



**BETTER WORKING THROUGH
NETWORKING**

ALTERNATIVE REPORT ON COMPLETION OF ACTION PLAN FOR IMPLEMENTATION OF STRATEGY FOR PROTECTION OF PERSONS WITH DISABILITIES AGAINST DISCRIMINATION AND PROMOTION OF EQUALITY



The project is funded by the European Union



Ministarstvo javne uprave



ALTERNATIVE REPORT ON COMPLETION OF ACTION PLAN FOR IMPLEMENTATION OF STRATEGY FOR PROTECTION OF PERSONS WITH DISABILITIES AGAINST DISCRIMINATION AND PROMOTION OF EQUALITY

This material has been created within the scope of “Better Working Through Networking!” project, implemented by Association of Youth with Disabilities of Montenegro and Centre for Development of NGOs, with the financial support of European Union through Delegation of European Union to Montenegro through the European Instrument for Democracy and Human Rights (EIDHR) and co-funding of Ministry of Public Administration of Montenegro. The views presented in this material are solely the responsibility of AYDM and the Network of Organizations of Persons with Disabilities of Montenegro, and do not reflect the views of the European Union and the Ministry of Public Administration.

Publisher:

Association of Youth with Disabilities of Montenegro

For the publisher:

Marina Vujačić

Authors:

Dragana Sokić

Marina Vujačić

Milenko Vojčić

Milica Marđokić

Co-authors:

Andrijana Nikolić

Goran Macanović

Marina Đurović

Milislav - Mimo Korać

Samir Guberinić

Savo Knežević

Graphic design:

Gavro Kračković

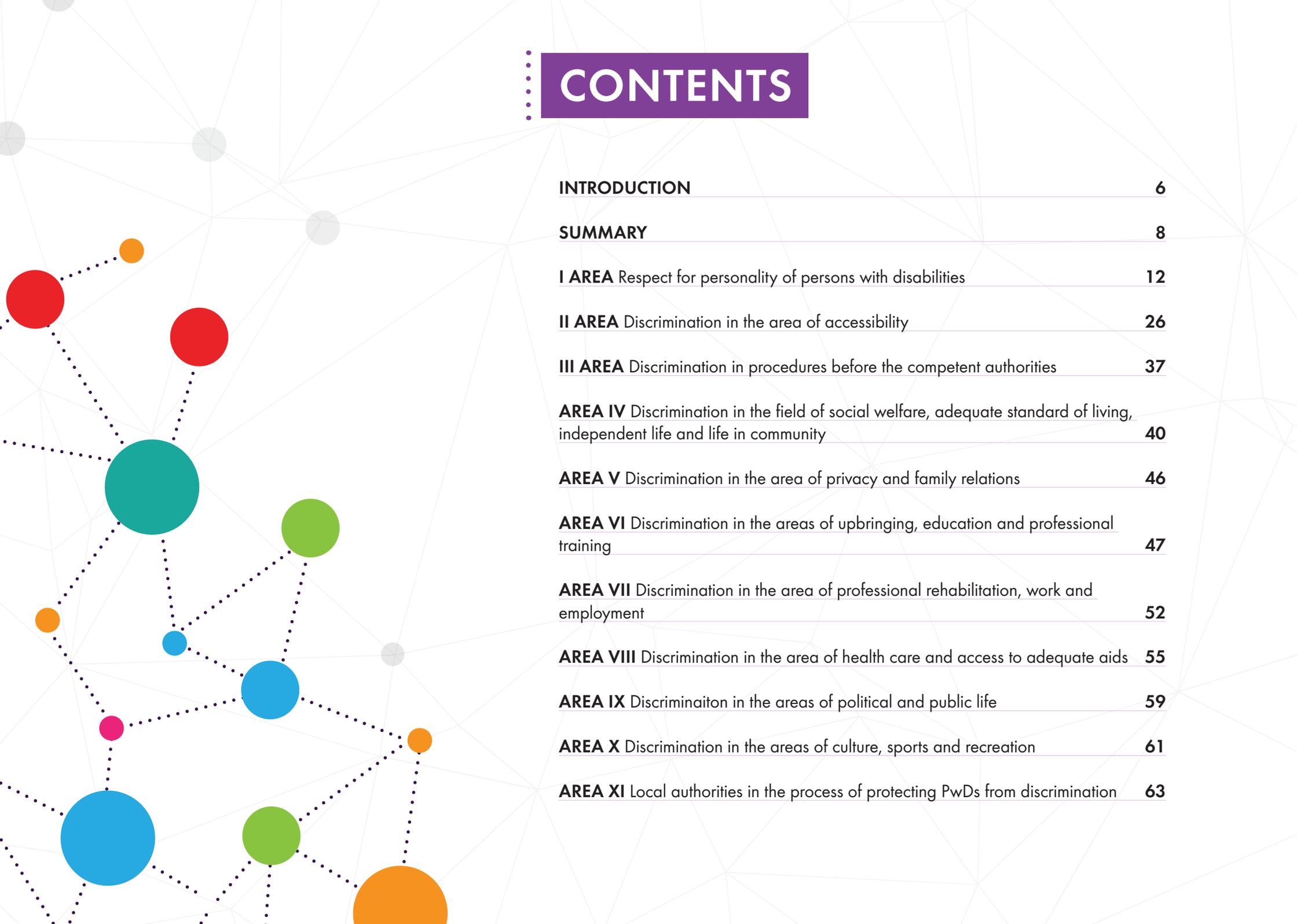
Printing office:

Lapis štamparija

Circulation:

50 copies





CONTENTS

INTRODUCTION	6
SUMMARY	8
I AREA Respect for personality of persons with disabilities	12
II AREA Discrimination in the area of accessibility	26
III AREA Discrimination in procedures before the competent authorities	37
AREA IV Discrimination in the field of social welfare, adequate standard of living, independent life and life in community	40
AREA V Discrimination in the area of privacy and family relations	46
AREA VI Discrimination in the areas of upbringing, education and professional training	47
AREA VII Discrimination in the area of professional rehabilitation, work and employment	52
AREA VIII Discrimination in the area of health care and access to adequate aids	55
AREA IX Discrimination in the areas of political and public life	59
AREA X Discrimination in the areas of culture, sports and recreation	61
AREA XI Local authorities in the process of protecting PwDs from discrimination	63

INTRODUCTION

ABOUT THE PROJECT

Better Working Through Networking project is implemented by Association of Youth with Disabilities of Montenegro and Centre for Development of NGOs, with the support of the European Union through EIDHR (European Instrument for Democracy and Human Rights) and co-founding of the Ministry of Public Administration; and the final outcome of the project is related to the contribution to improvement of quality of life of persons with disabilities in Montenegro^[1].

The goals of the project are related to contribution to bigger involvement of persons with disabilities in the processes of creation and implementation of public policies in the area of disabilities at the national level, and strengthening capacities of organizations of persons with disabilities for more adequate and comprehensive presentation and advocacy of rights of persons with disabilities.

The planned project results are as follows:

Result 1 – An established formal, functional Network of organizations of persons with disabilities for representing persons with disabilities;

Result 2 – An established mechanism for monitoring of Strategy for protection from discrimination of persons with disabilities and promotion of equality

Result 3 – Raised awareness on the importance of inclusion of persons with disabilities in the decision-making process

The project activities that have been planned for achieving results entail: the establishment of the Network of organizations of persons with disabilities, strengthening capacities of organizations of persons with disabilities ie. Network Members, through training courses (strategic planning, monitoring and evaluation of public policies in the area of disability, shadow reporting, mechanisms of participation of persons with disabilities in the decision-making processes, public advocacy, and preparation and implementation of projects financed by the EU funds) and study visit to Brussels, survey on application of the Strategy for protection of persons with disabilities against discrimination and promotion of equality, and establishment of team for monitoring of Strategy, signing of Memorandum on Cooperation with the competent ministries: the Ministry for Human and the Minority Rights and Ministry of Labour and Social Welfare, meetings with decision-makers, public debates, a conference, free legal counselling, and media campaign. Within the scope of the media campaign, in addition to development of website and visual identity of the project (Facebook page, posters, leaflets, roll up banners), and making of documentary videos, six information booths had been organized, in six towns in Montenegro, where the project has been presented to the interested public and discussions on human rights of persons with disabilities took place.

The survey on implementation of the Action Plan for the Strategy for protection of persons with disabilities against discrimination 2017 - 2021, for the period between 2017 and 2018, encompassed the desk survey and within it publicly available information have been collected, requests

¹ The project lasted 18 months since January 2018 till July 2019. Its total value amounts o 1,57,694.68€, out of that the maximum contribution of the EU is 145,059.95 €, and the remaining part is co-financed by the Ministry of Public Administration.

for free access to information have been sent and analysed, and there have been five interviews with representatives of the Ministry for Human and Minority Rights, Ministry of Justice, Ministry of Labour and Social Welfare, Ministry of Health and Ministry of Transport and Maritime Affairs. The interviews have been conducted on the basis of the Interview Guide, ie. prepared questions that have emerged from the Report on implementation of the Action Plan. In addition to the above said, the survey included discrimination experiences of persons with disabilities, members of their families and organizations of persons with disabilities.

SUMMARY

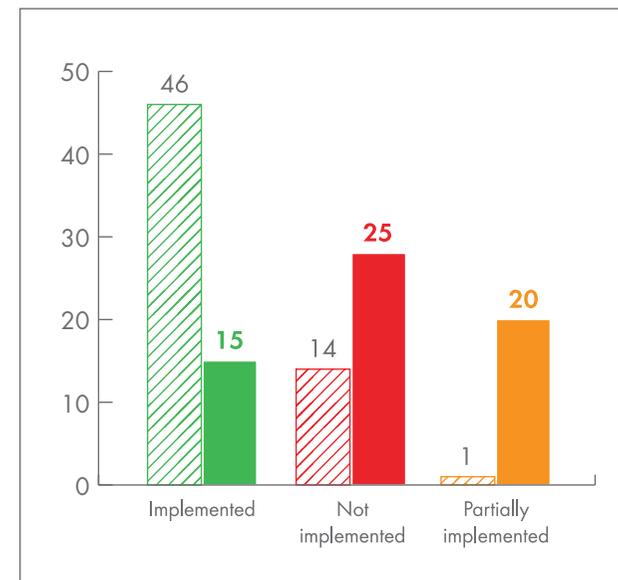
ABOUT THE SURVEY

According to the Report on realization of the Action Plan for implementation of Strategy for protection of persons with disabilities against discrimination and promotion of equality for the period 2017/2018, that Government adopted at the 115th session on 28th March 2019, it is stated that out of 38 measures that were defined by the Action Plan for 2017/2018, for which the implementation was planned through realization of 61 activity, 46 activities were completed, 1 activity was completed partially, while 14 activities have not been completed. In addition to the adopted Report and Action Plan, the Government has not provided any recommendations, nor allocated responsibilities in the Conclusion that is adjacent to the adopted document. This is particularly important to note, having in mind that in the Report it is mentioned that it is opinion of the ministries and other departments that some regulations should not be changed, although that obligation for amendments was first identified by the Government through the adoption of the Analysis^[2], therefore the departments are not fulfilling responsibilities allocated by the Government, and the Government is not dealing with this negative practice.

However, after the monitoring activities conducted by the members of the Network of organization of persons with disabilities of Montenegro (NOPWDOM), that have been based on desk survey and interviews organized with representatives of institutions, it can be concluded that, in the Report on implementation of the Action Plan, the second activity defined in the field of **Local Self-Government in the process of protection of persons with disabilities against discrimination** is missing within the measure no. 4. *Organize education (seminars, workshops) for representatives of local self-governments, which reads: Additional training for representatives of local secretariats for social activities and spatial planning and construction of structures for implementation of LAP.* Due to the lack of reporting on this particular activity, the statistics are not credible, and it cannot be concluded whether this activity has been implemented or not. This activity was transferred in the Action Plan for implementation of Strategy for protection of persons with disabilities against discrimination and promotion of equality for the period 2017-2021, and for 2019 and 2020, but it was not defined in that way, but in a much broader sense: "To organize education" which creates possibilities of wide interpretation and therefore also the later reporting that does not have to refer only to implementation of LAP. Moreover, in the previous period, this activity could only have been completed in Bijelo Polje, the only local self-government – LSG that adopted the Local Action Plan – LAP.

2 Available at: <http://bit.ly/2Yj3OyH>

On the basis of overall statistics and introspection of available data, it can be concluded that out of a total of 38 measures from the Action Plan, nine (9) measures were completed, 18 were not completed and 11 measures were partially completed. Furthermore, this analysis established that the measures were planned to be completed through 63 activities (and not through 61 as stated in the Report), out of that 15 were implemented (as opposed to 46 listed), 28 were not implemented (as opposed to 14), while 20 activities were partially implemented, as opposed to one as reported by the Government. (The chart on the right-hand side shows the comparative degree of implementation of activities. The left column represents the degree of implementation of the MHMR, i.e. the Government, while the right column shows the assessment of the Network).



However, at the very beginning, it is important to mention that although the Action Plan contains 38 measures, the activities within them are not listed numerically but are marked with bullet points (-), or the activity is listed without bullet point, but sub-activities are marked with a bullet point, which can make the overall statistics of MHMR and the Network slightly different. In addition, the Government did not report on the implementation of measures, i.e. it did not assess their implementation but solely the implementation of activities within the measures. Furthermore, as stated by the MHMR in the description, 14 activities were not implemented, however, the insight into the tables of the analysis showed that actually 16 activities were not implemented also in the Government report. Out of those 16 unimplemented activities and one (1) partially implemented, eight (8) of them were transferred into Action Plan for 2019 and 2020, while nine (9) are not transferred. It is clear, also, that measures and activities that Network assessed as uncompleted, for which deadline was limited to 2017 and 2018, as well are not transferred into the Action Plan, thus they will remain unimplemented also in the next two year period, as the Government at the same session adopted the Action Plan and Report on realization of the previous Action Plan, according to the new methodology that is being applied in the last two years, by merging in the Government's work plan, the Reports and Action plans into one measure/obligation.

Below is a tabular view of the assessment of the implementation of measures, with key findings, and recommendations in the Comment section. The table contains the measures, activities and competent authorities, from the original text as listed in the Action Plan, with the accompanying colour in the form of traffic lights (Green - completed, Orange = partially completed, and Red - uncompleted), as it is also mentioned in the Government's Report.

In the Alternative report, the measures and activities that are assessed as completed are those for which in addition to the detailed description there were also clear indicators and sources of verification, i.e. information that could be easily checked, and those with measurable impact.

The Alternative Report assessed as partially completed those measures and activities for which, irrespective of lack of certain benchmarks (indicators, detailed description, sources of verification, and/or impact), it can be concluded that some activities are completed to a certain extent.

As uncompleted in the Alternative Report are assessed the activities that do not have any clear benchmarks or the reached indicator is incomparably smaller than the one targeted, and the Report within those measures and activities does not have differentiated data on persons with disabilities or other target groups, and therefore it cannot be concluded who represented the target group, or those were the activities that Government considers as completed but they are actually cumulative activities of a certain department dedicated to various target groups, but not only to those

that are defined in this Action Plan. In that way, it is not possible to conclude whether the activities were completed, what was their impact and result.

Conclusions and assessment in the Report are substantiated with the experiences from the survey conducted on the basis of 83 questionnaires for persons with disabilities and members of their families, six focus groups in which 53 persons^[3] took part, and 21 questionnaires for organizations of persons with disabilities. A part of the survey sample was done through “Actors in exercising rights of persons with disabilities” project that AYDM is implementing with the support of the Ministry for Human and Minority rights through the Concurs for NGOs in 2018.

In some segments of the Report, the Network provided comments in the form of recommendations of a model for future reporting. For example, in the measure “To promote good practices in protection of persons with disabilities against discrimination in the area of sport, culture, and recreation” the conducted activities are described in detail in the Report i.e. the steps that were taken for the purpose of realization of the activity, which is a good model that should have been done for all the measures, in order to make the Report more transparent and easier to understand, i.e. the impact of conducted activities would be more measurable.

Certain Ministries mentioned in the Report activities that had been conducted by the NGOs, although neither the ministries nor the Government funded those activities. This practice should not be continued in the future, activities of NGOs should not be included in the Report without their consent.

In the end, it is important to emphasize that the **Law on Prohibition of Discrimination of Persons with Disabilities** still does not stipulate measures of affirmative action in all the areas defined by the Convention, i.e. it does not prohibit all forms of discrimination in various fields and areas, and therefore the Strategy is not dealing with protection against violence, exploitation, and abuse, particularly of the children and women with disabilities, it does not treat the area of equal recognition before the law and access to justice (but only partly deals with discrimination in the proceedings before the authorities), the right to life, risk situations, extraordinary crisis and humanitarian situations, freedom from torture, cruel, inhuman and degrading punishment, freedom of movement, personal mobility and rehabilitation. As the Law does not recognize the intersectional and multiple discrimination faced by women and children with disabilities, the Strategy does not have a specific area/chapter, but some of the measures, above all, for children with disabilities are prescribed within other areas.

In the interview^[4], the representative of the MHMR emphasized that the new methodology adopted by the Government will be used in the preparation of future reports. It will be based on clearly defined indicators. She also stated that it is the request of the General Secretariat of the Government, that in the forthcoming period, they will work to integrate the Strategy for the Integration of Persons with Disabilities (which is under the jurisdiction of MLSW) and the Strategy for the Protection of Persons with Disabilities against Discrimination and Promotion of Equality (which is under the authority MHMR) due to the similarity of matter. The Association of Youth with Disabilities of Montenegro (AYDM), particularly having in mind the contents of the Strategy for protection of persons with disabilities against discrimination and promotion of equality, due to its incomplete, inconsistent and poor methodology, in the period of its adoption believed that, those two documents, defined in such a way, although quantitatively large and incomplete, should not have contained definitions of competencies of two departments. Namely, this document was drafted according to the almost identical methodology that was used for the development of the Strategy for the integration of persons with disabilities 2016-2020. As the result, out of 10 areas covered by Strategy for protection of persons with disabilities against discrimination and promotion of equality, eight of them are

3 Focus groups were organized in the scope of Actors in exercising rights of persons with disabilities that is implemented with the financial support of MHMR through concurs for NGOs in 2018.

4 Interview with Aleksandra Popović from the Ministry for Human and Minority Rights held on 25th June 2019 in the premises of AYDM.

encompassed by the Strategy for the integration of persons with disabilities, and many measures are repeated in both strategies. Therefore, we have a situation in which the implementation of almost identical documents in terms of scope is monitored by two ministries.

*** 61,1% of persons with disabilities, 73,1% of Organisations of persons with disabilities, and only 38,9% family members of persons with disabilities know that *MHMR is competent for implementation, coordination, and monitoring of the Law on Prohibition of Discrimination, Law on Prohibition of Discrimination of Persons with Disabilities, and Strategy for Protection of PwDs from discrimination and promotion of equality*. However, irrespective of the high percentage of those who know, still 39,9% of persons with disabilities, 15,4% of organizations of persons with disabilities and 27,8% family members of persons with disabilities do not know which institution is competent, or they believe that the Ministry of Justice or Ministry of Labour and Social Welfare are competent. Although a high percentage of them know that these documents are adopted, as many as **60,4% of persons with disabilities (out of that 34% are not familiar at all with their content), 16% of organizations of PwDs, and 77,8% family members are not familiar with their content.** ***

I AREA

RESPECT FOR PERSONALITY OF PERSONS WITH

DISABILITIES

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Monitoring the application of international documents and conventions as well as adopted international standards for the protection of persons with disabilities, undertaking measures for their implementation into the legal system of Montenegro and monitoring the compliance of these documents	<p>Monitoring of implementation of recommendations from the Analysis of compliance of Montenegrin legislation with the Law on Prohibition of Discrimination of Persons with Disabilities</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	<p>Ministry of Human and Minority Rights in cooperation with MSDT, MLSW, MED, MH, MFA, MF, MTMA, MI, MPA.</p>	<p>When analysing the obligations of international documents concerning the protection of persons with disabilities, we can conclude that the Government has incompletely acted in the activities aimed at guarantees and exercising of their rights, while in certain areas the absence or omission of treatment in accordance with the UN Convention is evident.</p> <p>First of all, the status of the mentioned activity is marked as completed, although the Law on the Prohibition of Discrimination against Persons with Disabilities is not fully harmonized with the EC Directives, or primarily with the UN Convention on the Rights of Persons with Disabilities. Additionally, the problem noted during reporting originates from the fact that activities of the Action Plan are not linked with the indicators; therefore the mentioned activity does not contain an optimal or targeted qualitative and/or quantitative indicator. This means that during reporting, in the absence of indicators, MHMR treats the implementation of one activity in the same way, irrespective whether it was implemented by one or by five departments.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>Namely, the Report only mentions activities undertaken by the MHMR and MI, while the guidance of activities from other departments is missing, and therefore the Network assessed the realization of this activity as partial. In addition, even if the realization of this activity is complete, we should keep in mind that it is only focused on analysis, therefore the implementation of the measure is incomplete.</p>	
			<p>Some steps have been taken by implementing this measure, but they do not imply compliance of the article 18 of the Law on Prohibition of Discrimination of Persons with Disabilities (which stipulates that access to facilities and areas in public use for persons with reduced mobility and persons with disabilities is not available) with Article 9 of the UN Convention, which refers to accessibility and reasonable accommodations. Contrary to that, the state very narrowly interprets the concept of accessibility, i.e. it is viewed as enabling “physical access to public spaces and facilities”, and not as a principle and the human right of persons with disabilities.</p>	
			<p>The notion of <i>reasonable accommodation</i> is not recognized in the Law on the Prohibition of Discrimination against Persons with Disabilities (June 2015), that is, this Law does not define reasonable accommodation in the principles, nor is their non-implementation and failing to implement them considered discriminatory, as is the case with the Convention, while the general Law reduces accessibility only to reasonable accommodation.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
[Green background]			<p>Accessibility is the human right of persons with disabilities, while reasonable accommodations relate to individuals in specific situations, as also noted by the UN Committee on the Rights of Persons with Disabilities in its General Comment No. 2 in conjunction with Article 9 of the Convention – Accessibility⁵.</p> <p>In addition, the previous Law on Prohibition of Discrimination from 2011 treated the denial of the right to marry, to have family and denial of other rights in the sphere of marital and family relations as discrimination, while the current legal solutions prohibiting discrimination, either general or specific, do not treat that as discrimination.</p> <p>In the part of the Report on Amendments to the Law on Prohibition of Discrimination, no specific changes are made, nor in what way the full compliance was achieved or how the penal policy was improved, but the Report only contains the general information that the amendments were made.</p> <p>From the completed activities listed in the result indicators in the Report it is not clear whether the PwDs that are using mobility appliances have the physical access to facilities and services that are provided in those facilities because in the indicators only the persons with visual impairments are mentioned, i.e. access to information and communication.</p> <p>The Report does not show that the laws such as the Law on Personal Identity Card, the Law on Travel Documents and the Law on Foreigners have been harmonized in order to eliminate discrimination against PwDs in accessing facilities and services within the competence of the MI, but it is stated that the services are provided through alternative solutions.</p>	[Orange background]

5 The general comment is available at: <http://bit.ly/2G8rUpq>

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>***The PwDs that participated in the survey, responded to questions to indicate a specific example of discrimination they experienced, and they reported that they were discriminated against when trying to get their personal documents issued^[6].***</p> <p>Therefore, the Analysis of the Compliance of Montenegrin legislation with the Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities is not comprehensive because it does not cover all areas and fields of rights of persons with disabilities, nor are they included in the areas covered by all the regulations that define or should define the rights of persons with disabilities, and all the competent state authorities did not participate in its development. The analysis is more based on the provisions of the Law on Prohibition of Discrimination of Persons with Disabilities, but it is not based on the UN Convention on the Rights of Persons with Disabilities. This is confirmed by the fact that the Strategy encompasses 10 areas + area: local self-governments in the process of protection against discrimination against PwDs, while the Convention stipulates guarantees within 25 rights.</p> <p>***During the survey conducted in the scope of the project, the participants stated that even the laws in Montenegro are discriminatory, that there is segregation, as a common type of discrimination (for example special classes in schools), lack of individualized support and in general support services.***</p>	

6 Inaccessibility of rooms and process of issuing personal documents, including the impossibility of accepting facsimile, Braille alphabet or other way of signing as valid. The outcome of such a treatment is the categorization of people with visual impairment as illiterate.

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>***When asked about how they evaluate the laws, i.e. the guarantees of rights, whether they think they are good and efficient, most of the participants answered that there are good guarantees in some areas, but <i>in general, if they should give a general assessment, they would say that they are not good or are inappropriate and that PwDs are not informed by the institutions about their rights.</i>***</p> <p>***When asked how they evaluate the implementation of the law in practice, the majority of participants stated that the implementation was inadequate, that PwDs need to invest a great deal of effort, to fight, to take legal action, and as they have put it: to “suffer maltreatment in the courts” and that “in the end PwD alone has to solve the problem because the judicial practice is not efficient^[7]”.***</p>	
<p>Organising the survey and analysis of the situation in the field of protection of PwDs against discrimination and promotion of equality of those persons with other persons</p>	<p>To conduct a public opinion survey on discrimination against persons with disabilities</p> <p>Deadline 2018</p> <p>NOT COMPLETED</p>	<p>Ministry of Human and Minority Rights</p>	<p>A survey conducted by NGO CEDEM named “Forms of discrimination in Montenegro” does not apply solely to PwDs, therefore it is not specific nor specifically designed, but it refers to determining the level of discrimination in Montenegro in general, according to different groups of people, therefore we do not have a sufficiently clear and differentiated picture of discrimination against PwDs. The particular problem is that no survey has been conducted with PwDs themselves, as this would give a picture of their personal feelings and experiences of discrimination. In addition, the survey was completed at the beginning of 2017, so we do not have data on the degree of discrimination of PwDs in 2017 and 2018, which is the period for which the MHMR prepared the report. In relation to this, the above-mentioned survey could have been the starting point, but not the only and main survey for this period.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
[Green background]			<p>As areas where discrimination against PwDs is particularly evident, the focus groups participants mentioned education, health, especially because of inability to obtain medical rehabilitation, employment, especially in the segment of exercising individual rights of PwDs, for example measures of professional rehabilitation due to unreasonably long deadlines in practice, or delay in reimbursement of hospital expenses, or limiting the scope of rights, transport, independent living and living standards in general, including housing, property and inheritance, especially in the case of women with disabilities, who continue to be criticized if they do not give up on their property and inheritance.***</p> <p>When asked "In what way is the survey that was not intended solely for recognition, experiences and attitudes about discrimination against PwDs regarded as an accomplished activity/measure involving only PwDs", the representative of the MHMR with whom the interview was conducted replied that the survey would be more measurable if it referred specifically to PwDs.</p> <p>We believe that this survey cannot provide a proper idea of the situation, because it is about the general attitudes of the citizens, and not about the profound survey that could deal with patterns, consequences, and experiences of discrimination against PwDs in certain areas of life. Furthermore, its results could be used as a good basis for the definition of measures and activities intended for the general population, but not for those that should be directed towards PwDs.</p> <p>Moreover, MHMR does not conduct the impact assessment of the campaigns, it does not check whether they affect awareness-raising on the rights of PwDs, etc.</p>	[Red background]

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>Judging by the presented remarks and the date of completion of survey, it can be regarded that this activity was not implemented.</p> <p>Source of verification: https://bit.ly/2Luo66rf</p>	
<p>Cooperation with local self-government in the field of protection of PwDs against discrimination and promotion of equality of those persons with other persons</p>	<p>To implement the activity with the local self-government with focus on protection of PwDs against discrimination and promotion of equality</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	<p>MHMR, local self-governments and NGOs</p>	<p>With this activity, MHMR, in cooperation with the Union of Municipalities of Montenegro, representatives of other departments, representatives of local self-governments and NGOs prepared and presented the Model of Local Action Plan for Implementation of Strategy for Protection of Persons with Disabilities against Discrimination for the period 2017-2021 with the 2017-2018 Action Plan.</p> <p>The mentioned LAP Model is a prerequisite for the development of these plans by local governments, which is the reason why it is believed that the MHMR has undertaken the activity for which it was responsible, while the Union of Municipalities and the local self-governments are expected to implement activities for the adoption and implementation of LAP.</p> <p>***Only 9,4% of PwDs, and 16,7% of representatives of OPwDs have recognized the local self-governments as important actors in protection of rights of PwDs.***</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Improve the cooperation with the non-governmental organisations in the field of protection of PwDs against discrimination and promotion of equality of those persons with other persons</p>	<p>Organize meetings with representatives of NGOs</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	<p>MHMR and NGOs</p>	<p>The MHMR, in various ways and in various forms, involves NGOs, and in particular organizations of people with disabilities during planning, preparation, and implementation of activities within its jurisdiction.</p> <p>However, the Report on Implementation of the Action Plan does not specifically mention activities initiated and organized by the MHMR in order to implement this measure/activity, but only stipulates the activities that MHMR representatives have attended.</p> <p>Indicators that are listed in the Report (organization of workshops, conferences, round tables, discussions, schools of human rights etc. organized by NGOs) cannot be regarded as individual meetings with NGOs. In order for the activity to be completed, it is necessary to organize it with purpose, and it should be initiated also by the Ministry of Human and Minority Rights. In addition, the realization of these meetings should be thematic and specific and follow other activities and actualities, including the implementation of this strategic document, in order to fulfil its purpose of “enhanced cooperation”.</p> <p>Because of the stated, the Network has assessed the implementation of this activity as partially completed.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Eliminate stereotypes and prejudice about PwDs, and harmful activities that discriminate these persons in all walks of life, including prejudice based on gender and age</p>	<p>Media campaign aimed at prohibition of discrimination, eliminating prejudice and stereotypes and increase of tolerance for PwDs</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	<p>MHMR</p>	<p>The MHMR in the Report states that it continuously implements the media campaign aimed at raising public awareness in Montenegro about PwDs. In 2017, “All together for equality” campaign was implemented. One of the activities of this campaign was the printing and distribution of flyers in Braille.</p> <p>Comment of the Network: the Ministry implements a campaign every two years, targeting all the marginalized groups, and women, Roma, LGBT, and other communities appear next to PwDs. ***22,5% of survey participants stated that discrimination occurs mostly due to disability and gender at the same time (multiple discrimination). Also, 67.2% of PwDs and members of their families state that obstacles are most often faced due to architectural inaccessibility, unequal treatment and the manner of their treatment in comparison to persons without disabilities, or the attitudes of others, and specifically attitudes expressed by the teaching staff, by the staff employed in local services, in particular centres for social work, employment agency offices, medical staff, etc.***</p> <p>In the future, the MHMR should monitor the implementation of the measure and its effects on the target groups because, based on its impact, it would be able to plan future measures, objectives and achievements more effectively, and to measure visibility of the campaign. ***In that regard, as the result of the survey conducted in this project, it is evident that 52,4% of PwDs is familiar with the campaign that is implemented by the MHMR.***</p> <p>The MHMR in its Report did not provide the information on the range of the campaign, the number of target groups included, etc. Also, the question about the visibility of the campaign should be included in the survey in order to better assess the impact of the campaign and its acknowledgment.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Organize education and training courses for various target groups with the aim to raise the awareness level about the PwDs and their rights</p>	<p>Organize cycles of education courses on mechanisms for protection against discrimination, designed for representatives of Centres for social work</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	<p>Ministry of Human and Minority Rights in cooperation with MLSW, NGOs.</p>	<p>In the indicators of the results, the links of the reports of the conducted education courses on the prohibition of discrimination were not mentioned, although the Report stated that the courses were conducted. The Report mentioned courses intended for representatives of public administration bodies and local governments in charge of working with vulnerable social groups, while the activity involves courses for employees of the centres for social work, and it is not clear whether the lecturers and participants of the mentioned education courses were PwDs. According to indicators, it can be seen that four out of six workshops/seminars of VIII cycle of education courses were held, which means that not all of the planned workshops were organized within the deadline and that they are not organized continuously. If they were organized, the MHMR should have indicated that in the Report and particularly the specific part related to PwDs.</p> <p>For example, the last topic of education courses in cycle VIII referred to Protection of PwDs against discrimination, and they were held on 30th and 31st of May 2019 with representatives of local self-governments and MHMR, and that is why this measure/activity is assessed as partially completed.</p> <p>One of the sources of verification for the Report: https://bit.ly/2Y9ux4s</p>	<p></p>

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Initiate and run the campaign for awareness raising of the public on PwDs and their rights, including the work with children from the early age and at all the levels of education system	<p>Organize educational workshops for children with disabilities on human rights of PwDs</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	NGOs in cooperation with MHMR, MED	<p>The MHMR in the Report, in addition to other things, mentioned that: educational workshops with children with disabilities were held, educational material was distributed, 4 public campaigns were completed, and both students and the teaching staff were educated at the workshops. These activities were implemented by the NGO, and some of the trainers and participants were also PwDs. The Report also contains the information on the number of persons that participated in the activities.</p> <p>Recommendation: The mentioned activities should in future also be planned but in a systematic manner and with regular allocation of funds, which must not be conditioned solely by the activities of NGOs, and without the support of competent departments; in order to encompass more children in the region, and include all the education levels, from the preschool to higher education.</p>	
Encourage media to promote rights of persons with disabilities and their protection against discrimination	<p>Campaign and promotion of protection of persons with disabilities in media</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	Ministry of Human and Minority Rights, media	<p>The Ministry of Human and Minority Rights, says that it runs the media campaign continuously and that this campaign aims at raising awareness of the public in Montenegro, particularly about the most vulnerable groups including the PwDs. During 2017 and 2018, as stated, several campaigns were organized with that purpose.</p> <p>In the Report, there are no specific activities with media and the manner of their reporting, but the media are used as an intermediary for realization, but not at the same time as the implementers of activity although they were envisaged to be.</p> <p>The representative of the MHMR, during the interview, pointed out that more effort will be invested in the development of cooperation with the media through projects, and that the media will be educated about human rights and rights of PwDs. In addition, she emphasised that amendments of the Law on Media were envisaged for the second quarter of 2019 (the Ministry of Culture is competent for that).</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>Comment: Here it can be said that the activity is completed but not the measure. This measure should be extended with activities that entail education of employees in media, and encouraging media to work independently, to make programmes and to regularly report about PwDs, which is also a legal obligation. In addition, the current Law on Prohibition of Discrimination of PwDs in the article 9 defines <i>Hate speech</i> and <i>disparagement</i>, as special forms of discrimination that might appear in media, or might be used by the media, and therefore the activities should be of broader nature and scope. However, although the Ministry planned a new activity in the Action plan for 2019 and 2020 "To organize (an) event about the manner of reporting about problems of PwDs in the media" and again, the target group, the listed activities, and the role of the media are not clear.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Introduce and develop a programme on the concept of human rights of PwDs and the principle of reasonable accommodations in materials for professional exam for employment in public administration</p>	<p>„Development of Curriculum“</p> <p>Deadline 2018</p> <p>NOT COMPLETED</p>	<p>Ministry of Human and Minority Rights, Human Resources Management Authority</p>	<p>The explanation of why this measure was not completed is not satisfactory and does not have a critical view about the accountable for the realization of this measure.</p> <p>“Development of topical education programmes about human rights of PwDs and the principle of reasonable accommodations” would be the more appropriate title of the activity, having in mind the goal that is set. Furthermore, the only institution that could be responsible for the realization of this measure is the mentioned institution (MHMR must hire Human Resources Management Authority or vice versa), and in the recommendations of the Report of MHMR it is said that the new competence for implementation of this measure should be established, and that was confirmed with the representative of the MHMR. She emphasized that except HRMA the training courses might be held by certified civil servants from the MHMR upon request of HRMA, without mentioning whether the employees of MHMR have the training skills or other skills for application and implementation of reasonable accommodations.</p> <p>When asked “Why MHMR does not have separate records on training courses for protection of PwDs against discrimination” we were told that the suggestion for this will be accepted for the next report.</p>	

II AREA

DISCRIMINATION IN THE AREA OF

ACCESSIBILITY

SUB-AREA: DISCRIMINATION IN THE AREA OF ACCESSIBILITY TO FACILITIES IN PUBLIC USE AND PUBLIC SPACES

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Ensure implementation of regulations and accessibility of environment	Monitoring and scrutiny of implementation of regulations Deadline 2017/2018 NOT COMPLETED	Administration for Inspection Affairs (UiP)	The Law on spatial planning and construction of structures is not adequately implemented because there are no complaints for discriminatory treatment, i.e. for violation of regulations in the part of the elements and accessibility standards for planning and construction, and the omissions are rather visible, especially when it comes to previously constructed facilities. The organizations of PwDs are warning that the existing standards are not adhered to not even for the construction of new buildings. ***A very high percentage, 92.2% of PwDs is aware of the obligatory request for accessibility of all public buildings and areas, while 96.9% of them consider that the costs of accessibility should be covered by the public institutions that are not accessible, namely local self-governments or the national budget. For example, when asked what needs to be done as the priority in order to improve the position of PwDs, 48.4% said that the barriers they face should be removed.***	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>The State does not regularly monitor accessibility, nor keeps the records of possible sanctions for non-compliance with accessibility. This is confirmed by the fact that the Administration for Inspection Affairs and Licensing reported that there were no records of complaints. It is also stated that the <i>inspections did not establish irregularities</i>, which would mean that the Law is consistently applied. As the evidence of insufficient and incomplete activities of inspection bodies, we can say that 4-5 procedures for protection against discrimination based on disability in the area of access to buildings and areas in public use are initiated on an annual basis, and every case is positively resolved for the victim of discrimination, i.e. there is a judicial practice that identifies discrimination.</p> <p>The Administration for Inspection Affairs should keep separate records of violations of the norms related to accessibility elements and standards, both during the planning and during the construction or reconstruction of facilities, especially because of this the practice has lingered for years.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Educate civil servants from institutions at national and local level, state employees and holders of public office about the concept of accessibility of the existing facilities	Activity 1 Organize seminars COMPLETED	MSDT in cooperation with Human Resources Management Authority of Montenegro	The Report states that for the purpose of organizing these activities in the course of 2017, four round tables were organized, and in the course of 2018 there were also 4 roundtables organized. The participants were the heads of the local self-government bodies responsible for the spatial planning and construction of buildings, managers of public enterprises and public institutions. At the events, there were 53 participants in 2017 and 51 in 2018. Recommendations of the Network: Future activities should include workshops and seminars, as well as special education activities, except for round tables whose contents and purpose are different, according to the methodology, and they cannot be regarded as sufficiently educational for acquiring specific knowledge.	
	Activity 2 Organize workshops Deadline 2017/2018 COMPLETED			

SUB-AREA: DISCRIMINATION IN ACCESS TO INFORMATION AND COMMUNICATIONS

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Ensure implementation of recommendations identified in the Compliance Analysis of Montenegrin Legislation with the Law on Prohibition of Discrimination of PwDs in the field of access to information and communication technologies	Amend the Law on Internal Trade Deadline 2017/2018 NOT COMPLETED	Ministry of Economy	The last Law on Internal Trade was amended in 2011. A more comprehensive comment was given within the sub-area of discrimination in the field of private goods and services.	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Establish a general request for accessibility of all sources of information and communication means that are published on portals of public administration bodies</p>	<p>Activity 1</p> <p>Development of Guidelines for creation of documents at the portal and sub-portals of the Government of Montenegro accessible to PwDs</p> <p>Deadline 2017</p> <p>COMPLETED</p> <p>Activity 2</p> <p>Organising of education workshops for admins of portals and sub-portals of the Government of Montenegro in accordance with the standards of e-accessibility</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	<p>Ministry of Public Administration</p>	<p>Based on the above stated in the Report, the measure and activities that monitor the implementation of the measure could be considered complete but in order to monitor their purpose and impact, the implementation, and compliance with the guidelines should be monitored.</p> <p>It is very important to monitor the application of the guidelines, which means that the mere publication of guidelines are not enough.</p> <p>In addition, in the rationale of the Report there are no links that lead to the guidelines. Such a document should be available at any time.</p> <p>Although there are guidelines, institutions continue to publish documents and other materials in formats that do not support screen readers; they publish them in inaccessible formats (scanned documents, documents saved as JPEG, etc.).</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 3</p> <p>Drafting of new guidelines for development and management of websites of public administration bodies and local government bodies</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>			
<p>Encourage private media to provide as much as possible accessibility to information to persons with all forms of disabilities</p>	<p>Organize working meetings for representatives of private media</p> <p>Deadline 2018</p> <p>COMPLETED</p>	<p>Ministry of Public Administration</p>	<p>The Report states that a workshop was organized by the MPA and the Agency for Electronic Media of Montenegro in order to inform professional staff and the interested public that work on the production and creation of TV/video programmes, and media service providers at WEB portals about the possibilities of providing services available to PwDs, and to inform them about technologies that enable PwDs to have greater accessibility and equal access to their programmes.</p> <p>In the Report there is no link for data about completed activities. Furthermore, the quantitative and qualitative indicators of the mentioned activities are not listed, and this should not be continued in the forthcoming period.</p>	

SUB-AREA: DISCRIMINATION IN ACCESS TO PUBLIC TRANSPORTATION

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Ensure implementation of recommendations set by the Analysis of compliance of Montenegrin legislation with the Law on Prohibition of Discrimination against PwDs in public transport	<p>Activity 1</p> <p>Amend the Law on Road Transport</p> <p>Deadline 2017</p> <p>PARTIALLY COMPLETED</p>	Ministry of Transport and Maritime Affairs	<p>Activity 1</p> <p>The Law on Road Transport has been amended, however, the level of realization of this activity does not correspond to the request because the Law has not been harmonized with the Law on Prohibition of Discrimination of Persons with Disabilities, nor with the UN Convention. No standards regarding the accessibility of transport and means of transport in traffic have been adopted except for the standards applicable to taxi vehicles. Although the Law in the initial provisions, i.e. in Article 6, the definitions, describes that “public transport of passengers or cargo is a transport that is accessible to all users of transport services under equal conditions, and it is performed for commercial purposes”, the Law does not contain general provisions prohibiting discrimination, nor in guarantees of rights define the accessibility of the service as a principle or obligation.</p> <p>The recommendations regarding changes in terminology were adopted and implemented, however, when it comes to changes pertaining to bus stations, it can be concluded that there are already adopted standards that are envisaged for public facilities and public areas defined in the Law on Planning and Construction of Structures. It is a positive thing that the Law on Road Transport provides for certain accessibility standards as conditions for licensing bus stations.</p>	
	<p>Activity 2</p> <p>Amend the Law on Railway Safety, Organization and Efficiency</p> <p>Deadline 2018</p> <p>NOT COMPLETED</p>			

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Green			<p>In addition to the norm envisaging at least two seats for persons with disabilities and the norm regarding the facilitated access for persons with disabilities, there are no norms that guarantee the obligatory accessibility and availability of services regulating public transport, as is the case with the EU Directive.</p> <p>These comments are already in the recommendations of the Analysis of the Compliance of Legislation in Montenegro with the Law on the Prohibition of Discrimination against Persons with Disabilities.</p> <p>The law is more intended for carriers, while it does not provide passenger rights guarantees. The law regulates the manner and conditions for performing the transport (obligations of the carrier and passengers). In order to comply with the European regulations, the Proposal of the Amendatory Law on Road Transport^[8] has been adopted, which also defines the provision regarding the stay of persons with disabilities at the bus stations: obligatory station service “placement of passengers in a means of transport”.</p> <p>Activity 2</p> <p>The Law on Railway Safety, Organization and Efficiency has not been amended, and the lack of realization of this activity indicates inadequate planning of the measure and activity without previous situational analysis.</p>	Red

8 Interview with Dalibor Milošević and Bojan Radoman from the Ministry of Transport and Maritime Affairs (Directorat for Road Transport) and Milan Banković (Directorat for Railway transport) was held on 25th June 2019 in the premises of MTMA.

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>The analysis states that the Law on Railway Safety, Organization and Efficiency should provide accommodation for passengers with disabilities, the possibility of their movement through the composition of the train, as well as access to the toilet facilities. During the interview with a representative of MTMA, it was said that the Railway Administration was planning to analyse the accessibility of railway stations and that this Analysis will be available to everybody. He pointed out that three new trains are planned to be purchased by 2021.</p> <p>***The transport or public transport is rated as second-ranked by the number of cases and degree of discrimination against PwDs, bearing in mind that a high percentage of participants in the survey, over 70%, when asked to evaluate the degree of barriers in the street, in the environment in the public space, facilities in public use and transport, have chosen the area of transport.***</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Enable access to information and communication in the public transport for persons with all forms of disability</p>	<p>Implementation of the Law on Road Transport</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	<p>MTMA, local self-governments</p>	<p>When it comes to the norms of the Law on Road Transport that are related to bus stations, they are already covered by the Law on Planning and Construction of Structures, and they represent only a segment of what should actually be implemented in practice.</p> <p>Implementation of the Law is inadequate. The Report does not contain information on the number of accessible stations, how many have been adapted during the reporting period and what activities have been done in practice. The report does not have the information on the accessibility of all segments when using the transport service: information in an accessible format and in the vehicle itself (especially for people with visual and hearing impairments).</p> <p>Therefore, this is a partially implemented measure.</p> <p>During the interview, we wanted to know in what way does the MTMA monitor the implementation and application of regulations, and we received the information from the representatives of MTMA that the Road Transport Inspection is competent for that, and the implementation of regulations is monitored by that inspection body.</p>	<p></p>

SUB-AREA: DISCRIMINATION IN PROVISION OF PUBLIC AND PRIVATE GOODS AND SERVICES

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Ensure the implementation of recommendations established by the Analysis of Compliance of Legislation of Montenegro with the Law on Prohibition of Discrimination of PwDs in the area of access to public goods and services	Amend the Law on Internal Trade Deadline 2017/2018 NOT COMPLETED	Ministry of Economy	<p>The Ministry of Economy stated in the Report that it does not accept the proposed changes from the Analysis.</p> <p>However, it is impossible for the Ministry of Economy not to accept the recommendations from the Analysis because it is a document adopted by the Government, and the Ministry of Economy itself has endorsed it, otherwise, the given measures could not be found in this document. This shows the inappropriate degree of coordination and subordination between the ministries themselves, but also between the ministries and the government. This is one of the examples that should be discussed at the Government session, when the documents are adopted, and after the discussion, the appropriate conclusion of the Government should be adopted.</p>	

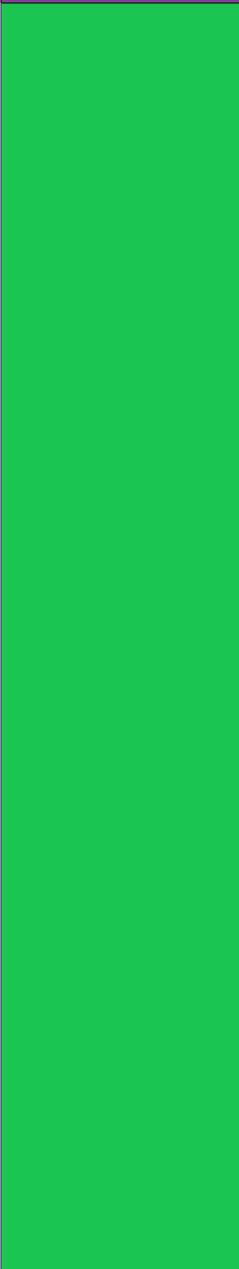
III AREA

DISCRIMINATION IN PROCEDURES BEFORE THE COMPETENT AUTHORITIES

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Consider the recommendations from the Analysis of the Compliance of Legislation in Montenegro with the Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities	<p>Activity 1</p> <p>When working on amendments to the Law on Civil Procedure, consider the recommendations from the Analysis of the Compliance of Legislation in Montenegro with the Law on the Prohibition of Discrimination of Persons with Disabilities and</p>	Ministry of Justice	<p>Activity 1</p> <p>The article 102 of the Code on Civil Procedure does not mention sign language anywhere, and the sign language is also not mentioned in other articles of the same law. The stated norm, reported by the Government or adopted by the MHMR according to the Ministry of Justice report, is as follows: <i>The costs of translating into the language of national minorities, arising from the application of the provisions of the Constitution and this Law on the right of persons belonging to national minorities to use their language, shall be borne by the court.</i> In this way, realization of the foreseen activities is inaccurately and incorrectly reported.</p> <p>During the interview with the representative of MJ^[9] we received the information that the MPs of the Parliament of Montenegro adopted the Bill on Amendments to the Civil Procedure Code in June 2019, and that the rule on the sign language was contained in that decision. This means that the MJ gave information in advance about the realization of</p>	

⁹ Interview with Nataša Novaković from the Ministry of Justice was held on 28th June 2019 in the premises of AYDM.

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>the UN Convention on the Rights of Persons with Disabilities</p>		<p>activity, which was still in the Draft, but was not adopted, and therefore not applicable in practice. We find unacceptable such practice that in the Report for 2017/2018 there are information about activities that MAY BE COMPLETED IN 2019, because it depends on the final document and the time when it will be adopted, and in the end it depends on the willingness of MPs.</p>	
	<p>Deadline 2018</p> <p style="text-align: center;">NOT COMPLETED</p>		<p>Namely, amendments to the law envisage amendment of Article 102 concerning the costs of translation into the sign language in such a way that these costs will be borne by the court. Also, the Draft Amendatory Law on Non-Contentious Proceedings envisages the amendment of Article 35, therefore it is mandatory to review the condition of the person in the procedure for denial of legal capacity, except in the case when it would have a harmful effect on their health, or if the hearing is not possible at all, given the “mental or physical condition of that person”. Article 40 stipulates that in the decision on denial of legal capacity a court shall set a deadline not exceeding five years, and before the expiry of that period it should be established whether there are still grounds for deprivation of legal capacity. Therefore, the new decision prescribes a mandatory revision of the decision on denial of legal capacity; however, the deadline remains to be a problem. Also, at the same time, the existing proposed changes do not mean necessarily a change in the manner of denying legal capacity or substituted decision-making, or in decision-making with support.</p> <p>When asked “How can it be checked that there is no abuse in the event of denial of legal capacity”, the Ministry of Justice representative said that they were not responsible for that issue.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 2</p> <p>During work on the amendments to the Criminal Code of Montenegro, consider the recommendations from the Analysis of Compliance of Legislation in Montenegro with the Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities</p> <p>Deadline 2016</p> <p>We assume that an error occurred as the AP is related to 2017/2018.</p> <p>NOT COMPLETED</p>		<p>When asked “<i>Why the MJ did not make a separate analysis of the compliance of Montenegrin regulations with the UN Convention with regard to the complexity of the regulations and the number of changes to be made</i>”, we received information that Analysis of the national legislation compliance with the EU acquis is planned for the IV quarter of 2020, which, again, is not a proper answer to the question, bearing in mind that the preparation and adoption of the separate Analysis resulted with a Conclusion during the work of the expert working group on the preparation of the existing Analysis, according to which this Action Plan was drafted. Therefore, above all, the Analysis of the compliance of legislation, which deals with access to justice and equal recognition before the law and the UN Convention on the Rights of Persons with Disabilities, is needed.</p> <p>Activity 2</p> <p>When working on the amendments to the Criminal Code of Montenegro, Article 42a was amended in such a way that disability was recognized as an aggravating circumstance for adjudicating also Article 159, which recognizes disability as the grounds for violation of equality, and Article 443 in a way which recognizes disability as a basis for discrimination in a provision that defines racial discrimination. These changes do not even remotely represent the necessary scope of changes and cannot be considered sufficient, which is why the activity itself had to be more specific and had to define specific requests for amendments to the CC.</p> <p>Source of verification: https://bit.ly/2Sje4p3</p>	

AREA IV

DISCRIMINATION IN THE FIELD OF SOCIAL

WELFARE, ADEQUATE STANDARD OF LIVING,

INDEPENDENT LIFE AND LIFE IN COMMUNITY

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Improve the Law on Social Welfare and Child Protection in line with international standards	Amend the Law on Social Welfare and Child Protection Deadline 2017 NOT COMPLETED	Ministry of Labour and Social Welfare	There are no developed support services in Montenegro or sufficient support of the State for an adequate standard of living and social welfare. The State of Montenegro, in complete contradiction to the guarantees from the UN Convention, is systemically violating the human rights of persons with disabilities by abolishing one of the rights to material aid, through the latest version of the Law on Social and Child Protection: personal disability allowance or allowance for care and help of other persons (care allowance), claiming that these two rights were actually "merged into one". Thus, based on the new version of the Law, users of care allowance cannot attain the right to personal disability allowance and vice versa. Although, according to the Law persons with severe disability are entitled to personal disability allowance, if they are able to secure this right they cannot secure the right to care allowance. Additionally, the bylaws don't only fail to define conditions and way of obtaining the rights but who the beneficiaries are as well.	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>Thus, many PwDs and those with severe disabilities were left out of the named “medical indications”. These two rights, by the way, are defined in the functional approach to disability model, which is why PwDs enjoy them due to decreased functionality, not out of the need for support that is for overcoming obstacles.</p> <p>Merging these essentially different rights together led to the total number of beneficiaries of the rights in the area of social welfare and child protection decreasing significantly. Therefore, the Law on Social and Child Protection cannot be considered fully approximated to the UN Convention.</p> <p>Additionally, this part of the report also mentioned the changed provisions referring not to PwDs but to, for example, citizens in need of social welfare (material family aid), as well as to the parents’ right to the one-off child support.</p> <p>It is also important to mention that Article 23 of the Convention stipulates that support has to be provided to parents with disabilities, something not done in this Law.</p> <p>Provisions of this Law fail to stipulate how it should be implemented locally and how much its implementation enables independent living and living in a community, as the Convention prescribes. The Law on Social and Child Protection doesn’t oblige local administrations to develop local level services but rather provides them with the possibility of doing so. The decentralization process, that is, the process of developing local level services, hasn’t come to life yet and there is no data in the Report indicating any ongoing activities to that effect are taking place.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>Article 19 of the Convention recognises personal assistance as a special right, that is, a tool for achieving independent living in a community and the rule book defining standards is confusing the role of the immediate assistant with that of the care provider.</p> <p>During the interview with the representative of the Ministry of Labour and Social Welfare^[10] we were informed that the amendments to the Law on Social and Child Protection referred to technical conformity but that there were no fundamental changes to the Law. We were also informed that changes to the Law were expected to take place in the forthcoming period.</p>	
Form a register of PwDs as well as provide access to information for PwDs and informing them about the rights related to social and child protection	<p>Activity 1</p> <p>Making the Register project task: criteria, scope, type of data, etc.</p> <p>NOT COMPLETED</p>	Centres for Social Work, MLSW, Non-Governmental Organizations, international organizations	The issue of the Register dates as far back as 2008, through the Strategy for Integration of Persons with Disabilities, and there are still no visible results, which is why the said measure wasn't implemented. All previous meetings with the representatives of the Organizations of Persons with Disabilities and state institutions indicate that there is a conflict of competencies, preventing the institutions from reaching an agreement on whose competency it is to coordinate the implementation of this obligation. There is no political will for this and a lack of capacities within the Ministry of Health, Ministry of Labour and Social Welfare and CSW are noticeable as well.	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 2</p> <p>Creating the Register software solution</p> <p>Deadline 2017</p> <p>NOT COMPLETED</p>		<p>The Report states that according to the Law on Social and Child Protection, CSW has a registry of beneficiaries of the rights and services in the area of social and child protection. On the other hand, according to the Strategy for Integration of Persons with Disabilities, the 2018/2019 Action Plan names the Ministry of Health as the coordinator in creating the registry of PwDs.</p> <p>The representative of MLSW confirmed that the registry didn't exist and didn't report on any steps undertaken to carry out this activity.</p> <p>In this case, the Government should have a more active role, that is, it should delegate these activities to a competent department and define the deadlines for their completion, especially having in mind that the failure to implement this measure since 2008 is unacceptable. ***The fact that 81.3% of PwDs said that different institutions and organizations collect data on their disabilities is proof enough that the existence of a unified registry is necessary. Regardless, 10.7% of the total number of PwDs included in the survey still haven't been issued the decision on the assessed degree of disability. During the survey, carried out through focus groups, the position that PwDs also consider the fact that "they constantly have to prove their disability" and act of discrimination had been repeated several times. What they also consider discrimination is the fact that they are unable to obtain a unique certificate or the especially prominent discrimination according to the type and degree of disability. ***</p> <p>Because the Registry doesn't exist, it is impossible to create adequate, good quality policies for PwDs, which is why inconsistent and incomplete policies in other areas are only logical.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Establish, develop and promote social and child care system services</p>	<p>Develop, establish and promote social and child care system services</p> <p>Deadline 2017/2018</p> <p>NOT COMPLETED</p>	<p>MLSW</p>	<p>The Report names the promoted social and child care system services (help at home, national SOS phone line for helping victims of domestic violence, the Family Assistant project, shelter for the homeless in Podgorica, shelter and nursing home for adults and senior citizens Public Enterprise Nursing Home Grabovac in Risan, a shelter for victims of domestic violence). However, the quantitative indicators that are mentioned don't reveal whether the beneficiaries of these services were PwDs, especially bearing in mind that these services are intended for a broad array of target groups. Moreover, the SOS phone line is intended for women victims of violence but MLSW and other institutions don't keep special records on women with disabilities, which is why there is no data on violence against them.</p> <p>Apart from PwDs, including children, help at home is also intended for senior citizens. All the above said indicates that separate and differentiated records don't exist. Consequently, assessments of needs and adequate service planning also don't exist, which is why the Network considers this activity not completed.</p> <p>The Report would have to include concrete services for PwDs: personal assistance, sign language interpreters, assisted living, including the number and structure of beneficiaries, allocated financial resources, the scope of services, etc.</p> <p>***Although the law recognizes the sign language interpreter service, none of the PwDs included in the survey mentioned this service when asked about the social and child protection services they used. Also, 34.8% of PwDs and their family members said that the ministry or some other state authority covered the costs of the services they use while as much as 65.2% of them said that other entities or they themselves covered the costs.***</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Enable systemic and organized professional training for providers of services for PwDs and experts and expert assistants in social and child protection</p>	<p>Activity 1</p> <p>Training of experts and expert assistants in the social and child protection system</p> <p>PARTIALLY COMPLETED</p>	<p>MLSW, Social and Child Protection Institute (SCPI)</p>	<p>The Report mentions only quantitatively that during 2017 and 2018, training was carried out for experts, expert assistants and assistants but it failed to provide detailed explanations on what kind of training it was, what topics were covered who implemented the training and who the lecturers were.</p> <p>There are no links as evidence of the implementation or titles of courses of training for experts and expert assistants in the social and child protection system.</p>	
	<p>Activity 2</p> <p>Training of service providers in the social and child protection system</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>		<p>There is no information on the effects of the training carried out or on the number of experts and expert assistants trained. The training was evaluated as partially carried out because of the Network has information that some training courses were completed but that MLSW and SCPI would also have to include that in the Report, in the period to come, including all of the information mentioned in this comment, based on evidence.</p>	

AREA V

DISCRIMINATION IN THE AREA OF PRIVACY

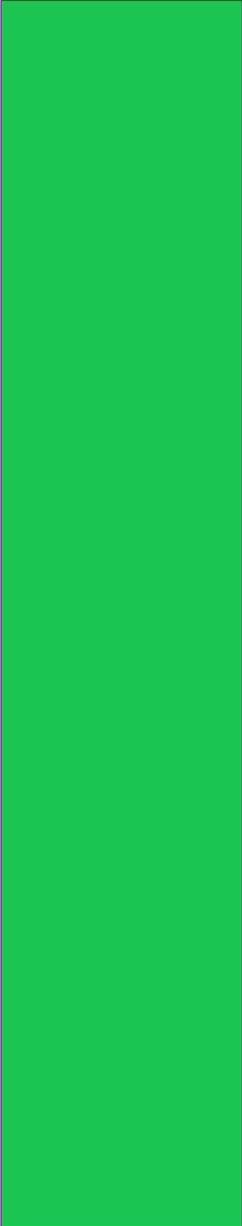
AND FAMILY RELATIONS

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Consider recommendations from the Analysis of Compliance of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities</p>	<p>While working on amendments to the Montenegrin Criminal Code, recommendations from the Analysis of Compliance of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities will be considered</p> <p>Deadline 2017/2018</p> <p>NOT COMPLETED</p>	<p>Ministry of Justice</p>	<p>Using the N/A denomination in indicators is a testament to the irresponsibility of those in charge of carrying out activities. It is irresponsible to claim that an activity or measure is considered inapplicable (Not Applicable - N/A) without any rationale provided if that measure was included in the Action Plan.</p> <p>The representative of the Ministry of Justice explained to us that “it was not clear to the civil servants put in charge of carrying out this measure what it referred to specifically”. This is the way in which MJ, the same as the Ministry of Economy, is treating its defined obligations. This type of document implies agreement across all ministries. Thus, this measure too couldn’t have been included in the Action Plan without the MP’s consent.</p> <p>Members of the especially vulnerable categories of persons, especially PwDs, due to the predominant way in which society treats them, based on constant discrimination and illegal denial or limiting of their rights and freedoms, are constantly falling victims to various criminal offences. These, among others, include criminal offences against marriage (neglect and maltreatment of minors, domestic violence or violence in the family community and violations of marriage obligations).</p>	

AREA VI

DISCRIMINATION IN THE AREAS OF UPBRINGING, EDUCATION AND PROFESSIONAL TRAINING

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Improve the legal framework in the direction of full application of discrimination prohibition principles</p>	<p>Amendments to laws on all levels of education to the purpose of securing equal rights and prohibition of discrimination</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	<p>Ministry of Education</p>	<p>The Report doesn't specify what concrete changes and amendments to the listed laws were made (General Law on Education, Law on High Schools, Law on Vocational Education, Law on Higher Education and the Law on Primary Education). Also, it doesn't provide a summary of UN Committee recommendations for PwDs, in September 2017, nor does it mentions what was done in terms of improving the inclusive education process, primarily with regard to the accessibility of educational institutions and school curriculums, that is, the education plan and process, special measures taken and provision of equal opportunities.</p> <p>Furthermore, regulations don't utilize adequate terminology, causing confusion among education workers themselves while preparing the Individual Development and Education Plans (IDEP) and Individual Transition Plans (ITP). Terms used on all levels of education, up until university education, are the following: <i>special educational needs, developmental delay, developmental difficulties, developmental disorders</i> and many other terms denoting medical and functional model of approach to disabilities.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>The result of the functional model of approach to disabilities is an integrative approach to education. As a consequence, we have the segregation of PwDs, that is, education of pupils according to integration model (in specialized schools, classes, etc. or a large number of students in one class while in most other classes of the same grade there are no students with disabilities). ***92.2% of PwDs and their family members think that they should attend regular schools, while a high percentage of them mentioned cases of discrimination precisely in this area. The examples refer to a narrowed down and limited choice of educational profiles, inaccessibility, actions of teachers, lack of aids and inaccessible literature.***</p> <p>The Ministry of Education has no data on the number of students with disabilities and their accommodation in student dorms. Instead, organizations engaged with the rights of PwDs have this data, that is, the Association of Youth with Disabilities of Montenegro.</p> <p>We wish to stress that when regards education, the UN Committee is concerned about the absence of comprehensive legislation for good quality inclusive education as well as about the lack of information on children with disabilities in the regular education system, non-existence of information on affirmative and non-discriminatory measures for enrolment and acceptable accommodation for students with disabilities in regular education system. The Committee is also worried about higher education being for the most part insufficiently accessible, that is, limited.</p> <p>So, the laws regulating education still only partially conform to the Convention and, contrary to the principles of the Convention, they stipulate introduction into education process executed by the Commission, based on an assessment, and then segregation and grouping of children with disabilities, as well as integration in practice.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Continuously carry out inclusive activities promoting equality, diversity and non-discrimination (workshops, peer experience, support, etc.)</p>	<p>Activity 1</p> <p>Organize workshops on the topics of equal rights and non-discrimination in schools.</p> <p>PARTIALLY COMPLETED</p>	<p>MED, Bureau for Educational Services, NGOs, international partners</p>	<p>It's not stated if the participants in workshops were also children with disabilities, especially having in mind that the measure also implies peer experience, and if they were, how many of them and if the lecturers were PwDs. In the complete portion of the Report, the Ministry of Education states all the activities related to inclusive education that were carried out but without providing special information and data on activities intended exclusively for children with disabilities, that is, their education.</p>	
	<p>Activity 2</p> <p>Prepare informative material on the rights in areas of non-discrimination for teachers.</p> <p>PARTIALLY COMPLETED</p>		<p>There is no information on the accessibility of schools, the emphasis is placed on resource centres and education system in these institutions cannot be considered inclusive (they are supposed to serve as support to the regular system of education), it is not visible how many children with disabilities used the material produced in practice.</p>	
	<p>Activity 3</p> <p>Deliver training courses or application of IDEP</p> <p>PARTIALLY COMPLETED</p>		<p>Because of the failure to state quantitative and qualitative indicators, impacts and outcomes of the activities, the degree of implementation was evaluated as partial.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 4</p> <p>Organize counselling for teachers about non-discrimination.</p>			
	<p>PARTIALLY COMPLETED</p>			
	<p>Activity 5</p> <p>Devise informative material for test administrators on the topic of individualization as introduction to non-discrimination.</p>			
	<p>PARTIALLY COMPLETED</p>			
<p>Activity 6</p> <p>Create information brochures on accessibility and availability.</p>				
<p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>				

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Improve collection and exchange of information and data on the prohibition of discrimination of PwDs</p>	<p>Activity 1 Training of commissions for orientation based on assessment of needs</p> <p>NOT COMPLETED</p>	<p>MPs, Bureau for Educational Services, NGO, international partners</p>	<p>Planned indicators remained in the Report but not the report on their implementation although the activity/measure was evaluated as completed.</p>	
	<p>Activity 2 Counselling for entering data into the Montenegrin Education Information System (MEIS)</p> <p>NOT COMPLETED</p>		<p>No information is given on the number of courses of training and the number of those trained in the introduction into education process as well as information on the number of consultation sessions for entering data into the MEIS and the number of participants. Also, no links were provided enabling access to instructions and guides for keeping records on "children with disabilities and developmental difficulties" with the focus on rights and non-discrimination.</p>	
	<p>Activity 3 Creating instructions and guides for keeping records on children with disabilities and developmental difficulties with the focus on rights and non-discrimination</p> <p>Deadline 2017/2018</p> <p>NOT COMPLETED</p>		<p>Due to the complete omission of any information on the source of verification, the measure was evaluated as not completed.</p>	

AREA VII

DISCRIMINATION IN THE AREA OF PROFESSIONAL

REHABILITATION, WORK AND EMPLOYMENT

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Ensure implementation of recommendations established in the Analysis of Compliance of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities	Activity 1 Amend the Labour Law Deadline 2017 NOT COMPLETED	MLSW	Activity 1 This activity wasn't completed in 2017, as planned. The draft of Amending Law to the Law on Labour is in parliamentary procedure. According to the governments Work Programme for 2019, its adoption is planned in the second quarter. However, the Law wasn't adopted even after the end of June 2019.	
	Activity 2 Change the Law on Civil Servants and State Employees Deadline 2018 NOT COMPLETED	Ministry of Public Administration (MPA)	Activity 2 The new Law doesn't contain the provision that stipulates that "while making decisions on the selection of candidates, heads of state authority shall take care to maintain an equal representation of candidates from minority ethnic groups or communities, ensure equal gender representation and take care of employment of PwDs" (Article 45 of the Law on Civil Servants and State Employees from 2016).	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
			<p>The explanation that “the principle of the law stipulates that jobs of civil servants, that is, state employees, are available to all under equal conditions” is proof of insufficient understanding of the goal and essence of prescribing affirmative action measures during employment.</p>	
			<p>The new law stipulates that <i>candidates are subject to tests of knowledge, ability, competencies and skills, based on which the selection is made, that is, the decision on the selection of candidates.</i> The aforementioned principle should never have excluded from practice the principle of affirmative action because it implies “giving preference to candidates in situations when they meet the same conditions, that is, possess equal competences and skills”. The failure to carry out the activity, that is, a less favourable legal solution than the previous one while changing the law, is a proof of the policies referring to the rights of the PwDs not being sufficiently taken into account. So, the affirmative action measure during employment was struck from the new version of the law.</p>	
			<p>The key document was left out of the Action Plan by not stating the amendment to the Law on Professional Rehabilitation and Employment of Persons with Disabilities as an activity within the measures of this area, although its adoption has been planned ever since 2015.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Reducing barrier with employers and stereotypes about PwDs and increasing their knowledge on the benefits of the policy of providing employment for PwDs</p>	<p>Carrying out projects based public calls for tenders to finance projects for the employment of PwDs – grant schemes</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	<p>MLSW, National Employment Agency of Montenegro</p>	<p>The Report states the information on the number of public calls for assigning grant schemes, number of PwDs employed and about the number of employers included in the project, thus proving this activity completed.</p> <p>In the period to come, it is important to plan for the grant scheme competition to be opened throughout the year.</p>	

AREA VIII

DISCRIMINATION IN THE AREA OF HEALTH

CARE AND ACCESS TO ADEQUATE AIDS

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Ensure implementation of recommendations established in the Analysis of Conformity of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities	<p>Activity 1</p> <p>Amendments to the Law on the Rights of Patients</p> <p>Deadline 3rd quarter of 2017 2017/2018</p> <p>NOT COMPLETED</p>	Ministry of Health, Public Health Institute, Public Health Institutions and the Health Insurance Fund	<p>There is no explanation in the Report as to why this measure was not implemented, apart from the mentioned recommendation to continue following the recommendations established in the Analysis of Compliance of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities and the UN Convention.</p> <p>During the interview with the representative of the Ministry of Health^[11], we were informed that the Law on the Rights of Patients would not be amended. However, according to the obligations stated in the government's document, the Ministry, or any other institution, cannot make a decision not to carry out an activity as that would constitute a violation of obligations that the government took on.</p> <p>The Law on Treatment of Infertility through the Use of Assisted Reproductive Technologies was in the parliamentary procedure and since it was withdrawn from it, a period of six months has to go by before it is put in the procedure again. Since the law is not approximated to the directives, it is planned to be changed in 2019.</p>	

11 Interview with Senka Klikovac from the Ministry of Health took place on 27 June 2019, on the premises of UMHCG.

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 2</p> <p>Amendments to the Law on Treatment of Infertility through the Use of Assisted Reproductive Technologies</p> <p>Deadline 3rd quarter of 2017 2017/2018</p> <p>NOT COMPLETED</p>		<p>When regards the Law on Protection and Exercising the Rights of Persons with Mental Illnesses, the plan is to strike from it the provisions referring to working abilities, that is, the substituted decision-making in cases of medical and other interventions. The amendments to that Law are planned for 2020.</p> <p>Also, during the interview, the Law on the Conditions and Procedure for Interruption of Pregnancy was discussed. It was concluded that there are discriminatory norms within the Law that have to be changed. In that regard, in the Ministry of Health representative's opinion, it is necessary to motion for amendments to this law, so that the necessary changes and amendments to the Law can be made regarding the conditions for interrupting pregnancy (selective abortion due to presumed disability). This activity is planned for the second quarter of 2020.</p> <p>The Law on Health Care and the Law on Obligatory Health Insurance were not the subject of the Analysis of Legislation Compliance although the Network considers them non-conforming with the Convention and partially discriminatory, when regards the degree of disability as well as the age of insurance beneficiaries.</p>	
	<p>Activity 3</p> <p>Changes to the Law on Protection and Exercising the Rights of Persons with Mental Illnesses</p> <p>NOT COMPLETED</p>			

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Enable equal access to information on sexual and reproductive health and contraception</p>	<p>Activity 1 Preventive examinations on all levels of health care</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p> <p>Activity 2 Access to educational workshops organized by the Public Health Institute and support centres, that is, in primary health care level counselling offices, with the obligation of having interpreters and mediator service present, if necessary</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	<p>MH and Public Health Institutions</p>	<p>Activity 1</p> <p>The Report doesn't state if preventive examinations and education were carried out with PwDs as well. There is only quantitative data on the number of preventive examinations and education workshops, without stating differentiated data on PwDs, i.e. women with disabilities.</p> <p>The Ministry representative informed us that data on the number of preventive examinations would be stated in the next report and that she would additionally supply the information on whether PwDs had these examinations. This hasn't been done in the period before the finalizing of the Report.</p> <p>Activity 2</p> <p>This activity isn't clearly defined and it is not obvious whether it refers to the employees in institutions or PwDs. Also, the Report contains no evidence of the activity referring to the education of employees in charge of providing sign language support was carried out.</p> <p>During the interview with the representative of the Ministry of Health, it was said that there are no records that could confirm that PwDs participated in educational workshops.</p>	<p></p>

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 3</p> <p>Providing information and making it accessible to persons with impaired sight and hearing with the support of a sign language interpreter, in a format accessible to persons with impaired sight</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>		<p>Activity 3</p> <p>Indicators anticipate that all health care institutions provide access to information for persons with impaired sight and hearing, in an accessible format. This was made possible in only five institutions. Also, there is no link/report confirming this activity is completed. Instead, it is necessary to personally check with the institutions that enable access to information for persons with impaired sight and hearing and that the activity is completed.</p> <p>Because of all the above said, and having in mind that the activities were completed to an extent, the Network evaluated them as partially completed.</p>	
Enable equal access to health care services to PwDs in rural and underdeveloped areas	<p>Open infirmaries in rural areas</p> <p>Deadline 2017/2018</p> <p>PARTIALLY COMPLETED</p>	Ministry of Health	Having in mind the total number of rural areas in Montenegro, three open infirmaries cannot be considered a sufficient number for the activity to be considered fully completed. Additionally, the measure isn't carried over, that is, planned for the period to come as well, which is why previous activities are considered incomplete.	

AREA IX

DISCRIMINATION IN THE AREAS OF POLITICAL

AND PUBLIC LIFE

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Provide PwDs with equal opportunities in chosen activities	Activity 1 Campaigns for raising awareness about the inclusion of PwDs in political life NOT COMPLETED	Ministry of Human and Minority Rights (MHMR) in cooperation with competent institutions	Activity 1 The Report doesn't provide actual reasons for this activity not being completed. It is only mentioned that the reasons are of "organizational nature" and that they are to be carried over to 2019/2020.	
	Activity 2 Education for representatives of political parties/media and PwDs COMPLETED		Activity 2 The Report claims this activity to be completed. However, since 251 female politicians were active in the Women's Political Network project, of whom only one was with disabilities, this activity is considered not completed. From its very essence and the way in which it was carried out, it can be seen that it really wasn't intended for women with disabilities and that organizations of PwDs weren't invited to participate in the activities. Additionally, even if it was completed, this activity only included women. Having in mind that there is a significantly higher percentage of men in politics, this is the additional reason for this activity to be considered not completed.	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Aktivnost 3</p> <p>Roundtable titled Participation of Persons with Disabilities in Political and Public Life, without Discrimination</p> <p>Deadline 2017/2018 Continuously</p> <p>NOT COMPLETED</p>		<p>Aktivnost 3</p> <p>The explanation for this activity not being completed wasn't proper because it was supposed to state the reason for the failure to complete it, that is, the explanation for not completing the activity 1 is just repeated and the activity is carried over to 2019/2020.</p>	

AREA X

DISCRIMINATION IN THE AREAS OF CULTURE, SPORTS AND RECREATION

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Provide for the implementation of recommendations established in the Analysis of Compliance of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities	Activity 1 Amend the Law on Libraries NOT COMPLETED	Ministry of Culture (MC)	Activities 1 and 2 The Analysis of Compliance of Montenegrin Legislation with the Law on Prohibition of Discrimination of Persons with Disabilities is a government document and its implementation needs to be complete. There should be a mechanism in place in the government for controlling ministries and their planned activities, in this concrete case, the Ministry of Culture, so as to avoid carrying activities over to the next year repeatedly and actually completing them.	
	Activity 2 Improve the Law on Museums NOT COMPLETED			

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 3</p> <p>Improve the Law on Cinematography</p> <p>Deadline 2018</p> <p>NOT COMPLETED</p>		<p>Activity 3</p> <p>If the Ministry considers the no changes are necessary to the Law on Cinematography, then it was necessary to anticipate that in the Analysis, that is, leave it out of the recommendations.</p>	
<p>Promote good practices in protection of PwDs from discrimination in sports, culture and recreation</p>	<p>Monitor the implementation of the Law on Sports by national federations and similar organizations</p> <p>Deadline 2017/2018</p> <p>COMPLETED</p>	<p>Ministry of Sports</p>	<p>The part of the Report stating that in 2017, the Ministry of Sports allocated premiums for exceptional and achieved results in international competitions, in the total amount of €15,000, doesn't state if the premiums are intended for PwDs (exclusively).</p> <p>When it comes to other indicators mentioned in the Report, we can conclude that they are transparent and, therefore, better for carrying out the activities contained within the measure.</p>	

AREA XI

LOCAL AUTHORITIES IN THE PROCESS OF

PROTECTING PWDS FROM DISCRIMINATION

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
Making the LAP model for the protection of PwDs from discrimination and promotion of equality	<p>Activity 1</p> <p>Organising an inter-agency working group for making the LAP for the protection of PwDs from discrimination and promotion of equality</p> <p>COMPLETED</p>	<p>Union of Municipalities of Montenegro, Ministry of Human and Minority Rights, Ministry of Sustainable Development and Tourism, NGOs dealing with the protection of rights of PwDs</p>	<p>Activity 1</p> <p>The Report states that the LAP Model for the protection of PwDs from discrimination and promotion of equality was adopted and distributed among the local administration units to use. The link to the document is available in the Report, thus making it easily accessible.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 2</p> <p>Identifying problems and requirements</p> <p>Analysis of problems</p> <p>Defining measures for resolving problems</p> <p>Identifying stakeholders for the implementation of LAP</p> <p>Identifying sources of funds for the planned activities</p> <p>Deadline 2nd quarter of 2017</p> <p>COMPLETED</p>		<p>Activity 2</p> <p>The Report states that in order to assist the local administration units, the Community of Municipalities of Montenegro, in cooperation with the Ministry of Human and Minority Rights and the Ministry of Labour and Social Welfare, organized presentations of the Model for making LAP. However, the Report doesn't state how many local administrations had their representatives in these organized presentations, which should become practice in reporting, from the next Report onwards.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Adopting LAP for the protection of PwDs from discrimination and promotion of equality</p>	<p>Preparing LAP for the protection of PwDs from discrimination and promotion of equality based on the Model in local self-government units</p> <p>Deadline Continuously</p> <p>PARTIALLY COMPLETED</p>	<p>Local self-government units, Ministry of Human and Minority Rights, facilities, NGOs dealing with the protection of rights of PwDs</p>	<p>Municipality of Bijelo Polje is the only one to have adopted LAP, which implies that this activity hasn't been fully completed although it was implied otherwise in the Report, as at least five LAP were supposed to be adopted as an indicator of a completed activity. Stated as an indicator in the Action Plan is that by 2020, LAPs are to be adopted in at least 20% of Montenegrin municipalities. This objective wasn't accomplished as only one LAP was adopted, in one municipality, by the end of 2018.</p> <p>During the public debate in Niksic (held on 3 July 2019), the representative of the local self-government said that the adoption of LAP in this municipality in the next two years would be significant. During the public debate in Podgorica (held on 5 July 2019), the representative of the City of Podgorica said that the protection of PwDs from discrimination and promotion of equality would be included, as a separate area, in the LAP in the area of social inclusion, while the representative of the MHMR reported that three more LAPs were in the process of creation – for the municipalities of Pljevlja, Tivat and Budva.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Organize campaigns for the protection of PwDs from discrimination and promotion of equality on the level of local self-government</p>	<p>Activity 1</p> <p>Organising roundtables and seminars for PwDs and their families, with the participation of local self-government units, NGOs and citizens with the topic of "Equal Opportunities for All Members of Local Community" - removal of architectural and administrative barriers for the purpose of protecting PwDs from discrimination</p> <p>Deadline Continuously</p> <p>NOT COMPLETED</p>	<p>Local self-government units, Ministry of Human and Minority Rights, Union of Municipalities of Montenegro, NGOs dealing with the protection of rights of PwDs</p>	<p>Activity 1</p> <p>To the purpose of carrying out this activity only one roundtable was organized, which is insufficient for this activity to be considered fully completed. The roundtable was organized in the municipality of Bjelo Polje, which adopted LAP, but not in other municipalities. The number of attendees isn't stated. This measure is also planned for 2019 and 2020 but only Tivat and Pljevlja are listed among the competent municipalities.</p>	<p></p>

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
	<p>Activity 2</p> <p>Organising promotional activities in public places (info-stands in city squares) and distribution of promotional material</p> <p>Deadline Continuously</p> <p>NOT COMPLETED</p>		<p>Activity 2</p> <p>The Report states that the activity isn't completed. However, the explanation isn't complete as no precise reasons for not completing it are visible.</p>	

Measure (MHMR)	Activity	Competent bodies	Comment of the network	Network assessment
<p>Organize education (seminars, workshops) for the representatives of local administrations</p>	<p>Organizing seminars and workshops for the employees in local self-government units, public services and companies (by region) for the implementation of LAP, especially with an emphasis on raising awareness</p> <p>Deadline Continuously</p> <p>PARTIALLY COMPLETED</p>	<p>Budget of local self-government units, Human Resources Management Authority, Ministry of Human and Minority rights</p>	<p>It is stated that the activity is completed. The same rationale is also provided in the area of Honouring Personal Dignity of PwDs, within the measure “Organize education and training courses for different target groups for the purpose of raising awareness about PwDs and their rights”, meaning that the same description of the activity is given for the completion of two different measures.</p> <p>The reporting period of this Action Plan is 2017/2018 and within it activities completed in that period should be listed. An activity carried out on 30 or 31 May 2019 could, by no means, be included in the report finalized in March of 2019. Also, the government increased the percentage of completed activities in this way.</p> <p>Verification source: https://bit.ly/2Y9ux4s</p>	

LIST OF ABBREVIATIONS:

- AP – Action plan
- AYDM / UMHCG - Association of Youth with Disabilities of Montenegro
- BES – Bureau for Educational Services
- CC – Criminal Code
- CSW – Centre for social work
- HRMA – Human Resources Management Authority
- ICSP – Institute for Child and Social Protection
- IDEP – Individual development education plan
- ITP – Individual transition plan
- LAP – Local action plan
- LSG – local self-government(s)
- MC – Ministry of Culture
- ME – Ministry of Economy
- MED – Ministry of Education
- MEIS – Education information system of Republic of Montenegro
- MF – Ministry of Finance
- MH – Ministry of Health
- MHMR – Ministry of Human and Minority Rights
- MI – Ministry of the Interior
- MJ – Ministry of Justice
- MLSW – Ministry of Labour and Social Welfare
- MPA – Ministry of Public Administration
- MPs – Montenegrin parliamentarians
- MSDT – Ministry of Sustainable Development and Tourism
- MTMA – Ministry of Transport and Maritime Affairs
- NGO – Non-governmental organization
- NOPDM – Network of organizations of persons with disabilities of Montenegro
- OPwD(s) – Organizations of persons with disabilities
- PwD(s) – Person(s) with disability(ies)
- UiP – Administration for Inspection Affairs

This material has been created within the scope of “Better Working through Networking!” project, implemented by Association of Youth with Disabilities of Montenegro and Centre for Development of NGOs, with the financial support of European Union in Montenegro through European Instrument for Democracy and Human Rights (EIDHR) and co-funding of Ministry of Public Administration of Montenegro. The views presented in this material are solely the responsibility of AYDM, and do not reflect the views of the European Union and the Ministry of Public Administration.





BetterWorkingThroughNetworking