really, I just was not spared as if I was the healthiest, so he acted towards me, I got beat up good and he hurt me, he even did me a repeated fractures of a leg bone.

Woman between 41 and 55, user of foster care

*Both cases of domestic violence are not reported to the police and other authorities, because of their own feelings of shame and inferiority.*

*Aside from the physical, and psychological we have examples of economic violence against women with disabilities, of which women with disabilities are aware of, but they never complain and are not reported.*

"What does the social welfare means to you? Do you take the finances or your father?

- Father takes care and assistance, he takes everything.

You do not have your allowance?

- No, I do not have my pocket money and even when I get it my father take it away from me. "

Women between 18 and 25 years old, unemployed

....

Did you have a choice of means of everything that happens to you, as I understand you did not until now

- No, no.

What would you want if you could? How would you organize your day?

-When I could, I'd rather like to live alone and to be free that I do the way I want.

And what do we need to do to make this happen?

-Yeah ... what I know, maybe a new apartment, I have at least the personal assistant and to not

respond to anyone.

And have you ever suggested that to the parents? How do they react?

Well I had not proposed that to them ... I once talked that I would like to live alone in an apartment, and they said- how would you make it on your own and so on? Then, they use my pension, so I could not again pay for my personal assistant, and I should pay a personal assistant.

And tell me do you have your pocket money or you give that money to your parents as you said?

- I give it to my parents.

Women, between 26 and 40 years old, unemployed

From individual experiences it is noted the lack of independence of people with disabilities in decision-making as well as in their implementation. People with disabilities are prevented in that by their families, especially fathers prevent female children. Although women with disabilities have cited a large number of examples of human rights violations in the area of private and family life, women with disabilities are not aware that the vast discrimination has done to them in examples when they say that they are involved in family life, when they say they do some housework that are inherent in the Montenegrin society exclusively for women.

*People with hearing impairments are singled out in this area as the most discriminated group in the population of persons with disabilities, because due to the lack of service of sign interpreters, they further lose their independence in the family. And furthermore if they would be involved in any other area of life, only the family can provide support in order to establish contacts with others (this will be illustrated by a concrete example when we should discuss the health sector).*

### **6.3.2. The legal aspect**

Articles 22 and 23 of the Convention on the Rights of Persons with Disabilities processed respect for privacy and family life. Partly related to the matter is also the Article 12, which speaks of the equal recognition of persons before the Law. Montenegrin legislation regulates this area as follows:

Respect for privacy is governed by Article 40 of the Constitution, which provides that everyone has the right to respect for private and family life, and Article 42, which provides inviolability of letters, phone calls and other means of communication. Deviations from this rule can only be based on the decision of the Court, for the purposes of criminal proceedings or for the security of Montenegro by Article 43 which guarantees the protection of personal data. Provisions of this section prohibit the use of personal data for the purposes for which it was collected. Health Care Law among the rights and duties of citizens in the health care has provided the right to privacy and confidentiality of all information relating to their health.

In addition, the Criminal Code provides the punishment for the perpetrators of criminal acts - disclosure of personal and family life (Article 197).

*De jure protection of the privacy of all persons, in fact for persons with disabilities does not exist because of the lack of support services that enable the privacy. They are the objects of charity from their family and their privacy actually does not exist.*

It is important to point out that the harboring of persons with disabilities by a family Law on protection against domestic violence is recognized as a form of violence and sanctioned by the highest penalty in the Law, which speaks volumes about the vulnerability of this group and almost their daily exposure to threats to their dignity and equality by family members. This Law guarantee to persons with disabilities who are victims of domestic violence a special protection and assistance, as well as the urgency of the procedure relating to the protection against violence of these persons.

In the particular situation of dependency on family members are those persons who are fully or partially incapacitated, because of their disabilities, cannot even enter into legal contract of civil Law, such as the purchase, lease, gift, guarantee, etc., Or that by the will statements, otherwise dispose of their property rights, for example, by testamentary disposition, but they also cannot, based on the testimony of their own will, to get married, to get the right to adoption or employment, and the like. However, a person who is partially lost his capacity has diminished the ability of establishing the above rights, on the basis of its freely expressed will, in the limits of the decision on deprivation. From the standpoint of a person who has completely lost his capacity, it can be said that, on the basis of a court decision, sustained the atypical and humiliating status, the status of the object of law: they no longer have the right to decide about themselves and their lives, because their discretion, by the decision of the Court, waives – instead of him, certain aspects of his life are decided by the person he was designated as a guardian that is in almost all cases, a family member. At the same time, the guardian of the person deprived of legal capacity, may decide on the disposition of the property rights of individuals, but it cannot do that if it is a non property rights of nature, such as, for example, marriage or establishing a family unit. In these aspects of private life, a person deprived of the ability is completely denied or taken away of the rights that it had before the court ruled on deprivation.

This attitude hinders these individuals to make independent decisions about parenting and marriage. The Law on the conditions and procedure for termination of pregnancy requires that a person deprived of legal capacity may perform abortion without prior written consent of a guardian. As a condition for the application of assisted reproductive technologies, the Law on fertility treatment with assisted reproductive technologies provides business acumen and psychosocial status of parents on the basis of which it can be expected to provide the conditions for a child to fully develop. Therefore, people with intellectual and mental disabilities, in many cases are deprived of their right to birth by ART, and psychosocial situation is rather broad, and in practice it can cause distortion of equality of persons with disabilities in the area, and to prevent the independence and disruption of their personal dignity.

Family law is an impediment to marriage is considered mental incapacity due to mental illness or some other reason. This is a legal standard that, in practice, can be interpreted broadly, and thus deny to persons with intellectual or mental disabilities the right to marry.

This area of the Montenegrin legislation is not in line with the UN Convention on the Rights of Persons with Disabilities. There are no established system of support services, as well as other forms of support to persons with disabilities to achieve their full independence from family and achieving their privacy.

Support for parents with disabilities in fulfilling parental duties is not legally regulated. Thus persons with disabilities cannot exercise the right to establish a family and parenting which is by a number of legal provisions difficult for them. This violates the principles of dignity, independence, non-discrimination and equality, participation, inclusion and respect for diversity and accessibility.

Excerpt from the article: "I can almost do everything", DL 'Pobjeda', Society, 05 November 2012

"M.B. is an intelligent, highly skilled girl. She misses, as she says, only a few inches in height (tall, 126 centimeters). Born in Murine in municipality Andrijevica. Until the school she had no feeling that she was different. Surrounded by caring parents, siblings, M.B, grew up in a harmonious family. She did not go anywhere alone, constantly accompanied, as a fairy princess, lived in the belief that her brothers are 2 meters high "just God-given."

After finishing school, I paused for two years, returning to the village with my parents. But over time I realized that no one would get to do what only I can and it is high time to do something with my life, says M.B. and so I returned to Podgorica, where I completed a variety of courses, ranging from drawing school, training, where she learned to make various items of cornstalks as well as bags, baskets and other interesting things.

Our interviewee opened her soul with difficult, but during the conversation we were winning her trust, step by step. -A lot, I cried a lot. And mostly in high school – she continues her story.

M.B. reveals that she had a secret relationship for three months with a guy who is absolutely healthy and wanted to marry her. She says that she was infinitely loved, but she persuaded him to take the test, concerning his mother.

He told his mother that his good friend wants to get married, but there is one problem. When the mother asked what it was, he explained to her that his friend is in love with a woman with dwarfism, to which she said, "God forbid!" Then something ached me in the heart and I was firmly resolved to end the relationship with that guy. To this day, I wanted to call him, see him, but I do not believe in love anymore-she has said with disappointment."

**Comment:** from the mentioned article it is recognizable that the female who gives the interview doesn't have self-confidence and realistic picture between her private life and her privacy and relations with her partner and family members. She is not aware about her rights and totally accepted the fact that she is the one to blame because she is the person with disabilities. Media used this personal story to make sensational interview not thinking about credibility of an interviewer and her dignity.

Although the allegations from the text that we are going to cite are more related to living conditions, and support services, we quote them in part for private and family life as they speak about the relationship of

parents to children with disabilities, separation of children with disabilities, especially emphasizing and explaining that all the problems and troubles in the family are caused by the family member with a disability.

Excerpt from the article: "Children who do not watch cartoons", e-portal "Balkan", Society, 24 September 2012.

"The only income that Jovovic receives is the social welfare, and he is paying rent with that money. The trouble never comes alone, so to the whole trouble is added the fact that they have one of the children with special needs, and family do not have the resources to provide adequate medical care. Government aid is necessary, whatever it would be, at least the youngest members would not remember their childhood by darkness and hunger.

"Is it going to be the bringing of electricity, whether it's an accommodation, something need to be done, because for months we live as if we were in the stone age. My kids do not even know what a cartoon is, they learn by the light of the candle, three students and one child with special needs. My children were taken right to life, "says the oldest Jovovic."

**Comment:** Here it is very clear that there are many family problems such as hard way of life, lack of support from public services but interviewer (father) underlines that all problems that this family has are just because he has child with disability. And regarding to this he shows family as a victim just because of his child disability. It is very clear that even parents are using their child disability to escape from real responsibilities in taking care of whole family members.

## 6.4. Income security and support services

### 6.4.1. Individual experiences in income security and support services

In the field of income security and support services, the respondents mentioned quite a number of negative experiences. When it comes to the principle of the dignity of total of 4 respondents reported negative experiences, for the principle of non-discrimination and equality of total 13 respondents who reported 21 experiences, all 13 reported negative experiences, which means that neither men nor women with disabilities, that is no person, regardless of the type of disability, does not have positive experiences with this principle. It is the same, for the principle of respect for diversity; all three respondents who reported four negative experiences said that those experiences were negative among persons with physical and multiple disabilities and persons with visual impairments. For the principle of independence of total 6 persons, all 6 reported only negative experiences. The most experiences for this principle were stated by persons with physical disabilities.

What are the biggest barriers or challenges you had faced in your life?



It was when the Social Work Center stated that I received someone else's care, I went to the municipality to look for the paper that was approved by the Centre for Social Work, the employee told me: "How can you receive someone else's care, that certificate can not be given to you when you're able to come here to the third floor and ask for someone else's care?."

Male, aged between 41 and 55, unemployed

In addition, people with disabilities have obstacles and problems in accessing support services, officials often do not understand their needs, they are very rough, do not respect their personality and discriminate them. Only for the principle of participation, inclusion and accessibility we have 6 respondents who reported positive experiences of total 40, which mean that there were most negative experiences with this principle.

*A large number of experiences are concerning the lack of support services. However, apart from the support services persons with disabilities have problems in obtaining and seeking assistive technology as well as aids and revenue assurance.*

- And plus my husband should receive his father's pension when his father died, but people from the Center for Social Work were not fair at all, they asked for a document that he is disabled, and they said that there are no documents that my husband had a permanent hearing impairment, that there is no such document. He went to Podgorica and he had received help from my groomsman that is his brother. I have no idea what will happen next. Concretely, my husband wanted to transfer the pension, that belonged to his father in law, on him but that is a big problem now, because he was born deaf-mute and does not have that document.

And where can you find this document?

- He gave these documents to the Center for Social Work, but their employees had lost the document, and now they can't find it. My husband is alive and they should not lose that document.

Women, aged between 41 and 55, unemployed

Did you ask for that kind of assistance, and from whom, and did you receive any assistance?

- We looked for an interpreter, but they are asking for the certificate that he is an interpreter, and since we do not have an interpreter with such certificate, that is the problem. Certificates are not relevant, we should inquire how to make the organization to request from the interpreters to qualify for taking the exam, we do not have project we can't create such a project.

Male, aged between 41 and 55, unemployed

In this field, in contrast to the health, the number of negative experiences related to gender is approximate (as will be seen below). So we have that women with disabilities noted more negative experiences in relation to the principle of dignity, equality and non-discrimination and participation, while we have more negative experiences among men with disabilities when it comes to the principle of respect for diversity, and inclusion and accessibility. Both, men and women with disabilities had 3 negative experiences when it comes to the principle of independence. Very few positive experiences were noted in relation to the total number of the experiences of respondents among 3 men with disabilities, only 3 positive experiences, while 3 women with disabilities noted 5 of such experiences and both in the field of participation, inclusion and accessibility (where one women have more than one positive experiences).

Well the procedure is long; I have received the first wheelchair which I used for several years. It broke

down and could no longer be repaired. I had to wait for some time to get another wheelchair that is to get the right for another wheelchair. I found it very difficult and I think that they need to pay more attention to us, persons with disabilities so that we could get our orthopedic devices in a more efficient way. We should not have to wait for these long procedures but to get the orthopedic devices within a short period of time

Women aged between 18 and 25, supported person

*In this field people with disabilities have a number of problems, they do not have any choice and almost have no access to support services, and very often to orthopedic devices which are necessary to them.*

Because of my disability I am limited with the shoes I can use. So no matter when I see appropriate footwear, it is usually something that has a heel, something that does not suit me, but that's about one of the problems.

I feel terrible at that moment, as women always pay a little more attention to that part. Now the focus is only on the comfort regardless of the aesthetics, or the price of the shoes, no matter what, the comfort has to be satisfied. The offer is very limited and I have to take what they have, regardless of whether I like it or not. I have absolutely no choice. In this part, I have no choice.

Women aged between 41 and 55, employed

The unemployed persons can not get voice software, but only employed persons or high school and university students. Why is it limited? So the employed can get it, and those who have nothing, who are unemployed perhaps wanted to work, to practice, to prepare, they can not have it. So the unemployed can not have it, and the employed and high school and university students can. I think that it's a terrible discrimination. So if they have nothing, they can not get it, maybe me or someone younger than me who would want to practice, to work, to exercise, to go on trainings, he must buy it and it costs 350 Euros.

That is a terrible injustice.

Male, aged between 41-55, unemployed

#### **6.4.2. The legal aspect**

Articles 19 (Independent living and the involvement in the community), 20 (Personal Mobility) and 28 (Adequate standard of living and social protection) of the Convention on the Rights of Persons with Disabilities refer to the field of income security and support services. The Montenegrin legislation regulates this field as follows:

One of the important facts that negatively affect the participation of persons with disabilities in social life and in all other areas is the fact that in the national legislation is not explicitly mentioned nor protected the right of people with disabilities on an equal basis with others, to decide how, when and with whom to live, or that they are not forced to live in a particular living arrangement.

Support services as services that contribute to satisfying the needs and realization of rights of persons

with disabilities, do not exist as such, in the Montenegrin legal system. The traces of something that could be related to the support services are the provisions of the Law on Social and Child Protection relating to the role of Social Work Centers. The Strategy for the Integration of Persons with Disabilities in Montenegro only mentions support services, and says that we need to work on developing of the existing and establishing of lacking support services.

In practice, the lack of, or systemic failure to resolve funding of existing support services often indirectly influences the fact that people with disabilities are forced to live in a particular living arrangement. In this way, the principles of equality and non-discrimination, participation, inclusion and accessibility; of respect for diversity; independence and dignity are being violated. In this field, organizations of persons with disabilities, contribute through the establishment and piloting of different services.

The following statement from an interview confirms this.

- I had been going to school, but I had problems with decubitus. I have been sent to the hospital later and after that they sent me home. At home I did not have appropriate conditions. My family house has no bathroom and is quite unsuitable for a person with disabilities like me. I lived with my father, brother and with my father's sister and I did not have proper hygiene and assistance. I got even more decubitus and wounds. It is impossible to live in the countryside in the family house without proper conditions. I do not have mother to take care of me, or a woman who could assist me. Thereafter I was sent to a hospital treatment in Bijelo Polje, where I have been treated for a long time. I spent almost one year in hospital afterwards I was placed in a nursing home. It was quite difficult for me to stay in hospital and deal with all that. I have been treated without necessary orthopedic aid. It took me a long time to get orthopedic aids such as wheelchair. It is quite a long procedure. It was hard for me to lay in bed until 4 in the afternoon to wait for a hospital wheelchair, but other patients used it and they needed it too

Do you need some other service so you could be able to take part in society?

- An assistant is really necessary to me.

Did you have an assistant?

I did not.

Monitor: And would you like to have an assistant and how would that affect your life?

- Well, I'd like to have an assistant and I think it would be much better than without an assistant. It would be nice if I could accomplish that.

What would be different in your life if you had a personal assistant?

- Well, it would be a lot different because I do not have a place where I could live alone. I could not possibly afford it without an assistant.

Female, between 18 and 25, user of foster care

Clip from the article: Strengthening for independence, DN "Dan", Region (16 pages)

Participants of the conference on independent living of people with disabilities, which was held at the hotel "Princes" in Bar, adopted the conclusions and recommendations which welcome all positive changes in the social position of people with disabilities. As positive aspects of the conference they emphasized the will of persons with disabilities to develop a network of independent living, and the commitment of the participants of the conference to cooperate on promoting the philosophy and principles of independent living.

- As the general progress of society, the strengthening of persons with disabilities for independent living is

noticeable. Primarily through personal assistance services, and with increasing independence as well as by the help of their family members. A personal assistance should be referred to as a human right, which is why it must not be conditioned by material status, individual capacities, community, society and the state as a whole.

In their opinion, it is necessary to legally define and provide social housing and supported housing in practice, in the following period. Also to raise awareness of PWDs themselves on the importance of independent living and the options for its implementation. It should also raise awareness of the PWDs environment on options for independent living and the need and usefulness of independent living, to differ personal assistance from other forms of assistance (in-house assistant, working assistant, teaching assistants), to improve the treatment of people with intellectual disabilities and people with mental illnesses, allow the inclusion of persons with disabilities - representatives of organizations of persons with disabilities in decision making processes and deciding, provide sufficient financial support to organizations of persons with disabilities to enable them to provide necessary services. In addition, it should work on networking of the organizations of persons with disabilities because of common goals and activities in the field of independent living.

Professional assistance, training and educational programs for people with disabilities and professionals who work with them are not provided by legally binding norms. Even though the Strategy and the action plan for its implementation from 2009, defined the activity on adopting the law for personal assistant, it has not been reached yet. The strategy for the integration of persons with disabilities, among the measures stated provision of modern aids and more support services and institutional framework that would work on improving these areas.

Is there a support service that could help in such or similar situations?

- Far as I know there is no institutionalized service.

Male, aged between 26 and 40, unemployed

Considering that the legal norms do not guarantee the right of persons with disabilities on personal mobility, or regulate measures and services that would enable it, the principles of independence, dignity, participation, inclusion and accessibility, non-discrimination and equality and respect for diversity are being violated.

Social welfare is mentioned in general in the Constitution, in Article 67 which states that the social security of employees is mandatory, and that the state shall provide material security to the person who is unable to work and without any means of livelihood.

National legislation does not meet all the requirements contained in the Convention on the Rights of Persons with Disabilities, that is does not provide the rights of all persons with disabilities to basic services, adequate food, clothing, access to clean water, while only regulates accommodation of these people, and to some extent the continuous improvement of living conditions for children with physical, mental or sensory disability (Law on Social and Child Protection)

People with disabilities and their families living in poverty are eligible for assistance from the state to cover costs related to social status, not the disability (family material support)

The right that could be associated with covering the costs related to disability is the right for care and assistance, because among other things, it can be realized by a family allowance of the person which due

to permanent health problems or age requires constant care and assistance in the fulfillment of basic needs.

The right which is granted to a person with disability, unable to live and work independently is personal disability allowance, which should serve to cover the cost of living of that person by the interpretation.

Instead providing state legislation and measures to ensure social inclusion of person with disabilities, the focus is on welfare and assistance to these persons, showing still present guardian relationship towards this population.

There is no assistance for blind people when entering certain facilities, socio-political organizations, or private stores. When a person who does not see well get very close in order to see the price, they think that he wants to steal something, so there is no awareness about this issue. They think that living conditions of people with disabilities are improved, saying that they receive regular social benefits. They give them sixty-three Euros for care and assistance and they think that all the problems of these people are solved, but it is not like that.

Male, between 41-55 years old, retired

People with disabilities have the right to apply for the apartments for people in social need under the same conditions as people without disabilities. These apartments are financed from different funds of local governments.

Retirement benefits and programs for people with disabilities, that is for the insured persons with full / partial loss of working capacity are regulated in a manner that such person legally acquire full / partial disability pension. In addition, people with a physical disability of at least 70% as well as other people with disabilities are entitled to insurance service at an accelerated rate (Article 74 Law on Pension and Disability Insurance).

An excerpt from the article: "She cannot work, but she must", ND VIJESTI, October 10th 2012. MONTENEGRO (page 41)

A few days ago she got a response from the executive director of "Mercator" Ivan Karadzic, even though her medical records confirm her serious health condition, their internal regulations do not allow the creation of social programs and suggested her, to take action for obtaining a disability pension in accordance with "a diagnosed significant damage of health at the competent institutions, which would partially solve the problem that she continuously shows".

>COMMISSION for disability pension rejected her.<

M.L. addressed the Disability pension commission, which rejected her in January, and at the Health Fund she was told that she used all the legal possibilities for using sick leaves.

"When I went back to work, I fell few times while serving the customers, so my customers helped me to get up from the floor. I was embarrassed to work in that condition with people watching me. As time went on I became more and sicker and my whole family grew restless. On Monday, the vacation (sick leave) ends, and I will try to take the sick leave again. If I could not do so, I'll come to work on crutches, and I'll start the hunger strike at the store where I work. I can not afford to lose my job, but I am not capable to work ", said M.L.

**COMMENT:** During the period of work on analyzes of social attitudes, respectively on media picture on disability, on M.L. has been written 26 articles, mostly in daily press. She wrote to everyone, from Ministry of Labor to Prime minister. She started with hunger strike in October and that strike lasted till the end of the period which was monitored. Most of the articles was written in medical and heroic model with sensationalistic headlines such as: "Began a hunger strike on crutches, "" Take seriously my strike, suicide is not foreign to me"

These provisions which do not guarantee the right to an adequate standard of living, but only allowances in certain areas (benefits, experience) are not in accordance with the principles of dignity, non-discrimination and equality, independence, respect for differences, equity, inclusion and accessibility.

## **6.5. Health, habilitation and rehabilitation**

### **6.5.1. Individual experiences in health, habilitation and rehabilitation**

Health, habilitation and rehabilitation is one of the areas in which the respondents were quite often complaining about negative experiences. How the rights of persons with disabilities are violated to when they are in the role of patients, can be seen just by the fact that 14 respondents reported 16 experiences related to the principles of dignity, and there is not a single a positive experience. (In this area, we have repeated discrimination, for example, several times happens different situation but to the same person when he/she is going to the doctor)

In addition to violating the principles of human rights of persons with disabilities regarding access to health facilities, providing health services, people with disabilities are particularly affected with the treatment of health professionals.

When I visit a doctor, the doctor does not talk to me, but to the person who is my escort. He asks of the person who is with me to warn do I complain, and has a conversation with that person rather than with me... And then, when he finally starts to talk directly with me, then he makes it with a raised voice, as vision impairment is associated with hearing impairment, and he believes that if I do not see I also do not hear well.

Male, between 26 and 40 years old, employed

When analyzing the violation of other principles of human rights of persons with disabilities in the areas of health, for the principle of non-discrimination and equality there are 16 negative experiences reported by 14 respondents, then by the principle of respect for diversity 15 negative experiences have been listed by 9 respondents, and with the principles of independence, we also have 5 persons with 5 negative experience. The only positive sample was recorded with the principles of participation, inclusion and accessibility, while in the case of this principle also have a number of negative experiences, 20 to be exact by 12 respondents. Therefore it can easily be deduced that of 73 experiences in the health field we only have only one positive example of respect for human rights principles. This example has been listed by a man with a disability and does not refer specifically to the experience, but to the fact that people with disabilities are actually given access to a health facility.

Out of all institutions in Bijelo Polje I believe that the hospital is the most accessible, not enough but definitely most accessible for the persons with disabilities.

Male, between 41 and 55 years old, retired

When it comes to experience and principles of human rights in relation to the respondents' gender, 10 women with disabilities have indicated the most negative experiences up to 12 when it comes to the principles of dignity, and 7 women indicated 11 examples when it comes to the principles of participation, inclusion and accessibility. On the other hand, men with disabilities have more negative experiences identified when it comes to the principle of respect for diversity and there were 5 men with 9 listed examples, while 4 women with disabilities experience stated 6 experiences. Women with disabilities have indicated 10 negative experiences more than men with disabilities. People with visual and hearing impairments, and persons with multiple disabilities have no positive experiences in this area, and the largest number of human rights and the principles violations have been listed by 14 persons with physical disabilities and in the 42 negative examples in relation to one single positive. However, we can conclude that there is a difference in the violation of human rights principles in relation to the type of disability. The differences relate to the different causes and relationships in which human rights are violated. People with physical disabilities face barriers in access to health care facilities, inability to use a number of health services because of inaccessibility of rooms, toilets, inadequate amount of beds, and very rarely give examples of unfair treatment towards them, except waiting in the lobby for a few hours<sup>2</sup>. However, people with sensory disabilities in almost 100% complain about the treatment of staff towards them.

In this sense, in this area, particularly discriminated persons are persons with hearing impairments, so that every person with hearing impairment who had experience in the health field repeats the same problem when establishing communication with doctors.

What is the relation, what are the differences in these hospitals for persons with disabilities?

- When I, just imagine when I completely motionless have to call the nurse and she calls me a bad word. She says I can not come, shut up and wait until I finish my coffee.

Male, between 56 and 70 years, retired

....

How do you cope when using the health service?

Mostly, I take one of my children with me in the hospital. I once went with no one, and in hospital I waited, waited for two hours. When everyone had finished I started to get in, they told me I cannot go in now because they have already called my name but I didn't hear it.

How did you react to that type of behavior?

-I was not able to respond I only made the appointment for the next day and arrived the next time with

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<sup>2</sup> Look at: <http://www.umhcg.me/wp-content/uploads/2011/12/izvjestaj-eng.pdf>



my daughter.

Women between 41 and 55 unemployed

When received by the selected doctor for I have to wait three hours to get in. I believe that such a person should be a priority, I do not know why such an institution has not adopted a regulation or something that these people have an advantage in the entering part or any other right in relation to the health care field. And also the co-payments, I believe that every person with a disability should be liberated from it.

Female, between 18 and 25 years old, unemployed

.....

And how do you manage in the hospital, or at the dentist?

Father takes me to the examinations, I am afraid to go alone and I never did it, usually the mother and father took me and often the problem was related to vertigo, so I did not have any serious problems.

Would you like to be able to do that by yourself?

- I'd love to go myself, but my parents usually do not allow me to because of the communication with doctors, they have the fear of miscommunication. My parents often say you can not go alone to a doctor, or to explain the problem, and then for her mother takes me.

Female, between 18 and 25 years old, employed

...

Why did they treat you like that?

- When I had problems with my tooth, it was swollen, I waited for several hours for the doctor, they came, I just could not get in the line, and my mother went with me. So I think that we are at the bottom of the line in terms of treatment.

Male, between 18 and 25 years old, employed

When it comes to the area of habilitation and rehabilitation monitors did not ask for more direct questions, so respondents did not mention the experience in this field. However analytical monitors suggest that this area may be particularly interesting to examine so then we will list the recommendations in which we will list the basic steps that we believe should be as soon as possible defined and regulated systematically.

Also in the field of health care in the six months for which we conducted media monitoring, we could not find articles relating this area and which could corroborate the analytical and system monitoring, because most of the texts that we have found to a greater extent speak about the living conditions, lack of support



services, linking it to the medical condition, or in some texts, depending on the intention of integrating it with health and disability, which means that in this area is represented exclusively the medical model. In addition, in such situations, the family members are being victimized.

Excerpt from the article "Missing money for medicines," ND "Vijesti", 29 December 2012th MONTENEGRO (page 39)

"S.J. from Niksic has long since ceased to believe in Father Christmas and New Year's wishes, because he knows that his greatest desire to be healthy can't be achieved. He is also not superstitious though his No. 13 issued a disaster, because on the 13 July in 1994, while riding his bicycle he was hit by a car and he remained blind and immobile.

His seventy-three old mother M.J. was also in poor health, but does not think of herself. Her son is the only concern. Last year she underwent surgery of thyroid gland, and twenty days ago she broke her arm. "

**Comment:** *This is one of the forms mostly used by media with texts talking about the health of persons with disabilities. Man on whom the article is written is subject of media story on the same way every year. There are campaigns for him, seeks help from "human people" for his "healing". All texts are sensationalistic with attempt to elicit compassion and pity.*

### 6.5.2. The legal aspect

People with disabilities are guaranteed by domestic legislation the same choices quality and standard of health care provider stating the availability of health care on equal terms to all citizens of Montenegro, as well as encouraging the performance of health care services in accordance with national and international standards (Article 2 of the Law on Health Care) .

Reproductive health services are available to all citizens under equal conditions and free will. However, there is a legally defined measures for the establishment of equality in practice.

National legislation generally provides for priority health protection measures for the detection, prevention and suppression of diseases, injuries and their consequences at the national level, and in this regard are provided medical services specifically required due to damage. Specific provisions for minimizing and preventing further disability in our legislation does not exist. However, the analysis of the health care we can come to the conclusion that action is being taken for treatment and rehabilitation of certain diseases (not all of which lead to damage) which in practice has an indirect impact on the prevention of further disability.

Provision of health services related to disability as close as possible to where people with disabilities live provided through a primary care level, including: home care visits, treatment and rehabilitation at home. In addition, minors and adults which are mentally ill have the right to be cared for in the community, or to choose a doctor who will treat them in the mental health or psychiatric facility that is closest to the place

of residence (Article 10 and 13 of the Law on Protection and rights of the mentally ill).

*Because of the lack of harmonized terminology in this area usually associated with the disease many people with disabilities can not exercise their legal rights law. This leads to discrimination among the persons with disabilities and the existence of a de jure rights.*

According to the Law on the Health Protection citizen has the right to information and notification on all matters relating to their health, self-determination, privacy, and confidentiality of all information relating to his health (Article 18, paragraph one single, item 2, 3, and 7).

Through the night I had problems with my stomach, and I went to the doctor because I could not calm the pain. I handed over my card and waited for two hours until the nurses had their coffee. I told them as far as pain, it hurts me harder and harder, they are not paying attention. I called my mother, and my mother came and walked to them and told them. I was terribly discriminated that way. The doctor said he is not obliged to talk to me because he does not understand my language.

Male, between 18 and 25 years old, employed

Provisions that would relate to raise awareness of human rights, dignity and autonomy and needs of persons with disabilities in this area do not exist.

There is no anti-discrimination provisions concerning health insurance for all citizens, and others, on the principles of obligation, reciprocity and solidarity, the right to health care and other rights in accordance with the Health Insurance Act (Article 3).

The Insurance Act does not provide anti-discrimination provisions that are related to life insurance.

Law on the Prohibition of discrimination against persons with disabilities stipulates that discrimination against persons with disabilities, on the basis of disability in the areas of health care is considered a refusal to provide medical services to a person with a disability on the basis of disability, as well as setting specific requirements for the provision of health services to a person with disabilities on the basis of disability, or the withholding of information about your current health status, measures taken or intended treatment and rehabilitation of persons with disabilities on the basis of disability, which people with disabilities are protected in the provision of health care services.

However, this provision is violated every day in practice.

"The biggest problem is provision of adequate dental care for children with mental disabilities in the fact that dentists refuse to do fillings without anesthesia, and that can with children with mental disabilities have other consequences, especially when it comes to Down's syndrome."<sup>3</sup>

These provisions de jure guarantees the principle of dignity, non-discrimination and respect for diversity and independence, but non-stipulation of specific measures for the realization of these rights is not in full compliance with the principle of inclusion, inclusion and accessibility. As in other areas and also in this one of the biggest problems is the non-implementation of legal regulations by the responsible entities.

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<sup>3</sup> Clip from the Special Report on the human rights of mentally ill persons placed in institutions [http://www.zastitnik.co.me/docs/izvjestaji/POSEBN\\_IZVJESTAJ\\_NS\\_21.03.2011.doc](http://www.zastitnik.co.me/docs/izvjestaji/POSEBN_IZVJESTAJ_NS_21.03.2011.doc)

In the legal system there is no defined term rehabilitation and habilitation but instead it involves the health care services so therefore does not even recognize the special service responsible for providing services for persons with disabilities.

What label would they typically used in dealings with you?

- Usually they insult me when I use my hands while speaking. I try to talk sense in a way, but is not possible. Usually people with this type of disability have the hednikep that are often found in this problem because of the gestures with their hands, that all people have, not only ...

Do you think that other people with disabilities, labeled in the same way as you? Or is it just a case of the deaf-mute people?

- All persons with disabilities. Usually when I go to a doctor, they usually laugh, and just do not have understanding for me.

Male, between 41 and 55, unemployed

## **7. General overview of media monitoring and social views of disability:**

Since we're in the statement specifically more directly giving attention to individual experiences, the analysis of the situation in practice, and the analysis of systematic measures and policies, and the area of media reports about people with disabilities are not analyzed in detail, we will briefly in this section give an overview of social attitudes towards people with disabilities

The period chosen for the analysis of articles, there are almost no articles that are written about people with disabilities from the perspective of private and family life and relationships, and that these texts do not intersect with other areas and in this context family is shown as a victim. A practical problem that closely clarifies this issue is based on the fact that the media are largely following this issue from the point of reporting by the parent organizations dealing with children with disabilities. And practice, as and the media reports indicate that most of the family relationship towards the child is based on an approach which emphasizes the medical model and the treatment of children, not cleansed their individuality, diversity, or the rights. In order to change the overall picture of the public about children and people with disabilities we feel that initially the attitudes and relationships of the family towards the members with disabilities have to be changed, and so will the media images in these areas be significantly improved.

Also, in the area of health in this period there is no articles related to the problems that the persons with disabilities attributed in the individual experiences, or articles that specifically talks about the inaccessibility of health facilities, conditions in them for people with disabilities, the procedures that apply to health care and the relation of health workers towards people with disabilities, which means that on the one hand and the people with disabilities hide their negative experiences and make them unavailable to the public, while on the other hand the media are not doing research and texts on their own initiative in order to investigate this area.

In other areas which are the subject of our separate analysis media generally follow the human rights of persons with disabilities periodically, based on the activities of organizations working in this area, whether they are organizations of people with disabilities or parents, reports that these organizations produce and likewise. However, the best co-operation with the media has made the Association of Youth with Disabilities of Montenegro which can be seen from the number of articles that we have obtained. When it comes to the activities of the AYDM and they are monitored according to the media and so happens that, compared to the same activity, a particular statement, the life story of active members of the Association are presented in several models: of medical, heroic, from the economic model to the model based on human rights. Also sometimes happens that all the media in the same way escort some of the activities. However, sometimes there is a practice that the media has self initiative and wishes to deal with a subject and get opinions, experiences and attitudes of people with disabilities on the subject, and then they called activists of PWD's organization to make an interview with them.

The texts that we have obtained in the period selected for analysis in most of the texts was used the model based on human rights, thanks to the work of the Association of Youth with Disabilities of Montenegro, since most media articles are relating to the activities of the mentioned Association. However, the media often do not use a uniform terminology and approach and therefore is necessary a closer education for journalists, and especially editors for determining the sensationalistic titles, about the rights of persons with disabilities.

## **8. General recommendations and recommendations concerning the improvement of the existing laws and their better practical use:**

- Financial support to organizations of persons with disabilities in order to strengthen capacities and implement projects for improving the status of persons with disabilities, through passing of Law on the organizations of persons with disabilities (Fourth quarter of 2013);
- It is essential that organizations of persons with disabilities unite as much as possible, and engage in improving the status of persons with disabilities (continuously);
- Include and make a comprehensive database about people with disabilities (by end of 2014 and continuously);
- Strictly implementing the Law on Spatial Planning and Construction in respect of the accessibility standards for persons with disabilities (continuously);
- Provide consultation on policies at the highest state level with organizations of persons with disabilities in order to improve their implementation(continuously);
- It is necessary that the state financially supports the Paralympics Committee In order to develop Paralympics (continuously and every year from the budget funds);
- Devote more media space to persons with disabilities by broadcasting programs on public services that are specifically related to them (continuously);
- Conduct campaigns to raise awareness about people with disabilities (continuously);
- Organize and conduct training advisors in offices about rights, opportunities and needs of people with all types of disabilities (continuously, begin in 2014);
- Provide a higher level of their self-representation by strengthening and capacity building of persons with disabilities (continuously);
- Parents and families of persons with disabilities should have more respect for their members with disabilities (continuously);
- In dealing with people with disabilities it is necessary to use appropriate terminology (continuously);
- Educate people in competent institutions and the general public on the rights of persons with disabilities (continuously, begin in 2014);
- Conduct campaigns to educate drivers about improper parking and violation of free movement of persons with disabilities; (continuously, begin in 2014);
- Organize support services for people with disabilities, which will be aimed at their psycho-social empowerment (continuously, begin in 2013);

### **Accessibility:**

- The government should consider issues related to persons with disability as a priority, by defining specific measures and activities which will be implemented especially when it comes to accessibility; (continuously, begin in 2013);
- Remove all architectural barriers in all public facilities and in all public areas (continuously, begin in 2013);
- Beaches should be made accessible to persons with disabilities (continuously, begin in 2013);
- Make fully accessible residential buildings occupied by people with disabilities; In order to freely regulate and obtain personal documents provide unobstructed access to the institutions; (continuously, begin in 2013);
- Provide more parking spaces and ensure its use by persons with disabilities in all parking areas

- (continuously, begin in 2013);
- Adjust public transport to persons with disabilities (continuously, begin in 2013);
- Enable the participation of people with disabilities in cultural life by increasing the level of accessibility of facilities (continuously, begin in 2013);
- Install audible traffic (continuously, begin in 2014);
- By installing voice software allow free use of ATMs for visually impaired people (continuously, begin in 2014);

#### **Education:**

- People with disabilities need to engage more in inclusive education system; (continuously, begin in September 2013);
- Improve conditions in inclusive education for all categories of persons with disabilities (continuously, begin in September 2013);
- Provide proportionate number of assistants to the number of students with disabilities (one assistant - one student) (continuously, begin in September 2013);

#### **Employment and work:**

- Amend the Law on professional rehabilitation and employment of persons with disabilities in order to define certain parts of the law more precisely, as well as providing better practice; (2014);
- Improve opportunities for lending and self-employment by increasing the amount of start-up funds for self-employment and by extending the grace period, with no interest (2014, after law changes)
- Make the Commission for determining disability, evaluating the level of skills and employment opportunities, operational (2013);
- Enhance the employment of people with disabilities in order to achieve greater independence for people with disabilities (continuously, begin in 2013);
- Ensure a dedicated spending from the Fund for professional rehabilitation and employment of persons with disabilities (2014, after law changes);
- Stimulate hiring apprentices with disabilities through the Government program of training apprentices (continuously, begin in 2013);
- Providers of professional rehabilitation should regularly meet their obligations towards employees with disabilities (continuously, begin in 2013);
- Clearly define measures for ensuring equal access to general technical and professional guidance programs, as well as encouraging options for career advancement of people with disabilities, and programs to return to work for persons with disabilities (2014)
- Prescribe the obligation to employ persons with disabilities by employers, especially when it comes to public authorities and institutions (2014, after law changes);
- Precise financial support for adapting the workplace in order to predict funding for adjusting entire working environment by the Law on professional rehabilitation and employment of persons with disabilities (2014, after law changes);

#### **Recommendations for implementation of rights and improvement of the status of certain categories of persons with disabilities:**

- Establish and develop support services for people with disabilities - primarily personal assistance, assistance at home (continuously, begin in 2013);
- It is necessary to employ gesture interpreters in public institutions (continuously, begin in 2013); Hiring gesture interpreters at the Employment Bureau and local labor bureaus, will provide support for the hearing impaired ,when they seek employment (continuously, begin in 2013);
- Enable easy communication with others in all areas of life to persons with hearing impairment by providing gesture interpretation services (continuously, begin in 2014);
- Make educational programs and programs with informative character affordable and easy to understand for the hearing impaired by engaging gesture interpreters (continuously, begin in 2013);

### **Conditions and living standards**

- Increase the amount of basic income which is generated on the basis of disability (2014)
- Provide adequate accommodation for persons with disabilities who are support by other people (after the beginning of implementation of the Law of the Social Housing, and continuously)
- Changes to the Laws on the Health Protection and Law on Health Insurance it is necessary to ensure the best level and standard of health care and the latest technical achievements in the field of prosthetics for those who are unable to pay (2015)
- To educate medical workers about the needs about people with disabilities and through that education ensure that people with disabilities and children should have priority in health care; (2014, and continuously)
- Simplify the procedures and proceedings, and reduce timelines for obtaining appropriate orthopedic aids (2015, after Law changes)
- Provide financial assistance to those with bad financial status (2013, and continuously);
- It is necessary to precisely define and implement laws in aim to provide free voice software to visually impaired people (2015, after Law changes);
- Incorporate provisions into domestic legislation (Family Law, Law on out litigating proceedings) to ensure the protection and implementation of the rights of persons with disabilities on an equal basis with others, to decide on how, when and with whom to live, or that they are not forced to live in a particular living arrangement (2016)
- Provide systematic funding of support services; (2014, and continuously);
- Adopt the Law on personal assistance (2013);
- Introduce provisions in domestic legislation (laws in the field of transport) to ensure and protect the rights of persons with disabilities in personal mobility, and prescribe measures and services that would allow it to them (2015);

### **Privacy and family life**

- Initiate the reform of laws (Family Law, Law on out litigating proceedings, The Law on the Protection and Rights of Mentally Ill Persons) relating to working capacity of persons with intellectual or mental disabilities, as soon as possible, so these people would not live a life unworthy of man, and so that they would realize their basic human rights (2016)
- Establish support services (Law on Personal assistance, Law on Social and Child Protection), and other types of support to persons with disabilities to achieve their full independence, ensuring their privacy, as well as the fulfillment of parental duties (2013, after adoption the Law)

### **Health and Rehabilitation:**

- Through changes the Law on fertility treatment with assisted reproductive technologies clearly define measures for providing reproductive health services under the same conditions and freely expressed will of people with disabilities (2014)
- Agree on the terminology in the field of health in order to allow full realization of the right to health care to persons with disabilities (continuously, during the changes of all laws in area of health)
- Amend the Law on Health Insurance in terms of the prohibition of discrimination in the realization of life insurance (2014)
- Changes of the Law on Health Insurance make dental care inclusive for all people with disabilities, especially for people with intellectual disabilities (2014)
- Consistently implement legal regulations by the responsible entities (continuously)
- Legally define the term of rehabilitation and habilitation and special services responsible for the provision of services in this area to persons with disabilities (2016)

### **Social participation:**

- Through the changes and implementation of the Law on Spatial Planning and Construction legally resolve the issue of providing signage in Braille / alphabet, as well as easy-to-read and understandable forms and other forms of direct assistance; (2013)
- Through the implementation of the Law on Spatial Planning and Construction improve the accessibility of bus stops for people with disabilities (2013)
- Apply in practice the provisions relating to the number of reserved seats in the means of transportation for people with disabilities (continuously)
- Introduce requirements relating to accessibility for persons with disabilities, among the conditions for obtaining a license for the public transport of passengers (changes to the law in the area of transport, 2015)
- Provide a service to help people with reduced mobility when using public transportation (2013)
- Introduce an obligation that the acquisitions of new means of road and rail transport takes into account the accessibility for persons with disabilities and persons with reduced mobility (2013, and continuously)
- The Law on Obligatory Relations and the basis of property rights in air transport need to comply with the provisions contained in the Law of air traffic (2015)
- Through the changes the Law on election of Members of the Parliament and Councilors harmonize the electoral legislation with the obligation to protect the confidentiality of voting (2013)
- Through the changes the Law on election of Members of the Parliament and Councilors it is necessary to define the accessibility of voting procedures, equipment, materials and polling stations, and define measures to achieve equality of opportunity to participate in public and political life (2013)
- A significant improvement is necessary in terms of providing cultural material and content in an accessible format, and the recognition of a specific cultural and linguistic identity of people with disabilities, particularly persons with impaired hearing (2014, and continuously)
- A significant improvement is necessary in terms of guaranteeing regular access to sports and recreational activities and facilities for the participation of persons with disabilities (2014, and continuously)



## 9. CONCLUSION

During the processing of the data obtained from the individual experiences of people with disabilities, we realized that the human rights of persons with disabilities were abused in all areas of life. Depending on the type and degree of disability, the obstacles that encounter people with disabilities are higher, and the relation of the society as and violation of human rights of people with disabilities are more common and obvious.

Experiences that people with disabilities cited in these areas have been largely coincided with the analysis of policies and legislation in this area, which also needs significant improvement. In areas where the legal analysis has shown partial compliance with the Convention and good domestic policy experience in the field shows their non-implementation and lack of respect in practice, as in the case with the Law on Spatial Development and Construction and the Law on Employment and Vocational Rehabilitation.

How many people with disabilities are invisible and ignored in some areas is confirmed by the overall media landscape and social attitudes about people with disabilities, for their human rights are monitored periodically. The media often write about the health of people with disabilities and their social situation or insurance income, which is closer to the medical aspect rather than the aspect based on human rights. This approach largely depends on the persons with disabilities and their desire to emphasize that.

Based on the obtained data it can be concluded that people with disabilities mostly face with problems in the treatment by a person without a disability, and then with discrimination and associated injured dignity. In the area of social participation of people with disabilities are often talked about the inaccessibility of the environment, public spaces and institutions that lead to discrimination and thus to violation of human dignity, inequality and likewise. People with intellectual disabilities are most often excluded from social activities; they take very little part in public life, rarely go out, hang out. In this area, it was determined that there were deficiencies in the legal system in terms of accessibility in the broadest sense, participation in political and cultural life, as well as sports and recreational life. In the area of labor and employment is represented by the double discrimination against married couples with disabilities, often both husband and wife are without a job, with a very small monthly income. Also, these are often people with disabilities, one of the first released from work and declared redundant. In the area of labor and employment is represented discrimination against persons with disabilities, regardless of the type of disability. This applies to a person employed at the workplace and during working process and to unemployed job seekers. Experience shows that unemployed people with disabilities feel useless and a burden to their family and society. In the family the persons with disabilities, particularly women often face violence, whether physical, psychological or economic, however, often are not aware of that kind of discrimination. From individual experiences is noticed the lack of independence of people with disabilities in decision-making as well as in their implementation. People with hearing impairments especially in the area of privacy and family life stand out as the most discriminated group, because due to the lack of sign language interpreters they additionally lose autonomy in the family. And to be involved in any other area of life, they only from the family can be supported in order to establish contacts with others. Protection of privacy policy in practice is not possible due to lack of support services, that is why the people with disabilities are objects of charity of their family. A person deprived of business capacity is completely denied or taken away the rights of non property nature: marriage and starting a family, adoption, parenting. This area of the Montenegrin legislation is not in line with the UN Convention on the Rights of

Persons with Disabilities. There are no established systems of support services, as well as other forms of support to persons with disabilities to achieve their full independence from family and achieving their privacy and performing parental duties. In addition, as people with disabilities have obstacles and problems in accessing support services, often officials do not understand their needs, they are very rough to them, they do not respect their personality and discriminate them. Aside from the lack of support services, people with disabilities have problems in obtaining and seeking of assistive technologies, and aids and in securing income. In this area, people with disabilities have a number of problems, they do not have the choice and almost none access to support services, often none of orthopedic devices that they need. One of the important facts that negatively affect the participation of persons with disabilities in social life and in all other areas is the fact that nowhere in the legislation is not explicitly mentioned nor protected the right of people with disabilities on an equal basis with others, to decide how, when and with whom to live, or that they are not forced to live in a particular living arrangement. Instead of legislation providing state guarantees and assures measures for social inclusion of people with disabilities the focus is on social security and assistance to such persons which still tells us about the guardian-represented relation to this population. In addition to violating the principles of human rights of persons with disabilities, in the access to health facilities, providing health services, people with disabilities particularly affects the way of treatment to them by health professionals. In the area of health are particularly discriminated persons with hearing impairments, so that every person with hearing loss who had experience in the health area repeated the same problem when establishing communication with doctors. Because of the lack of harmonized terminology which in this area is usually associated with the disease many people with disabilities cannot exercise their given legal rights. This leads to discrimination among the persons with disabilities and the existence of a de jure rights. In the legal system there is no defined term for rehabilitation and habilitation but it is involved in the health care services so therefore are not even recognizing special services responsible for providing services to persons with disabilities.

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