*RESPONSE TO THE QUESTIONNAIRE ON INCLUSIVE POLICIES*

**1. Please provide information on how your country is considering the rights of persons with disabilities in their policies aimed at implementing and monitoring the Sustainable Development Goals, including:**

* **Existing national strategies and action plans,**
* **Budget allocation for their implementation,**
* **Existing mechanisms or frameworks to monitor their implementation,**
* **How do these strategies/plans take into consideration the situation of women and girls with disabilities, and children and older persons with disabilities?**
* **How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans?**
* The Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2008-2016, with the Action Plans on annual level, is the most important strategic document that Montenegro adopted in order to implement the UN Convention on the Rights of Persons with Disabilities. The Ministry of Labour and Social Welfare who is in charge of drafting this document, is preparing the Strategy for the Integration of Persons with Disabilities for the period 2016-2020.

This year, the Ministry of Human and Minority Rights is preparing the first Strategy for the Protection of Persons with Disabilities from Discrimination and the Promotion of Equality for the period 2017-2021, with the Action Plan for 2017. The adoption of this document is planned in the Programme of the Government of Montenegro for the fourth quarter of 2016.

* Each organ of state administration in charge for measures and activities defined in those strategies and action plans, provide the funds for their implementation from its own budget, State budget, or through the support programs of foreign donors.
* Monitoring of the Strategy for the Integration of Persons with Disabilities in Montenegro, which is coordinated by the Ministry of Labour and Social Welfare, is performed through the members of the working group for the preparation of this document as well as the Council for the Care of Persons with Disabilities, which is also formed by the said organ.

Bearing in mind that the Strategy for the Protection of Persons with Disabilities from Discrimination and the Promotion of Equality for the period 2017-2021 is in the process of development, the issue of monitoring the implementation will be specified in this document as well.

* The Strategy for the Improving the Situation of Persons with Disabilities in Montenegro 2016-2020, comprehensively observes all persons with disabilities, with a special emphasis on children with developmental disorders.

The Strategy for the Protection of Persons with Disabilities from Discrimination and the Promotion of Equality for the period 2017-2021 is in the process of development, and it will, in a systematic way, treat all the issues of concern to all persons with disabilities.

* The participation of persons with disabilities and of their representative organizations in the development and implementation of the strategies and action plans, is provided in accordance with the Regulation on the manner and the procedure for accomplishing cooperation between the organs of state administration and non-governmental organizations, which requires the involvement of representatives of the organizations of non-governmental sector in working groups, as well as their involvement in the consultation and opinion making process on the referred documents in the organs which are in charge for their consideration. Past practice is showing that representatives of the organizations of persons with disabilities are always been involved in the development of strategies and action plans, through the participation of several representatives of this sector.

**2. Please provide information on the legislative and policy framework in place in your country concerning non discrimination, including**:

* **Whether "disability" is specifically mentioned as a prohibited ground of discrimination,**
* **The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities,**
* **Whether the denial of provision of reasonable accommodation amounts to discrimination,**
* **The existence of any affirmative action measures for persons with disabilities,**
* **The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation),**
* **The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination.**
* Montenegro has adopted two separate laws that aim to the protection from discrimination. Those are: the Law on the Prohibition of Discrimination[[1]](#footnote-1) that recognizes discrimination of persons with disabilities and the Law on the Prohibition of Discrimination of Persons with Disabilities as "*lex specialis*"[[2]](#footnote-2). In addition to these special laws, a number of special regulations recognizes "disability" as a ground for discrimination (the Law on Civil Servants and State Employees[[3]](#footnote-3), the Law on Labour[[4]](#footnote-4), the Law on Professional Rehabilitation and Employment of Persons with Disabilities[[5]](#footnote-5) and other).
* The Law on Vocational Rehabilitation and Employment of Persons with Disabilities prescribes the adaptation of the workplace to the needs of the employed persons with disabilities and provides reimbursement for adaptation costs in the amount of 100%.
* Taking into account the principle of "affirmative action", Montenegro has ensured the inclusion of persons with disabilities in several areas through several regulations, starting with the Constitution of Montenegro, then in the area of education through the Law on Higher Education[[6]](#footnote-6); the Law on Civil Servants and State Employees; the Law on Professional Rehabilitation and Employment of Persons with Disabilities and other regulations.
* The Law on the Prohibition of Discrimination has provided the following protection mechanisms to all discriminated persons: the initiation and conduct of a proceeding before the competent inspection organs for protection from discrimination; the initiation and conduct of a proceeding before the competent court for protection from discrimination and compensation of damages resulting from discriminatory behaviour; and failing a complaint to the Protector of Human Rights and Freedoms.
* Through the establishment of the institution of the Protector of Human Rights and Freedoms, as an autonomous and independent body, established on the principles of justice and fairness, Montenegro has ensured the measure for protection of human rights and freedoms when they are violated by an act, action or failure to act of state organs, organs of state administration, organs of local self-government and local administration, public services and other holders of public powers; as well as measures to prevent torture and other forms of inhuman or degrading treatment and punishment, and measures for protection from discrimination.

**3. Please provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to the other facilities and services, including:**

* **The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies,**
* **The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities,**
* **The existence of accessibility requirements for public procurement,**
* **The existence of any enforcement mechanism of accessibility standards,**
* **The provision of training on accessibility issues for State officials and other actors.**
	+ Montenegro has adopted a special Law on the Prohibition of Discrimination of Persons with Disabilities[[7]](#footnote-7) which in a systematic way regulates the prohibition of discrimination against this vulnerable group. This Law separately defines the discrimination in access to structures in public use, the discrimination in access to information and communications, the discrimination in access to public transport as well as the discrimination in the provision of public and private goods and services. Also, the Law on Prohibition of Discrimination recognizes discriminations of persons with disabilities and establishes sanctions for any action which contains discriminatory segments.

In addition, also other regulations provide conditions for access to the physical environment of persons with disabilities: the Law on Spatial Planning and Construction[[8]](#footnote-8); access to communications – the Law on Electronic Communications[[9]](#footnote-9), the Law on Media, the Law on Electronic Media; access to road transport - the Law on Road Transport[[10]](#footnote-10), the Law on Road Traffic Safety; access to maritime transport – the Law on Safety of Maritime Navigation[[11]](#footnote-11); access to education – the Law on Education of Children with Special-Education Needs[[12]](#footnote-12); access to travel services – the Law on Travel Benefits of Persons with Disabilities[[13]](#footnote-13); access to labour and employment - the Law on Professional Rehabilitation and Employment of Persons with Disabilities[[14]](#footnote-14); access to museums – the Law on Museum Activities[[15]](#footnote-15); as well as other regulations of the legal system of Montenegro.

In addition, the Strategy for the Protection of Persons with Disabilities from Discrimination and the Promotion of Equality for the period 2017-2021 is in preparation. This Strategy will individually and in details deal with the aforementioned areas.

Further, we also note that the Ministry of Human and Minority Rights, in cooperation with representatives of the organs of state administration, and acting upon the Conclusions of the Parliament of 26 June 2015, has conducted an analysis of 56 regulations and defined recommendations for compliance with the Law on the Prohibition of Discrimination of Persons with Disabilities and the UN Convention on the Rights of Persons with Disabilities. As a result of this work, it was created a document analysing compliance of regulations in Montenegro with the Law on the Prohibition of Discrimination of Persons with Disabilities.

It is noteworthy that the main recommendations for compliance relate to the improvement of the regulations governing the accessibility of the physical environment, access to information and communication in some areas, the accessibility of public transport, as well as the accessibility of goods and services to persons with disabilities.

* Montenegro has adopted 2014 Action Plan for adaptation of 13 structures in public use for access, movement and use of persons with reduced mobility and persons with disabilities. In the opinion of representatives of non-governmental organizations involved in the development of the Action Plan, those structures are established as a priority. So far, 5 of those 13 priority structures are adapted, and the implementation of the remaining activities envisaged by the Action Plan is in course. Action Plan for adaptation of structures in public use for access and movement of persons with reduced mobility and persons with disabilities is adopted also by two municipalities: the Capital City of Podgorica and Municipality of Bijelo Polje. The analysis of accessibility of structures in public use was made by five municipalities as follows: Berane, Bijelo Polje, Cetinje, Podgorica and Rozaje.
* The Law on Public Procurement[[16]](#footnote-16) prescribes that when determining the technical characteristics and specifications in the tender documents, a contracting authority shall, in accordance with the law, prescribe mandatory application of technical standards for accessibility of persons with disabilities.

The Law on Spatial Planning and Construction stipulates that all structures in public use must be accessible for persons with reduced mobility and persons with disabilities within five years (August 2013) as of the day of adoption of the Law, in the manner stipulated by standards prescribed by the Regulations on detailed conditions and methods of adapting the structures for access and movement of persons with reduced mobility and persons with disabilities. Mechanisms for the application of the standards in the area of accessibility are initiating procedures before inspection organs and judicial organs on the grounds of non-compliance with regulations related to the prohibition of discrimination, as well as the submission of complaints to the Protector.

* The Ministry of Human and Minority Rights, in cooperation with the OSCE Mission to Montenegro, this year is conducting the VI cycle of training of authorized officers whose role is to protect from discrimination. So far, this training was attended by the representatives of the inspection organs, prosecution, misdemeanour courts, police organs, while this year the training is organised for the representatives of the centres for social work. In addition the Ministry of Human and Minority Rights, in cooperation with civil society, is caring out the promotion of the Law on the Prohibition of Discrimination of Persons with Disabilities through the municipalities through which educates persons with disabilities and representatives of their organizations on protection from discrimination and protection mechanisms. Findings of the Annual report of the Protector of Human Rights and Freedoms from 2015, showed that the majority of proceedings initiated by persons with disabilities, are those on the basis of discrimination in the area of accessibility of the physical environment.

**4.** **Please provide information on the legislative and policy framewoek in place in your country concerning support for persons with disabilities including:**

* **The diversity and coverage of services availble (eg., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and helth, and other community services),**
* **The availability of certified sign language interpreters,**
* **The types of service delivery arrangemnets (eg., direct provision, public-private partnership, partnerships with community-based or non-governmental organizations, contacting out, privatization),**
* **The financial mechanisms to ensure affordability of support services for all, persons with disabilities,**
* **How services enable direct choice and control of users with disabilities?**
* Montenegro has provided services of the assistants in education for pupils with developmental disorders. Also, through the implementation of the Law on Professional Rehabilitation and Employment of Persons with Disabilities is set out the legal basis and is provided the possibility for getting the working assistant for employees with disabilities, in accordance with the percentage of disability and the needs of working post. Through the Law on Social and Child Protection and secondary legislation is provided the possibility for getting the services of personal assistance, home assistance and support in community for persons with disabilities who need such services.
* Sign language is standardized in Montenegro, but still there is no law on the use of sign language. Licensed interpreter for sign language is available.
* The Ministry of Labour and Social Welfare has developed a system of providing social services which among others includes also persons with disabilities. It should be noted that in Montenegro in 10 municipalities now there are day care centres for children with disabilities - in Bijelo Polje, Pljevlja, Plav, Berane, Mojkovac, Niksic, Cetinje, Herceg Novi, Ulcinj which is an important provision of service for the mentioned population. Day care centres are formed by the Ministry of Labour and Social Welfare with local self-governments and non-governmental sector. The construction of three more centres is in course. Day care centres for children with disabilities are organized as a public institutions of social and child protection, founded by municipalities. They are established and operate by the system of state-private partnership, and accommodation of children is paid by the line ministry. Their activities are primarily day care, socialization of children with disabilities and their inclusion in the community. Also, a significant number of associations of parents of children with disabilities is founded in almost all municipalities in Montenegro, where is offered significant provision of services to children and youth with disabilities, such as: the service of special education, psychology, speech therapy, physio-therapeutic and legal -administrative support as well as personal assistance services and assistance in the family.
* Within the Directorate for Social and Child Protection of the Ministry of Labour and Social Welfare, is established the Directorate for the development of services that will address the issues of development and financing of services at the local level and at the state level, which will contribute to improving the protection of vulnerable groups.
* The Ministry of Labour and Social Welfare realised the introduction of the project "Social Card - Social Welfare Information System in Montenegro". The project represents one of the basic pillars of further promotion of the reform of the social protection system, and the introduction of social welfare information system allows the creation of the unique 'social card' for citizens involved in social welfare programs, as well as the exchange of information between all relevant institutions of the system at national and local level, based on which they have access to information on financial situation and other components of importance for the provision of appropriate services.

**5. Please provide any other relevant information (including information from surveys, censuses and administrative data - statistics, reports and studies), in relation to the implementation of existing disability-inclusive policies and action plans in your country.**

* In the previous period the Ministry of Human and Minority Rights carried out a research on the topic "The relationship of citizens towards discrimination in Montenegro". The results of the research on the attitudes toward discrimination, and the level of awareness on discrimination and discrimination phenomenon that follow, can serve as a source of information and data about the presence and extent of discrimination in Montenegro. More information on the conducted researches can be found at the following link:

<http://www.mmp.gov.me/biblioteka/istrazivanja>.

The 2011 Census of population, households and apartments for the first time collected the data on the existence of obstacles in performing daily activities. Persons who have difficulties in performing daily activities are persons who have practical limitations in performing or participating in various activities. This group includes persons who experience limitations in basic functional activities, such as walking, hearing, seeing etc., even if the limitation was improved by the use of assistive devices or with the support of other persons. More information can be found at the following link:

<http://monstat.org/userfiles/file/popis2011/saopstenje/Smetnje%20u%20obavljenju%20svakodnevnih%20aktivnosti%20popis%202011.pdf>

1. (Official Gazette of Montenegro, No. 046/10 of 06.08.2010, 040/11 of 08.08.2011, 018/14 of 11.04.2014) [↑](#footnote-ref-1)
2. (Official Gazette of Montenegro, No. 035/15 of 07.07.2015, 044/15 of 07.08.2015) [↑](#footnote-ref-2)
3. (Official Gazette of Montenegro, No. 039/11 of 04.08.2011, 050/11 of 21.10.2011, 066/12 of 31.12.2012, 034/14 of 8.8.2014, 053/14 of 19.12.2014, 016/16 of 8.3.2016) [↑](#footnote-ref-3)
4. (Official Gazette of Montenegro, No. 049/08 of 15.08.2008, 026/09 of 10.04.2009, 31.12.2009 088/09, 026/10 of 07.05.2010, 059/11 of 14.12.2011, 066/12 of 31.12.2012, 031/14 of 24.07.2014, 053/14 of 19.12.2014) [↑](#footnote-ref-4)
5. (Official Gazette of Montenegro, No. 049/08 of 15.08.2008, 10.12.2010 073/10, 039/11 of 04.08.2011) [↑](#footnote-ref-5)
6. (Official Gazette of Montenegro, No. 044/14 of 21/10/2014, 052/14 of 16.12.2014, 047/15 of 18.08.2015) [↑](#footnote-ref-6)
7. (Official Gazette of Montenegro, No. 035/15 of 07.07.2015, 044/15 of 07.08.2015) [↑](#footnote-ref-7)
8. (Official Gazette of Montenegro, No. 051/08, 040/10, 034/11, 040/11, 047/11, 035/13, 039/13, 033/14) [↑](#footnote-ref-8)
9. (Official Gazette of Montenegro, No. 040/13 of 13.08.2013, 056/13 of 06.12.2013) [↑](#footnote-ref-9)
10. (Official Gazette of the Republic of Montenegro, No. 45/2005 and Official Gazette of Montenegro, No. 75/2010, 38/2012 and 18/2014.) [↑](#footnote-ref-10)
11. (Official Gazette of Montenegro, No. 62/13 of 31.12.2013, 06/14 of 04.02.2014) [↑](#footnote-ref-11)
12. (Official Gazette of the Republic of Montenegro, No. /04 and Official Gazette of Montenegro, No. 45/10) [↑](#footnote-ref-12)
13. (Official Gazette of Montenegro, No. 80/08 of 26.12.2008, 40/11 of 08.08.2011, 10/15 of 10.03.2015) [↑](#footnote-ref-13)
14. (Official Gazette of Montenegro, No. 49/08 of 15.08.2008, 73/10 of 10.12.2010, 39/11 of 04.08.2011) [↑](#footnote-ref-14)
15. (Official Gazette of Montenegro, No. 49/10 of 13.08.2010, 40/11 of 08.08.2011) [↑](#footnote-ref-15)
16. (Official Gazette of Montenegro, No. 042/11 of 15.08.2011, 057/14 of 26.12.2014, 028/15 of 03.06.2015) [↑](#footnote-ref-16)