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Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Initial report of States parties due in 2008

Montenegro*

[26 December 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

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I. Introduction

1. The International Covenant on Economic, Social and Cultural Rights (ICESCR) was succeeded to Montenegro, after the dissolution of Serbia and Montenegro in 2006.
2. The initial report was drawn up in accordance with the reporting guidelines issued by the Economic and Social Council of the United Nations. The main text contains basic information, whereas the tables contain mostly specific information such as statistics.
3. The report was prepared by the Ministry of Labour and Social Welfare of Montenegro, in close cooperation with all the main ministries and institutions that had needed indicators for the full coverage of all the different aspects of the Covenant such as economy, social policy, scientific developments, art and culture in a member country. It also embraces the issues addressed by the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and similar of which Montenegro is also the signatory.
4. The Permanent Mission of Montenegro avails itself of this opportunity to renew to the Office of the United Nations Commissioner for Human Rights assurances of its highest consideration.

II. General provisions of the International Covenant on Economic, Social and Cultural Rights

A. General provisions of the Covenant

Article 1

5. Persons belonging to minority nations and other minority national communities shall be guaranteed by the Constitution of Montenegro the rights and freedoms, which they can exercise individually or collectively with others, and which are as follows:
 - (a) The right to exercise, protect, develop and publicly express national, ethnic, cultural and religious particularities;
 - (b) The right to choose, use and publicly post national symbols and to celebrate national holidays;
 - (c) The right to use their own language and alphabet in private, public and official use;
 - (d) The right to education in their own language and alphabet in public institutions and the right to have included in the curricula the history and culture of the persons belonging to minority nations and other minority national communities;
 - (e) The right, in the areas with significant share in the total population, to have the local self-government authorities, State and court authorities carry out the proceedings in the language of minority nations and other minority national communities;

(f) The right to establish educational, cultural and religious associations, with the material support of the State;

(g) The right to write and use their own name and surname also in their own language and alphabet in official documents;

(h) The right, in the areas with significant share in total population, to have traditional local terms, names of streets and settlements, as well as topographic signs written in the language of minority nations and other minority national communities;

(i) The right to authentic representation in the Parliament of Montenegro and in the assemblies of the local self-government units in which they represent a significant share in the population, according to the principle of affirmative action;

(j) The right to proportionate representation in public services, State authorities and local self-government bodies;

(k) The right to information in their own language;

(l) The right to establish and maintain contacts with citizens and associations outside of Montenegro, with whom they have common national and ethnic background, cultural and historic heritage, as well as religious beliefs;

(m) The right to establish councils for the protection and improvement of special rights. Also, forceful assimilation of the persons belonging to minority nations and other minority national communities shall be prohibited and the obligation of the State to protect the persons belonging to minority nations and other minority national communities from all forms of forceful assimilation shall be established by article 80 of the Constitution of Montenegro.

6. Montenegro is defined by the Constitution as a civil State. According to article 3 of the Constitution, the territory of Montenegro is unified and inalienable.

7. Article 58 of the Constitution shall guarantee property rights. No one shall be deprived of or restricted in property rights, unless when so required by the public interest, with rightful compensation. Natural wealth and goods in general use shall be owned by the state. Pursuant to article 60 of the Constitution the right to inheritance shall be guaranteed. There are no special constitutional and legal entries on protection of the rights of indigenous communities' ownership over land and territories.

8. Article 39 of the Minority Rights and Freedom Act shall prohibit assuming of measures and activities by which the structure of population would be changed in the areas where the persons belonging to minority nations and other minority national communities live, and which aim is the restriction of legal rights and freedoms.

Article 2

9. Main goal of the Agreement is, through improvement of economic relationship, to contribute to the enhancement and promotion of existing and new business contacts, provide greater presence of Montenegrin businessmen at international fairs and exhibitions and better logistics for organization of seminars, conferences and symposiums.

Table: Agreements on economic cooperation presents description of agreements on economic cooperation that Montenegro enforces and which are in the process of negotiation.

Table: Agreements on economic cooperation

<i>Agreements which have been ratified</i>	<i>Agreements which have been signed since 2006</i>	<i>Agreements which have been in the process of negotiation</i>
<p>1. CYPRUS Signed: on 29 March 1976 in Belgrade Ratified: on the Assembly of SFRY on 22 July 1976 Duration: 10 years and after expiry of this period of time, the Agreement will still remain in effect Published: Official Gazette of SFRY – E.P. No 609</p>	<p>1. PR CHINA NR KINA Signed: on 29 August 2006 on Saint Stephen (Sveti Stefan) Duration: 5 years and it is automatically renewed every year</p>	<p>1. KAZAKHSTAN (initiated by Kazakhstan on 16 June 2008)</p>
<p>2. POLAND Signed: on 4 April 1997 in Belgrade Ratified: on the Assembly of SRY on 26 June 1997 Duration: unlimited period of time Published: Official Gazette of SRY – International Agreements No 42</p>	<p>2. BULGARIA Signed: on 30 May 2007 in Podgorica</p>	<p>2. CUBA (initiated by Cuba mid of 2008)</p>
<p>3. AUSTRIA Signed: on 12 October 2001 in Belgrade Ratified: on the Assembly of SRY on the 16 January 2002 Duration: 2 years and it is extended by a period of one year if one of two Signatories does not denounce it in writing in diplomatic way three months prior to expiration date of its validity Published: Official Gazette of SRY – International Agreements No 148</p>	<p>3. HUNGARY Signed: on 3 October 2008 in Podgorica</p>	<p>3. SLOVAKIA (negotiations are under way)</p>
	<p>4. QATAR Signed: on 17 February 2009 in Doha Duration: 5 years and it automatically remains in effect for an unlimited period of time</p>	<p>4. EGYPT (negotiations are under way)</p>
	<p>5. SERBIA Signed: on 29 October 2009 in Podgorica Duration: 10 years and it is successively extended for a period of another five years</p>	<p>5. ITALY – ABRUZZO (in the final adjustment procedure)</p>

<i>Agreements which have been ratified</i>	<i>Agreements which have been signed since 2006</i>	<i>Agreements which have been in the process of negotiation</i>
	6. TURKEY Signed: on 11 December 2009 in Cetinje Duration: 1 year and it is successively prolonged by one-year period	6. UKRAINE (Cabinet of Vice Chairman sent the proposal of the contract on 19 May 2010, comments received during summer. It has been waiting for approval of Agreement signed by Serbia and Montenegro on one side and Ukraine on the other from MVPEI)
	7. CZECH REPUBLIC Signed: on 27 April 2001 in Cetinje Duration: unlimited	7. PORTUGAL (draft of the Agreement sent on 6th 2010) 8. THAILAND (draft of the Agreement sent on 1 September 2010) 9. SLOVENIA (draft of the Agreement sent on 13 September 2010)
	8. MACEDONIA Signed: on 22 October in Cetinje Duration: 3 years, it is subsequently prolonged by one-year period	

10. In Montenegro rights established by this Pact are equally exercised.
11. Montenegro applies no restrictions in respect of exercising economic rights in relation to persons who are not its citizens.

Article 3

12. The Constitution of Montenegro, article 8, paragraph 1, article 17, paragraph 2, and article 18 shall prohibit direct or indirect discrimination on any grounds and determine that all persons shall be deemed equal before the law, regardless of any particularity or personal capacity and that the State shall guarantee the equality of women and men and shall develop the policy of equal opportunities.

13. Provisions of articles 5 and 6 of the Labour Law establish that direct and indirect discrimination of persons seeking employment, as well as employed persons based on sex, birth, language, race, religion, skin colour, age, pregnancy, health state, that is, disability, nationality, marital status, family duties, sexual orientation, political or other affiliation, social background, material status, membership in political and trade union organizations or some other personal characteristic shall be prohibited.

14. The Constitution of Montenegro establishes that the State shall guarantee the equality of women and men and shall develop the policy of equal opportunities (art. 18). In this respect, there is constitutional ban of direct or indirect discrimination, on any ground.

Thereat, regulations and introduction of special measures aimed at creation of conditions for achievement of national, gender and total equality and protection of persons who are on any ground unequal shall not be considered discrimination.

15. Gender Equality Act was adopted on 27 July 2007 (*Official Gazette of the Republic of Montenegro*, No. 46/07). This Law represents the first anti-discrimination law in Montenegro and it is the most important mechanism for eliminating discrimination on the ground of gender and establishing gender equality. The Law establishes the State governing authority competent for affairs in accordance with achievement of gender equality – the Ministry for Minority and Human Rights as the most important institutional mechanism for gender equality achievement in Montenegro. The Law enacts efficient mechanisms for achievement of gender equality as well. Also, the obligations of State authorities, State governing and self-governing bodies, public institutions, public corporations and other legal entities which execute public powers are established in order to eliminate discrimination regarding gender and achieve gender equality. In the Law there is a prominent role of civic sector and considerable space is given to actions of non-governmental organizations (NGOs) in overall activities for gender equality achievement.

16. When it comes to the equality in particular segments, such as employment, labour and earnings, and other rights to work and on the basis of work have been regulated by the Labour Law (*Official Gazette of Montenegro*, No. 49/08) and the Law on Employment (*Official Gazette of the Republic of Montenegro*, Nos. 5/02, 21/08). Direct and indirect gender discrimination of the persons seeking for work, as well as of the employees, shall be prohibited by the Labour Law. Discrimination in terms of this Law shall be prohibited regarding: (a) employment requirements and selection of candidates for the performance of a specific job; (b) working conditions and all rights based on employment relationship; (c) education, capacity-building and training; (d) promotion at work; (e) cancellation of the labour contract. The same Law prohibits harassment and sexual harassment at work and in relation to work.

17. Article 9 of the Labour Law defines positive discrimination.

18. Enforcement of the Gender Equality Law falls under the jurisdiction of all authorities, both at State and local level and all other subjects who exercise public powers, and it implies activities of normative nature planning, as well as actual measures and activities.

19. Aimed at presenting substance of the Law to the NGO male and female representatives and government officers, the Gender Equality Office issued, in January 2009, a publication entitled *Annotation* which had been prepared by male and female experts from the field of statutory regulations and gender equality.

20. According to the Gender Equality Law, State governing authorities appointed male and female officers who carried out coordination activities regarding gender equality from their own jurisdiction and participated in the implementation of the Action Plan for the Achievement of Gender Equality in Montenegro.

21. A number of strategic documents adopted by the Government contain a component of gender equality: National Programme for Integration of Montenegro to the European Union, National strategy for sustainable development, National strategy for employment and human resources development, Strategy for preservation and promotion of reproductive health, National strategy for HIV/AIDS, National Youth Action Plan, Individual Partnership Action Plan (IPAP) with the North Atlantic Treaty Organization (NATO), Local Self-Government Reform Action plan, Action Plan to Combat Trafficking in Human Beings.

22. As part of the professional training programme of male and female State officers and employees, implemented by the Human Resource Administration of Montenegro, one of the contents is introduction of gender equality principle into practice and actual implementation of the Gender Equality Law.

23. Governmental mechanism for gender equality has a signed memorandum on cooperation with 10 municipalities in Montenegro aimed to carry out activities in the field of gender equality achievement at local level (Niksic, Bijelo Polje, Pljevlja, Berane, Cetinje, Kotor, Budva, Bar, Herceg Novi and Ulcinj). In those municipalities, there are employed persons trained for implementation of gender equality principles in the local community, as well as gender equality commissions/councils in the municipal assemblies. Local action plans for gender equality have been worked out and adopted in six municipalities.

24. With an intention to increase women participation in politics and their empowerment, great number of trainings were organized for men and women – male and female members of political parties. Trainings were originally carried out within the partnership of the Gender Equality Office and female NGOs, as part of the project “Women Can Do It I, II and III”, and “Roma Women Can Do It”. Since 2004, the Gender Equality Office in cooperation with Konrad Adenauer and Eduardo Frei Foundations has realized the project with women and men from political parties as its target group, and Gender Equality Department has continued realization of this activity.

25. However, despite great number of trainings carried out so far in order to increase women participation at the decision-making levels, data on women participation in organizational structures of political parties show a low level of women share in their work, as well as their poor representation in the high-ranking positions which include decision-making. Within the parliamentary parties, a woman exercises function of the Chairwoman in one political party (The Croatian Civic Initiative), while in Movement for changes one woman exercises function of Vice Chairwoman of the party.

26. In the last parliamentary elections, out of the total of 498,825 registered voters (80.44 per cent of total population number), 250,165 voters that is 50.15 per cent are women. Number of female Members of Parliament in the new plenum of the Parliament has remained unchanged in relation to the previous one – out of total number of 81 Members of Parliament 9 are women which makes 11 per cent.

27. At the level of local self-government data also show low percentage of women share at decision-making positions. A woman exercises function of municipality Chairwoman just in one of 21 municipalities, while two women are at the position of municipal Vice Chairwoman. In four municipalities women are at the position of Assembly Chairwoman. In two municipalities, the function of head administrator is performed by women, while the manager in one municipality is a woman.

28. Considerable number of women are present in judicial power. Women are at the position of Supreme Public Prosecutor and Supreme Court Chairwoman. A woman is at the head of Judicial Council, while out of 9 members 3 are female. In Prosecutorial Council there are 10 members out of which 4 are women.

29. The Gender Equality Law shall prescribe obligation of media to promote gender equality through programme concept. Increasing number of articles in print and electronic media on domestic violence, as well as on measures which are carried out in order to protect women and children victims of violence is noticeable. Media are especially ready to make articles on the topic of violence against women and domestic violence during campaign “16 Days of Activism for No Violence Against Women”, and to support this campaign by free broadcasting of TV spots and radio jingles as well. However, it is evident that neither male nor female journalists are sensitive enough about issues of gender

equality, and that media contents not so rarely present patriarchal roles which restrict women only to the private sphere. Also, it is necessary to work further on gender-sensitive language use in the media since it still has not been used in full, even though there are examples of good practice. In cooperation with the Gender Equality Department of the Ministry for Human and Minority Rights, the United Nations Development Programme (UNDP) Office in Podgorica and PINK M, a show titled *Imagine equality* has been broadcast once a week. The show is of educational character and it implies discussion on various aspects of men and women life and work in Montenegro.

30. In order for labour and work safety inspectors to become more familiar with the fundamental principles on gender equality, domestic and international legislation from this field and especially with their practical use, in September 2009, the Gender Equality Department organized two seminars for labour and work safety inspectors. Sexual harassment and mobbing were also discussed at the seminar.

31. In terms of gender equality in the education field, data show that there are no significant deviances in the share of boys and girls in primary and secondary education. For the school year 2008/2009 data are as follows: out of the total of 74,220 primary school male and female pupils 38,149 that is 51.39 per cent are boys and 36,071 that is 48.6 per cent are girls. For the school year 2008/2009, out of the total of 31,333 male and female pupils in secondary schools 15,761 that is 50.3 per cent are male, while 15,572 that is 49.6 per cent are female. In 2008/2009, 20,490 male and female students enrolled faculty in the University of Montenegro – out of that total 11,048 or 53.9 per cent are women. In 2008, out of 2,812 graduate students 1,792 or 63.7 per cent are women. Out of 140 male and female Masters 69 or 49.2 per cent are women. In 2008, out of 14 Doctors of Science 3 are women (21.4 per cent).

32. The University of Montenegro has for several years organized a project in cooperation with Oslo University which refers to the introduction of gender studies into curricula. At the Faculty of Philosophy, a great number of workshops and seminars, as well as research projects have been organized through the project aimed at better understanding and spreading of knowledge on gender relationships among university male and female professors and male and female students in the Western Balkans. Within University “Mediterranean” in 2009 and 2010, a school “Gender Studies” was organized by the Gender Equality Office in cooperation with the UNDP Office in Podgorica. Private University of Donja Gorica (UDG) has also started realization of female studies within postgraduate master studies. The NGO “Anima” has carried out the “Women’s Studies Program” since 2002 in order to develop women self-awareness and feminist theory as well as to encourage active participation of women in public life.

33. A new generation of books has been prepared in the Institute for Textbooks and Teaching Aids of Montenegro and in the textbooks written for nine-year primary school gender-sensitive language has been taken care. With an intention to suppress gender stereotypes in the curricula, the Education Office engaged board of experts which reacted in this field. Civic education was introduced as a new, compulsory subject for the VI and VII grade of primary school. Issues of gender equality as well as of domestic violence are studied within this subject. In the gymnasiums, civic education is also studied as a compulsory subject from I to IV year. In 2006/2007, about 1,000 male and female pupils chose civic education in 19 out of 23 grammar schools. When it comes to equality of men and women in the field of work and employment, Employment Office data indicate that participation of women in total number of unemployed people is about 45 per cent. If we take into consideration qualifications structure of unemployed women it is noticeable that women with secondary vocational education dominate, the IV degree about 39 per cent, the III vocational degree about 24 per cent and 16 per cent with no qualifications. Basic characteristics of the state and present trends in the field of women employment in

Montenegro in the last few years are as follows: participation of women in the total number of unemployed people has been constantly reduced: 45.64 per cent on 31 December 2006, 44.52 per cent on 31 December 2007, 44.89 per cent on 31 December 2008, and 44.69 per cent on 15 March 2009. This trend of women participation has been influenced by significant increase of women employment in some lines of business which, as a rule, employ more female workforce (trade, catering industry and tourism, etc.). In addition, women registered in unemployment records more actively seek employment, accept offered jobs and participate in employment preparation programmes realized by the Employment Office of Montenegro (through vocational empowering, improving-qualification and change-of-qualification programmes).

34. The Employment Office puts through employment policy and by carrying out such measures and development projects that imply opening of new work posts, tries to make influence on reduction of the number of unemployed people. However, even in these cases there is no particular definition of the women right to participate in active employment policy measures (AEP), but equal rights are implied for all unemployed persons.

35. Women comprise 57 per cent of the total number of unemployed persons who have been trained throughout a year through various aspects of vocational/training for a well-known employer as well as through preparation programme for labour market (occupational trainings and special skills acquisition programmes).

36. Self-employment programme is one of the programmes implemented by the Employment Office of Montenegro within its active employment policy. It is evident that more and more often female enterprises make significant successes and not only in small business, but also in areas which have not been considered typical for female entrepreneurship up to recent period of time, such as information technology, mechanical engineering, building trade and many others.

37. The Employment Office wants to encourage women who have become or are preparing to become entrepreneurs and thus provide themselves job and professional development. Therefore, as a special incentive measure of employment, the interest rate for financing projects in which general contractors are women and projects realized in the northern municipalities, is patterned to amount to 3 per cent at annual level. For other projects, the interest rate amounts to 4 per cent annually.

38. Within the programme "Governmental support and assistance for small and medium sized enterprises for 2008 and 2009" concluding with 5 November 2009, Directorate for Development of Small and Medium Sized Enterprises in cooperation with commercial banks has approved total of 88 projects for loan lines "Start UP" and "Entrepreneurship" initiatives. For the loan line Encouragement of business beginners – start up, a total of 30 projects were approved. Out of that number, women are founders and managers in 10 projects and in the remaining 20 projects founders and managers are men. Fifty-eight projects were approved for credit line Entrepreneurship initiatives out of which women are managers in eight projects, and in the remaining 50 projects the managers are men.

Articles 4 and 5

39. Provisions of articles 9 and 145 of the Constitution of Montenegro stipulate that ratified and published international agreements and generally accepted rules of international law shall make an integral part of the internal legal order, shall have the supremacy over the national legislation and shall be directly applicable when they regulate the relations differently from the internal legislation. The law shall be in conformity with the Constitution and confirmed international agreements, and other regulations shall be in conformity with the Constitution and law.

40. From the above stated constitutional principles, it originates that main sources of labour right of Montenegro are the Constitution, ratified conventions of the International Labour Organization (ILO) and other concluded and signed international contracts, laws, government provisions, collective contracts, tripartite contracts concluded, employers' rule books on safety at work.

41. In Montenegro, the Labour Law and General Collective Agreement shall guarantee an employee minimum of legal protection from and on the basis of work, and all employer's acts shall be in compliance with them, so if certain provisions of the employer's General Collective Agreement or other employer's act provide more unfavourable work conditions than conditions laid down by law, appropriate provisions of the law shall be applied.

B. Specific rights

Article 6

42. The Law on Employment and Exercising Rights with respect to Unemployment Insurance (*Official Gazette of Montenegro*, No. 14/2010 of 17 March 2010) established that an unemployed person shall be entitled to use services of the Employment Office of Montenegro and employment agencies free of charge, participate in active employment policy programmes and measures in accordance with individual employment plan.

43. Carrying out of active employment policy measures is aimed at more efficient and faster employment, that is work engagement, or it enables providing more chances in that respect. Harder-to-employ person has priority in carrying out of certain active employment policy measures.

44. Active employment policy measures annually include 25-30 per cent of unemployed persons and they are carried out through the Employment Office.

45. During 2010 the following measures were carried out:

- Education and training programmes which were realized in compliance with the employers' needs-demands or interest shown by the unemployed persons. Participation of the youth was 35.4 per cent, persons from age of 25 to 45 participate with 55.1 per cent and older than 45 were 9.5 per cent. The participation of long-term unemployed persons in the programmes is 31 per cent. In 2010, there were 237 education and training programmes of unemployed persons realized within which 3,920 attendants were engaged
- Programmes of public works which included 1,177 unemployed persons during 2010
- Programmes of co-financing trainees' employment in 2010 comprised 1,145 trainees out of which the Office financed 34.84 per cent
- Seasonal employment whereas 6,499 persons were employed through the Office at seasonal works in 2010
- Through the programme of stimulating micro and small sized enterprises (so called Programme of self-employment), 454 loans were approved for self-employment and their realization enabled opening of 610 new vacant work posts
- Information and professional counselling centres were established within the Office and they provide information on career planning, education opportunities in Montenegro, improving-qualification and change-of-qualification possibilities,

additional training, courses and specializations, labour market and employment opportunities.

46. From the above mentioned measures, the measures carried out for the category of harder-to-employ persons should be emphasized as follows:

- Programmes for long-term unemployed persons carried out through information and motivating seminars-workshops with an aim of more active and efficient engagement of those persons in seeking for employment. During 2010, there were 112 seminars organized for long-term unemployed persons attended by 1,343 unemployed persons
- Programmes for disabled persons are realized through: “Sunny workshop” programme which was organized as public work for disabled persons, 69 disabled persons during 2010; “Our ID card” programme whereas seven disabled persons were included; “Personal assistant” programme whereas 114 persons were engaged at the positions of professional assistants; “Granting of loans for disabled persons employment and entrepreneurship initiative” programme
- Programmes which refer to RAE population (populations of Roma, Ashkaelia and Egyptians) have been realized for a longer period of time through the project “Roma people visible on the labour market”, “Second chance” project – integration of the adults through vocational training; “Reduction of domicile RAE population vulnerability”. During 2010, a project “Creation of equal approach to the work posts for RAE population” was realized
- Also, one of active employment policy measures is also the Programme for continuous employment and entrepreneurship stimulation, as well as the Programme of government support and assistance, “Employment encouragement in Montenegro with stress on the northern region and vulnerable categories of population”.

47. Active employment policy measures for long-term unemployed persons and persons who became redundant are explained in the answer to question 15 (a), that is, this category of unemployed persons has been included into the programme of employment subsidies, training and educational programme, public works, seasonal employment and self-employment programme.

48. The Ministry of Labour and Social Welfare, through the labour inspectorate, assumes all measures of grey economy suppression on the labour market, that is black market as a form of grey economy and measures of providing safe work positions.

49. Preventive nature of this inspectorate is shown in advising employers and employees on the most appropriate instruments for enforcement of existing provisions and manner of exercising rights to and on the basis of work. Also, there is advising of people who are in state of illegal employment on the manner of regulation of their labour legal relation through this inspectorate. The so-called “green line” is available to all interested people and through it they can deliver initiatives anonymously as well. The labour inspectorate, in any case, protects the identity of the complainant. In addition to the planned inspection supervisions, in the current year, the labour inspectorate has considered 461 initiatives of the employees, and/or interested citizens, and it has carried out inspection supervisions and assumed appropriate measures.

50. Preventive nature of this inspectorate is achieved through pointing out to the employers their statutory obligations, that is avoidance of irregularities and faults traced by the inspection supervision. In 2011, inspectors have passed 1,295 orders and they have assumed repressive measures, and/or temporarily suspended 137 employers with whom workers were caught at informal work, that is without concluded work contract and mandatory social insurance.

51. Effects of this inspectorate work are evident from data which show that in the current year (from January to May) 201 persons caught in “black market” concluded a permanent labour contract or the labour contract signed for a limited time was transformed into the labour contract for an unlimited time. In the above-mentioned cases the inspectorate has used the legal work statute envisaged by the Law on Labour of Montenegro (arts. 22 and 26).

52. Also, 59 foreigners who were caught without work permits and labour contracts concluded labour agreements in accordance with the Law on Employment and Work of Foreigners and Labour Law.

53. At the beginning of the year, the Ministry of Labour and Social Welfare has formed a coordination body for suppression of the grey economy on the labour market, and it consists of chief inspectors: labour, trade, tax, tourism, health and sanitary, and managers of the Labour Inspectorate for the area of work relations and protection at work.

54. The Coordination authority has started its work in January this year, and since 17 January 2011, there has been intensification of joint inspection supervision of the mentioned inspectorates, which have, within their jurisdiction, supervised subjects from different lines of business: trade, catering industry (catering industry objects and hotels), civil engineering (construction sites), wood-processing industry (sawmills), with stress on the employers who engage larger numbers of employees in their line of business.

55. At the same time, joint supervisions across Montenegro, which were performed daily, have undoubtedly given good results, especially in suppression of work on the black market and in the field of safe work of the persons employed in all service and sale positions.

56. The Labour Inspectorate has achieved significant results, since at least 90 persons out of grey zone have regulated in compliance with the law up to May of the current year.

57. Labour legislation of Montenegro regulates the mechanisms for protection of employees’ rights to and on the basis of work in compliance with international standards. Employees address Labour Inspectorate for protection of their rights and in case of labour agreement cancellation of contracts, so if the labour inspector determines that it is obvious that the employer’s decision on cancellation of the labour contract violates the employee’s right, and the employee has initiated a labour dispute, he shall, at the employee’s initiative, suspend by his decision the execution of that decision on cancellation of the labour contract, until the adoption of the final court decision (art. 122 of Labour Law).

58. Employees may address the Agency for Amicable Settlement of Labour Disputes and the competent court for their rights protection and even in case of unjust dismissal.

59. With an intention to increase total employment and improve quality of workforce offer, the following activities, with an aim of encouraging unemployed people to enter the labour market, have been carried out:

- Informative interviews organized for all new applicants in the evidence of Employment Office performed by skilled counsellors for employment
- Unemployed persons obtain information on their rights and duties while on file, get familiar with the programmes of active employment policy, seminars, workshops, self-employment loans and the like
- Information and motivating seminars (workshops) have purpose of informing unemployed persons about all significant marks of labour market and employment and they encourage active seeking for job. Seminars influence strengthening of self-confidence which is an important prerequisite for individuals actively seeking a job. Actual skills of writing applications, biographies, presentation to the employer are

taught. Specialist workshops for persons who plan to enter entrepreneurship are organized

- Preparation for employment goes into two directions: work training for well-known employer programmes and training programmes for labour market. Programmes are realized for vocational training for actual work post and skill acquiring programmes.

60. Unemployed persons acquire knowledge and skills for employment in certain business sectors (processing industry, building trade and tourism) through vocational empowering, improving-qualification and change-of-qualification programmes, while certain skills for bigger competitiveness on the labour market may be obtained through programmes for personal assistants, managers and the like.

Article 7

61. The Labour Law (*Official Gazette*, No. 49/08) in articles 80 and 81 establishes that the employee shall be entitled to the minimum wage for the standard performance and full-time working hours, that is working hours equalized with full-time working hours, in accordance with the law, collective agreement and labour contract. The Labour Law prescribes conceptual base for term minimal wage, and manner and procedure of its determination is defined by General Collective Agreement.

62. Minimal wage presents lower limit in earnings payment to the employees, that is minimum threshold of material and social security by which all employees are protected.

63. Minimal earnings is determined by starting with: living costs, average earnings movements in Montenegro, existential and social needs of an employee and his/her family, unemployment rate, employment movements on labour market, work productivity, profit rate in economy and general level of economic development of Montenegro.

64. Conditioning circumstances are very important for determination of minimal earnings so the living costs are measured according to the costs of food, boarding, transport and other basic needs for survival of an employee and his family, and they are established by the consumer price index. In the same way, unemployment rate is determined by the unemployment percentage in relation to the number of population of working age. Employment movement on the labour market is an important circumstance showing if the percentage of employees increases or decreases, and also is the general level of economic development conditioned by state of economic development on the State level and other.

65. Minimum earnings in Montenegro amounted to:

- For the period from 23 November 2010 to 31 December 2010, €210.60 gross that is €141 net
- For the period from 1 January to 31 June 2011, €218 gross that is €146 net.

66. The minimum wage shall be determined per working hour and it cannot be lower than the minimum wage for the period preceding the period that the minimum wage is determined for and basis for payment of minimum wage is labour agreement. Contracting of minimum wage is possible when signing labour contract that is conclusion of labour agreement or during work. Contracting of minimum wage during work appears when there are circumstances which represent basis for changing of labour agreement with a minimum earnings payment offer to the employee. These reasons can be only if business -financial results of the employer do not enable payment of agreed appropriate earnings and if employee does not make standard performance in accordance with working normative and standards.

67. Pursuant to article 16 of the Labour Law, labour contract may be concluded by the person who fulfils general requirements stipulated by this Law and special requirements stipulated by the Law, other regulations and the act on systematization. General requirements in the sense of this Law shall be as follows: the person must be minimum 15 years old and must have a generally good health state.

68. Person with disability that has the health capacity to work in specific jobs, may sign a labour contract under the conditions and in the manner stipulated by this law, unless regulated otherwise by some other law. Accordingly, conditions and manner of employment are equal for all citizens regardless of their working abilities, so therefore disabled persons are employed by the same regulations as completely healthy persons, if not otherwise established by the special law.

69. Regardless of the above-mentioned general principle, special working conditions at a certain work post shall be determined by the law, other regulations and systematization act depending of work nature and complexity of that work post. Act on systematization shall represent general act by which the competent body of the employer defines work posts, skills and work experience, type and level of qualification, that is, level of education and profession.

70. Thus, article 30 of the same Law determines that labour agreement shall be concluded for jobs for which special working conditions are prescribed, only if employee meets working conditions for jobs with an increased risk on the basis of health ability previously determined by competent health body.

71. So, jobs with an increased risk for which performance there is need for previously determined psychophysical health abilities of the employee and special protection measures provided by the employer are those works performed: under earth, under water, in an open space, at heights, in movable objects, at high or low temperature, loud noise or vibrations, with toxicants and other flammable substances and under other unfavourable conditions endangering employee's health and life.

72. Pursuant to articles 49 to 52 of the Labour Law, right and duty to overtime work (work longer than the working hours) which cannot be longer than 10 hours per week is stipulated and it shall be introduced based on a written decision of the employer prior to initiation of such work.

73. If it is not possible to instruct the employee to work overtime in written form, due to the nature of business or urgency of performance of overtime work, the overtime work may be instructed verbally, whereas the employer shall deliver the written decision to that employee subsequently, but within five days upon the execution of overtime work.

74. The law determines cases when introduction of overtime work is obligatory and it may last until the removal of reasons due to which it was introduced in the first place, and the General Collective Agreement determines that earnings of employees shall be increased per hour by at least 40 per cent for overtime work.

75. Also, the employer shall inform the labour inspector about the introduction of overtime work within three days from the date of adoption of decision on introduction of overtime work, labour inspector shall prohibit overtime work if he determines that it was introduced contrary to the provisions. Thus, this provision is of protective nature, and for those reasons the employer has to be cautious in the work process organization and overtime work introduction in order not to bear harmful consequences both in business and protection of employees at work and in connection with work.

76. Articles 72 and 71 of the Labour Law stipulate that leave from work can be paid due to personal reasons and unpaid absence from work during the time of work and in the cases determined by the collective agreement and labour contract. During the unpaid absence

from work, an employee shall be entitled to health care, and other rights and responsibilities from work and on the basis of work shall be suspended. Contribution for health care shall be paid by the employer.

77. According to the provisions of articles 171-173 of the Law, there is a definition of supervising the application of this Law and other labour regulations, collective agreements and labour contracts, and assuming of penalties and other measures by a labour inspectorate aimed at employees protection in order to exercise rights to work and on the basis of work and provision of basic material and social protection for himself/herself and his/her family.

78. Articles 62 and 64, paragraph 1, of the Law, stipulate that everybody shall be entitled to work and equal working conditions and that employees shall be entitled to adequate earnings.

79. Principle of equality for equal work or work of equal value for men and women (employees) has been established by article 15, paragraph 2, of the Labour Law which shall use the terms employee and employer in male grammatical form and they shall be used as neutral expressions relating to both men and women exercising all rights to work and on the basis of work, as well as right to earnings equality for equal work or work of equal value.

80. Thus, article 77 of the Law stipulates that the employee (meaning man and woman) shall be entitled to adequate wage which is determined in accordance with the law, collective agreement and labour contract. That means that the employee (man and woman) is guaranteed equal wage for same work or work of same value performed with the employer. The work of same value implies work demanding same degree of vocational education, same working capacity and responsibility for physical and intellectual work.

81. Pursuant to article 8 of the Labour Law, harassment and sexual harassment at work and in relation to work shall be prohibited. Sexual harassment, in the sense of this law, shall represent any unwanted verbal, non-verbal or physical behaviour aimed at or constituting violation of dignity of the person seeking employment, as well as the employed person in the sphere of sexual life, and which causes fear or creates hostile, humiliating aggressive or insulting environment. Employee shall not suffer harmful consequences in case of reporting, that is, testifying because of harassment and sexual harassment at work and in relation to work.

82. The competent ministry, through the labour inspection, shall supervise the application of this Law and other labour regulations. When it comes to employees' individual rights protection, the labour inspector undertakes adequate measures for avoidance of found irregularities while performing supervision. In connection with work and employment no case of sexual harassment in practice has been reported so far to the competent inspection in sense of article 8 of the Labour Law.

83. The Ministry of Labour and Social Welfare enacted the Law on Amendments and Supplements to the Act on Safety at Work (*Official Gazette of Montenegro*, No. 26/10) which was adopted on 22 April 2010. The concept of amendments and supplements to the Act on Safety at Work is first of all directed at adjustment with the framework of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and adjustment with the Constitution of Montenegro. Also, it is aimed at creation of legal ground for adoption of by-laws by which directives from the safety at work field would be integrated into the law system of Montenegro. Directives have already been incorporated into Montenegrin legislation, while remaining bigger part has not yet been included into legislation but it is planned to be done through by-laws acts (rule books, guidelines, etc.).

84. Supervision of safety at work measures implementation shall be done by labour inspectors for the safety at work.

Article 8

85. The freedom of employees of trade union and other association and action, without approval, by registration with the competent authority, shall be guaranteed by the Constitution of Montenegro.

86. According to the above stated provision and the Labour Law, employees are entitled to free choice of organizing their trade union associations and becoming their members, under conditions stipulated by the statute and rules of those associations. Trade union association shall independently make decisions on its representation manner with the employer.

87. A trade union association can appoint or choose one trade union representative to represent it. The employer is obliged to enable trade union representative timely exercise of rights and approach to data for exercise of that right.

88. Employees shall be entitled to exercise trade union rights on the basis of both the Law and General Collective Agreement. According to the General Collective Agreement the employer shall provide the trade union with conditions for efficient performance of trade union activities aimed at protecting interests and rights of employees. Also, parties to the agreement agree to provide to the trade union the following minimum working conditions: right to participate in the national and international trade union activities; right to inviolability of trade union premises, mail and telephone conversations; right to protection of trade union funds and assets from interventions of public authorities; right of trade union to media access; right to voluntary mediation and arbitration; right of employees to education and training.

89. According to the Labour Law, Collective Agreement may be concluded as: general, branch-level and employer-level (individual) collective agreement. General Collective Agreement shall be concluded for the territory of Montenegro (national level) and shall apply to all employees and employers, and branch collective agreement shall be signed for branches of economy, groups, i.e. branch subgroups. Collective Agreement with an employer shall apply to the persons employed by that employer. Rights and responsibilities from work and on the basis of work of the persons performing independently artistic or other cultural activity shall be stipulated by the branch collective agreement.

90. The right to strike shall be guaranteed by the Constitution of Montenegro. Strike as an interruption of work organized by employees for the purpose of protecting their professional and economic interests was regulated by Law on strike adopted in 2003, revised in 2005 and 2007. Organization of a strike or participation in a strike under the conditions set by the Law on strike shall not represent a violation of work duty, cannot be a ground for initiation of the procedure for determining disciplinary and material liability of the employee, for removing the employee from work and cannot have, as a consequence, termination of employee's employment.

91. In practice, these guarantees are respected to the fullest possible extent if the strike is organized in compliance with the law.

92. According to the Law on strike, when strike is organized in the sectors of public interest, a decision on minimum work process shall be adopted and observed. Sectors of public interest are activities of special significance for defence and security of Montenegro, activities necessary for fulfilment of obligations established by international agreements, as well as activities which termination by its nature, in accordance with the special law, could endanger lives and health of people and cause damage to a great extent. When determining the minimum work process, the founder or employer shall be obliged to obtain an opinion of the competent body of the authorized trade union organization or more than half of the employees of the employer, in order for the agreement to be achieved.

93. If the act on minimum work process and its provision is not passed in prescribed and agreed manner, the minimum work process and its provision shall be defined by the articles of incorporation of the founder, that is, director or executive director.

94. Director or executive director and strike committee shall determine employees who are obliged to work during a strike, for the purpose of providing the minimum work process, no later than five days prior to the strike commencement.

95. Right to strike is generally the right of all employees of Montenegro but restrictions to the strike rights have to be respected when regarding the military of Montenegro, police and persons employed in government bodies. This restriction is defined by Law on Amendments and Supplements to the Law on Strike and it says: "The employees of the military of Montenegro, police and government bodies, with an aim of protecting public interest, cannot organize strike, if in that way general interest of citizens, national security, persons and property security as well as functioning of government bodies would be jeopardized."

Article 9

96. Montenegrin social policy comprises pension and disability insurance, health insurance, insurance in case of unemployment, right to family benefits (child allowance), therefore all areas of social insurance (Institute for Social Insurance), as follows:

- For illness and maternity: Law on Health Insurance (*Official Gazette of the Republic of Montenegro*, No. 39/04) with by-laws for its enforcement
- For disability benefits: Pension and Disability Insurance Act (*Official Gazette of the Republic of Montenegro*, Nos. 54/03, 34/04, 79/04, 81/04, 47/07 and *Official Gazette of Montenegro*, No. 79/08 and No. 78/10), with by-laws for its enforcement
- For old age benefit: Pension and Disability Insurance Act (*Official Gazette of the Republic of Montenegro*, Nos. 54/03, 34/04, 79/04, 81/04, 47/07 and *Official Gazette of Montenegro*, Nos. 79/08 and 78/10) and Law on voluntary pension funds (*Official Gazette of the Republic of Montenegro*, Nos. 78/06 and 14/07) with by-laws for its enforcement
- For family members benefits: Pension and Disability Insurance Act (*Official Gazette of the Republic of Montenegro*, Nos. 54/03, 34/04, 79/04, 81/04, 47/07 and *Official Gazette of Montenegro*, Nos. 79/08 and 78/10) with by-laws for its enforcement;
- For benefits in case of work injury and professional illness: Law on Health Insurance (*Official Gazette of the Republic of Montenegro*, No. 39/04) and Pension and Disability Insurance Act (*Official Gazette of the Republic of Montenegro*, Nos. 54/03, 34/04, 79/04, 81/04, 47/07 and *Official Gazette of Montenegro*, Nos. 79/08 and 78/10) with by-laws for its enforcement
- For unemployment benefits: Law on Employment (*Official Gazette of the Republic of Montenegro*, No. 29/06) with by-laws for its enforcement
- For lump-sum assistance and children allowance: Law on social and child welfare (*Official Gazette of the Republic of Montenegro*, No. 78/05) with by-laws for its enforcement.

97. Basic social welfare benefits shall include:

- (a) The family cash benefit (due to family material state);
- (b) The personal disability benefit (due to health conditions – disease);

(c) The allowance for home care and assistance (due to health conditions – disease);

(d) Placement in an institution.

98. Right to accommodation in institutions is held by:

- A child without parental care and a child whose development is impaired by family circumstances, until the completion of regular secondary school education, and not more than six months upon completion of education
- Children and youth with physical, mental or sensory impediments
- A child with behavioural disorders
- A person with physical, mental or sensory impediments who cannot be provided care in any other manner, due to housing, health, social or family conditions
- An adult disabled person and an elderly person who cannot be provided care in any other manner, due to housing, health, social or family conditions
- The right to placement in another family
- The entitlement to be placed in another family, in addition to persons who have right to placement in an institution, shall belong to an expectant mother and to a single parent with a child under the age of 3, who is in need of such care due to social circumstances
- Assistance in upbringing and education of children and youth with special needs.

99. Entitlement to assistance in upbringing and education of children and youth with special needs shall belong to children and youth who have been granted the right to upbringing and education of children and youth with special needs in accordance with the Law.

100. Entitlement to assistance shall include:

- Coverage of expenses in respect of placement in an institution or in another family
- Transportation costs
- Health care.

101. Entitlement to health care shall be granted to the recipient of: a cash benefit; a personal disability benefit; placement in an institution or in another family, if such person does not exercise this right on other grounds.

Funeral costs

102. Coverage for funeral costs in case of death of a user of: a cash benefit; a personal disability benefit; placement in an institution or in another family shall be provided in accordance with the Law.

A lump-sum cash benefit

103. Entitlement to a lump-sum cash benefit may be attained by a family or an individual in need of social care due to specific circumstances affecting their housing, financial or health conditions.

104. The basic benefits in the field of child welfare include:

- Supply of baby accessories for all newborn children
- The child allowance

- A child of a parent receiving a cash benefit
- A child with physical, mental or sensory impediments who can be trained to develop skills for independent life and work
- A child with physical, mental or sensory impediments who cannot be trained to develop skills for independent life and work, and
- A child without parental care (orphans)
- Allowance for child birth (maternity protection for employed and unemployed persons)
- Allowance for part-time work (due to intensive childcare, that is, for taking care of a sick child)
- Child rest and leisure (entitlement to rest and leisure shall belong to the child of the recipient of a cash benefit and to the child placed in an institution or in another family, for sports, leisure, cultural entertainment and education activities).

105. Protection forms of children without parental care welfare (orphans) shall be prescribed by the Family Law (*Official Gazette of the Republic of Montenegro*, No. 1/07):

- Placement in another family (placement in a foster family)
- Custody (a child without parental care or full age person who is not able to take care of himself/herself, his/her rights, interests and duties is placed under custody)
- Adoption (adoption is a special form of family and legal protection, protection of child without parents or adequate parental care on which parental, that is kindred relation is based. Adoption can be realized as complete and incomplete).

106. Montenegro coordinates the system of social insurance by implementation of international bilateral agreements on social insurance with 25 countries which include rights to pension and disability insurance, health insurance, insurance in case of unemployment and child allowance.

107. After acquiring independence, on 3 June 2006, Montenegro has concluded the following bilateral agreements on social insurance:

(a) Social Security Agreement between Montenegro and the Republic of Serbia of 17 December 2006 (*Official Gazette of the Republic of Montenegro*, No. 17/07);

(b) Social Security Agreement between Montenegro and the Grand Duchy of Luxembourg of 19 February 2008 (*Official Gazette of the Republic of Montenegro*, International Agreements No. 6/08);

(c) Social Security Agreement between Montenegro and the Republic of Hungary of 20 May 2008 (*Official Gazette of the Republic of Montenegro*, International Agreements No. 6/08).

108. New bilateral agreements on social security between Montenegro and Austria and Montenegro and Belgium have been confirmed and published.

109. Apart from the listed agreements, also agreed on and currently in the parliamentary procedure, new bilateral agreements on social security between Montenegro and Switzerland, as well as Montenegro and the former Yugoslav Republic of Macedonia.

110. Also, confirmed and signed is the Agreement on social security between Montenegro and Republic of Slovenia and it is anticipated to be put into effect.

111. In accordance with the Decision of the Republic of Montenegro Parliament on proclamation of independence from 3 June 2006 (*Official Gazette of the Republic of*

Montenegro, No. 36/06), based on the succession of the former Socialist Federal Republic of Yugoslavia (SFRY), the Federal Republic of Yugoslavia (FRY) and Serbia and Montenegro, Montenegro also applies the following agreements on social security:

- (a) Agreement on social insurance between FRY and Republic of Austria from 5 June 1998 (*Official Gazette of FRY*, International Treaty, No. 7/98);
- (b) Convention on social insurance between the Federal People's Republic of Yugoslavia (FNRY) and Kingdom of Belgium from 1 November 1954 (*Official Gazette of FNRY*, International Treaty, No. 7/56);
- (c) Convention on social insurance between FNRY and Republic of Bulgaria from 18 December 1957 (*Official Gazette of FNRY*, International Treaty, No. 8/58);
- (d) Convention on social insurance between FNRY and Czechoslovakia from 22 May 1957, which is in effect since 1 December 1957 in relations with Republic of Slovakia (*Official Gazette of FNRY*, International Treaty, No. 1/58);
- (e) Agreement between FRY and Republic of Czechoslovakia on social security from 17 January 2002 (*Official Gazette of FRY*, International Treaty, No. 7/2002);
- (f) General convention on social security between FNRY and Republic of France from 5 January 1950 (*Official Gazette of FNRY*, No. 4/51);
- (g) Convention on social security between FNRY and Republic of Italy from 14 November 1957 (*Official Gazette of FNRY*, International Treaty, No. 1/ 59);
- (h) Convention on social security between SFRY and Kingdom of Netherlands from 1 June 1977 (*Official Gazette of SFRY*, International Treaty, No. 11/80);
- (i) Convention on social security between SFRY and Kingdom of Netherlands from 22 November 1974 (*Official Gazette of SFRY*, International Treaty, No. 22/75);
- (j) Agreement on social insurance between SFRY and Federal Republic of Germany from 12 October 1968 (*Official Gazette of SFRY*, International Treaty, No. 9/69);
- (k) Convention on social security between Government of FNRY and Government of Poland from 16 January 1958. (*Official Gazette of FNRY*, No. 9/58);
- (l) Convention on social security between SFRY and Kingdom of Sweden from 30 March 1978 (*Official Gazette of SFRY*, International Treaty, No. 12/79);
- (m) Convention on social security between FNRY and the Swiss Confederation from 8 June 1962 (*Official Gazette of SFRY*, International Treaty, No. 8/ 63);
- (n) Convention on social security between FNRY and United Kingdom of Great Britain and Northern Ireland of 24 May 1958 (*Official Gazette of FNRY*, No.7/58);
- (o) Convention on social security between SFRY and Kingdom of Denmark from 22 June 1977 (*Official Gazette of SFRY*, International Treaty, No. 5/80);
- (p) Agreement on social security between SFRY and Socialist People's Libyan Arab Jamahiriya of 6 April 1989 (*Official Gazette of SFRY*, International Treaty, No. 1/90);
- (q) Agreement between Government of SFRY and Government of Romania on cooperation in the field of health insurance from 1976 (*Official Gazette of SFRY*, International Treaty, No. 13/ 77);
- (r) Agreement on social security between SFRY and Republic of Panama from 26 November 1975 (*Official Gazette of SFRY*, International Treaty, No. 11/ 77);
- (s) Agreement on social security between FRY and Republic of Macedonia from 29 December 2000 (*Official Gazette of FRY*, International Treaty, No. 1/2001);

(t) Agreement on social security between FRY and Republic of Croatia from 15 September 1997 (*Official Gazette of SRY*, International Treaty, No.1/2001);

(u) Agreement on social security between FRY and Bosnia and Herzegovina from 29 October 2002 (*Official Gazette of FRY*, International Treaty, No.7/2003);

(v) Agreement on social security between Serbia and Montenegro and Republic of Turkey from 12 October 2006 (*Official Gazette of Serbia and Montenegro*, International Treaty, No. 4/2006).

112. The Law on Pension and Disability Insurance stipulates that the insured has the right to the lowest pension if his/her pension, obtained according to their personal coefficient (according to their earnings, that is, the insurance base) with the application of the scoring system, lower than the lowest pension which can be guaranteed by the Law. The lowest pension in the nominal amount, which was adjusted on 1 January 2011, equals to €97.86. The Law on Social and Child Welfare prescribes that the extent of basic rights in social and child welfare can be determined by the competent State Administration body to a large extent, with a previously obtained opinion of the State Administration body competent for finance operations.

113. The Law on Social and Child Welfare prescribes that the resources for achievement of basic rights in social and child welfare are provided by the State budget.

114. Since 2006 Montenegro has a legislation that is in effect, which enables creation and development of additional private systems of pension insurance, as part of the voluntary pension insurance on the foundations of individual capitalized savings (third pillar of the pension system). Namely, the Law on Voluntary Pension Funds, the Parliament adopted in December 2006 and was put into effect on 31 December 2006. Based on this Law the Securities Commission decided on all secondary legislation necessary for establishment and operation of voluntary pension funds. With secondary legislation coming into effect, pension fund management companies could begin procedures for obtaining operating permits, and after that procedures of forming a voluntary pension fund.

115. Up until now, the Commission has seen through procedures of establishment of two open type voluntary pension funds which are already operating. These are ATLAS PENZIJA a.d. which established a voluntary pension fund PENZIJA PLUS, while MARKET INVEST a.d. established an open voluntary pension fund MARKET PENZIJA.

116. The legislation also provides establishment of closed pension funds, suitable for foundation and development of professional and additional pension insurance, so this is also expected in the near future as part of the third pillar of the pension system. The Law on Social and Child Welfare prescribes that the social and child welfare is performed by institutions of social and child welfare in accordance with the Law. The institution can be established as public or private. Particular operations of social and child welfare can also be performed by other forms of organization, as well as physical entities. Institution as well as other forms of organization can begin with operation and perform functions when the competent State institution body confirms that conditions have been met in terms of professional staff, resources, equipment and space in the field of social and child welfare.

117. Solutions which are adopted by the Law on Amendments to the Law on pension and disability insurance (*Official Gazette of Montenegro*, No.78/10) imply:

- Equality between women and men in terms of conditions for obtaining rights to age pension
- Lifting of age limit for obtaining rights to an age pension to 67 years of age until 2025 (for men), that is, until year 2041 (for women)

- Stipulating that the person who has been insured for 40 years obtains the right to age pension, regardless of their age (currently it is necessary for the insured to have 40 years of insurance service length – for a man, that is, 35 years of insurance service length for women and at least 55 years of age)
- Introduction of temporary age pension with an age limit of 62 years of age and 15 years of pension service length. Due to earlier retirement commencement, it is reduced by 4.2 per cent annually for every earlier year person retires in respect to the conditions for age pension.

118. Law on Employment and Exercising Rights with respect to Unemployment Insurance (*Official Gazette of Montenegro*, No.14/2010 since 17 March 2010) provides minimal protection of unemployed persons who are on Employment Office file through achievement of basic rights in unemployment insurance i.e. right to financial compensation and right to health insurance, if they are not insured on other grounds, pension disability insurance for the period when using financial compensation (passive employment policy measures):

(a) Right to financial compensation is enjoyed by an unemployed person who prior to termination of employment has been insured for at least 12 months, continuously or with interruptions in the last 18 months. Financial compensation equals 40 per cent of minimum wage defined by the General Collective Agreement. For the amounts of financial compensation, calculated and paid are contributions for health and pension-disability insurance. The length of the achieved insurance service length is the condition for the length of time the financial compensation is to be received;

(b) The unemployed persons exercise the right to health insurance in accordance with the Law on Contribution for Compulsory Insurance (*Official Gazette of Montenegro*, Nos. 13/07, 79/08, 86/09 and 78/10), which stipulates that the contribution ratepayers of health insurance include unemployed persons who are on record as unemployed and do not receive a compensation on these grounds, while the contribution payment for health insurance is in the competency of the administration body – Employment Office of Montenegro.

(c) Person who is on record with the Employment office and beneficiary of financial compensation has the right to financial compensation during the period of maternity leave. Financial compensation equals 40 per cent of the minimal earnings determined by the General Collective Agreement. Person who is on record with the Employment office and a regular student achieves the right to compensation on the ground of childbirth until the child reaches the age of one year, in accordance with the Law on Social and Child Welfare;

(d) Unemployed person who has more than 30 years of insurance service length (woman), that is, 35 years of insurance service length (man) exercises the right to a financial compensation until they find employment again. Also, unemployed person who has more than 25 years of insurance service length and is a parent to a person who in accordance with the law exercises the right to personal disability payment, achieves the right to financial compensation until they find employment again.

119. The Law on Social and Child Welfare (*Official Gazette of the Republic of Montenegro*, No. 78/05) stipulates that for a person with no place of residence on the territory of Montenegro, the centre for social work admits the right to one-off financial aid or accommodation at an institute or accommodation within another family, in cooperation and at the cost of the resources of the competent social welfare body, according to the last place of residence.

120. The Family Law (*Official Gazette of Montenegro*, No. 01/07) stipulates guardianship of underage and full age persons in accordance with the Law prescribed by conditions. Procedure is enforced by the competent guardianship body – centre for social work.

121. Rule book on the method of achieving health care of person who is requesting asylum, person who has been admitted refugee status, person who has been permitted with health care and person who has been permitted with temporary health care, prescribes that the person who requested asylum and person who is admitted refugee status, are granted health care in public health institutions on the territory of Montenegro, and dental protection in health instructions with which the Health Insurance Fund of Montenegro has a signed contract.

122. Exercise of health care of these persons is monitored on a medical record (patient file and report on health condition), in accordance with special law based on the verification of the request for asylum, that is, on the decision of accepted status.

Article 10

123. Constitution prescribes that marriage may be entered into only with free consent of woman and man, while the Family Law (*Official Gazette of Montenegro*, No. 1/07) defines marriage as a legally binding union of a man and a woman. Wilful consent to marriage is one of the fundamental constitutional human and citizen liberties, which is specially protected in the most important international documents on human rights.

124. For pronouncement of a valid marriage the following conditions need to be fulfilled: wilful expression of consent of the future spouses, difference in gender, marriage with an aim of life union and absence of marriage impediments.

125. Impediments to marriage are represented by facts, or circumstances stipulated by the Law which interfere entry into a valid marriage union. Stipulation of marriage impediments protects important community interest, as well as interests of every individual. Facts that interfere in a valid marriage conclusion in the Montenegro Marriage Law are marital state, mental health and inability to reason, underage, cousinhood and absence of willingness.

126. Family Law explicitly prohibits the possibility of one person to be in two marriages at the same time. This rule is the expression of monogamy fundamental principles which has been established in our law. Family Law also stipulates predicted preventive measures in the aim to prevent polygamy. Marriage annulment, pronouncement of marriage as void, as the intended sanction to polygamy, is not considered to be sufficient in this case, so the Criminal Code of Montenegro defines the act of “two marriages”. The future spouses must have free will and marry without any force. In our legislation, there is not a single regulation that would order a person into marriage.

127. Marriage bestows upon the spouses specific rights and obligations in terms of both spouses being equal. Fundamental principle of equality of spouses is composed in the application of the fundamental principles of the Constitution on equality of spouses and is manifested through complete equality between man and woman in the terms of obtaining, performing and protection of all rights and obligations in marriage.

128. Right to free parenting is defined by the Family Law. It is every person’s right to freely decide on bearing of their children, and as a parent to create opportunity and provide conditions for their healthy development within the family and the society.

129. Ten centres for social work have been established in Montenegro services of which cover the entire country’s territory, i.e. availability has been provided to all individuals and families. Also established are six institutions for accommodation of users, these are: two

institutions for accommodation of the elderly, institution for accommodation of children without parental care (orphans), institution for accommodation of persons with profound and severe mental impairments in development, institution for accommodation of children with behavioural impairment and institutions for children's rest and recreation. In cooperation with local administration bodies and the NGO sector five daily centres for children with development impairments have been opened, anticipating further openings of daily centres in all local communities where the need for this form of care is required. Daily centres are established by local institutions while the residence of users is financed from the State budget.

130. Basic rights in social welfare and basic rights in child welfare are financed from the State budget:

- (a) Answer is provided in the answer to article 9, paragraph 1;
- (b) Answer is the same as answer to article 9, paragraph 1, in the part that refers to the basic rights in social welfare.

131. Right to accommodation in institutions is enjoyed by:

- Child without parental care and child with impaired development due to family matters up until completion of regular education in high school, at the most six months after completion of education
- Children and youth with body, mental and sensory impairments
- Child impaired behaviour
- Person with physical, mental and sensory impairments, who during periods of housing or medical or social or family matters cannot be provided care in another way
- Disabled person who is an adult and elderly person who during periods of housing or medical or social or family matters cannot be provided care in another way.

132. The Montenegro Constitution guarantees special protection to be enjoyed by the mother and child and in article 73 stipulates that mother and child are specially protected and that the State creates conditions that encourage childbirth.

133. Referring to this Law on Labour (*Official Gazette of Montenegro*, No. 49/08) an employed woman is especially protected during pregnancy and child nursing. This law prescribes that the employer may not object to closing an employment contract with a pregnant woman, nor may he cancel the employment contract due to pregnancy or she is using maternity leave.

134. Pursuant to article 108, paragraph 2, an employer cannot break the employment agreement with a parent who works half the full-time hours due to care for a child with severe impairments in development, single parents who have a child under the age of seven or child with severe disability, as well as persons who exercise one of these laws. Also, the above-mentioned employed persons who exercise this special protection cannot be declared technologically redundant during any undertaking of technological, economic or restructure changes in accordance with this Law. It should be highlighted that the protection mentioned refers to the listed category with permanent employment.

135. However according to paragraph 4 of the same article, an employee who has signed an employment contract for a temporary time period, circumstances from paragraphs 1 and 2 of this article, shall not be of importance to the termination of employment.

136. Further, an employed woman during pregnancy may not work in workplaces where the risk on pregnancy and offspring is increased. As a result, based on medical inspections

and competent medical practitioner's recommendation, an employed woman during pregnancy and while breastfeeding the child may be temporarily posted to other positions, if this is in the interest of protecting her health and the health of the child. This Law also prescribes that if the employer is not in a position to delegate the employed woman to another position, she has the right to be absent from the workplace with her earnings compensated (paid leave), which may not be lower than the compensation that she would achieve if she was working.

137. An employed woman, during pregnancy, who is temporarily posted to other jobs, achieves the right to the earnings of the job position at which she has worked before being posted, if this is more favourable for her. Further, an employed woman during time of pregnancy and a woman who has a child up to 3 years old may not work longer than full-time or at nights. However, exception to this provision, an employed woman who has a child older than 2 years of age can work at night, only if she agrees to such work in a written expression. Therefore, this exception only refers to night work and upon request, that is acceptance of the employed woman with a child older than 2 and younger than 3 years of age.

138. The Law on Labour in article 111 contains basis for use of rights to maternity leave, that is total duration of this leave and time when the woman who is employed shall begin using the maternity leave. This right is a definition of special protection enjoyed by the mother and child according to article 73 of the Constitution of Montenegro. ILO pays attention to this right, ILO Convention No. 183 (2000) concerning the revision of the Maternity Protection Convention (Revised), 1952, which Montenegro introduced in the legal system by adopting the Law on Confirmation of Convention MOR No. 183 on motherhood protection (*Official Gazette of Montenegro*, International Treaty, No. 1/11).

139. During pregnancy, childbirth and nursing of the child, an employed woman has the right to maternity leave with the duration of 363 days from the day the child is born. Based on the medical inspections of the competent medical body, the employed woman can begin her maternity leave 45 days, and mandatory at 28 days prior to childbirth. The length of maternity leave lasts continuously for 365 days from the day the child is born, different to the earlier solution where this absence was calculated from the day the maternity leave is commenced. This provision significantly increases the bottom limit of the maternity leave determined by MOR Convention No. 183 on motherhood protection, which according to that Convention equals less than 14 weeks continuously. Recommendation No. 95 on protection of motherhood and article 8, paragraph 1, of the European Social Charter (revised) implies that maternity absence can be extended in total by 14 weeks. Therefore, the Law on Labour of Montenegro stipulates that maternity leave is equal to a total of 48 weeks from the day the child is born, which is much above the standards listed in the international regulations on motherhood protection.

140. Also, this article norm the special protection of woman and it has been established that an employed woman can begin to work before the maternity leave is complete, but not before 45 days from the date of birth have passed. The 45 days from the day of childbirth is necessary, for the employed woman who stops maternity leave, to achieving psychophysical abilities to work, which in most cases must be proved with adequate documentation from a competent medical body.

141. In case an employed woman begins to work at her request prior to termination of her maternity leave, she has the right, apart from the daily break, to use another 60 minutes of leave from work during the daily work, for breastfeeding the child. This way consent with the MOR Recommendation No. 95, on protection of motherhood in regard to the rights of breastfeeding mothers on additional daily break during a work day for child breastfeeding, is achieved.

142. The Law on Social and Child Welfare (*Official Gazette of the Republic of Montenegro*, No. 78/05) stipulates rights of child welfare which, among others, includes obligation of compensation provision for newly born child which the parent can achieve until the child turns one year of age and is paid out in lump sum. Also the parent, that is the guardian or person who is entrusted with the child's care, education, who is the holder of rights for child assistance payment, this right can be exercised if the child is a beneficiary of the financial security of the family, child with physical, mental and sensory impairments, which can be equipped for independent work and life, as well as child without parental care. This right is exercised until 18 years of age, if the child attends school regularly and is paid out in a monthly amount.

143. Person who is on record with the Employment Office and a regular student has a right on the basis of the child's birth to compensation and this compensation is exercised until the child turns one year of age.

144. The Law on Labour establishes a principle that the right to maternity leave is to be exercised by the mother. Exceptionally and under specific circumstances this right may be exercised by the employed father of the child. Therefore according to article 111, paragraph 6, the father of the child may exercise the right to maternity absence, that is, childcare, only in the case when the mother abandons the child, dies or in case of other valid reasons is prevented to exercise the right (in imprisonment, illness, etc). Maternity leave is paid leave, therefore the holder of these rights is entitled to an adequate compensation of earnings. So that during this leave the employed woman, that is, the father of the child has the right to compensation of earnings, in accordance with the Law and the Collective Agreement.

145. The Law on Labour prescribes that the employment contract may be signed by a person who meets all general requirements implied by this Law and special conditions implied by the law, other provision and acts on systematization. General conditions are for the person to be at least 15 years of age and to have a general medical capacity. Person with disability, who is medically not handicapped for work at suitable jobs, may sign an employment contract under the conditions and in the way established by this Law, if it is not determined otherwise by a special Law.

146. An employment contract can be signed with persons younger than 18 years of age, with a written consent of their parent, adopter or guardian, if such work does not harm their health, moral or education, that is if such work is not prohibited by the law. Person younger than 18 years of age may sign an employment contract only based on medical inspection of the competent medical body which determines their ability to carry out duties for which the contract is to be signed and that such duties are not harmful to their health.

147. Employed persons younger than 18 years of age may not work in job positions where mainly particularly physically difficult jobs are performed, works under the ground or under water nor jobs which could negatively and with increased risk impact their health and life.

148. Also a person who is younger than 18 years of age may not be instructed to work longer than full-time, or at night. Through the Collective Agreement the employer of the person employed who is younger than 18 years of age shall determine working hours shorter than full-time hours, but that in exceptional circumstances may instruct to work nights when it is necessary to continue work that was terminated due to natural disasters, that is, to prevent damage on resources and other material.

149. The Criminal Code prescribes that the parent, adopter, guardian or other person who by rough negligence of their responsibility of providing care and discipline neglects an underage person for whom they are responsible, shall be punished up to three years. Severe cases is a case when the parent, adopter, guardian or other person abuses the underage

person or forces them to excessive work or work which is not suitable to the age of the underage person or to begging or for mercenary reasons instructs to carrying out of other operations which are harmful to their development.

150. The Law on Civil Order and Peace implies offence, for the person who leads and forces underage person to begging, which is punished with imprisonment of 30 to 60 days.

151. In Montenegro the Council for child's rights has been educated with duties to monitor the implementation of the national action plan for children, protect and promote child rights in fields of social and child welfare, health care, education, monitors the implementation of provisions which refer to protection of child rights, monitors completion of duties of Montenegro which are issued by the Convention on the Rights of the Child, initiates establishing of provisions for promotion and protection of child rights, improves collaboration with NGOs during the process of implementation and protection of child rights, informs the public of child rights and reports on the state of child rights. In achieving the mentioned tasks the Council establishes collaboration with United Nations agencies and other international organizations which deal with protection of child rights.

152. At the Council meeting, up until now numerous issues have been looked at, among others, the Council adopted the initial report on the application of the Convention on the Rights of the Child, which has been provided to the United Nations Committee on the Rights of the Child, as well as the competent body for implementation of the mentioned Convention. The report, among others, contains the information on child rights on protection from labour exploitation.

153. The number of persons, younger than 18 years of age, who are employed, is a small number according to statistics.

154. Part of the agreement is given in point 37 (a) (protection of children from working in dangerous conditions harmful to their health).

155. In order to improve practice and provide the highest quality services to children who are victims of violence, the Ministry of Labour and Social Welfare in partnership with the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees (UNHCR) in the year 2002 began the realization of the Protection of children from abuse and neglect programme. Multidisciplinary teams were formed in seven out of 10 centres for social work. These teams include a lawyer, psychologist, pedagogue and social worker (from social welfare), psychiatrist and paediatrician (from health care), inspector (police), prosecutor, judge, pedagogue (from education), representative of NGO SOS telephone for women and children victims of violence. The coordinator of all the team's activities is the centre for social work where the team base also is. This model has proved to be very successful, which is described by the project evaluation carried out by UNICEF. It is in accordance with the practice of child protection as part of social and child welfare in Montenegro. As part of the project, a large number of seminars were organized for education of professionals of all portfolios who work as part of the model of multisectoral protection of children from abuse and neglect. About 350 professionals have been educated, while the protection measures in all teams have up until now included over 1,000 children.

156. The Development Strategy of social welfare of the elderly in Montenegro, which is applied during the period 2008-2012, has a goal to achieve third degree of welfare of the elderly (senior persons) in all aspects of life, considering the principles and fundamentals, which are established by the European Union in the fight against social exclusion.

157. The Strategy, among others, prescribes that municipalities using their action plans develop activities for welfare of elderly persons for the municipality territory. A body of local self-government in a number of municipalities in Montenegro is carrying out activities

in development of accommodation capacities for elderly persons, which will create conditions for accommodation and care of elderly persons, who cannot be provided with a different form of care.

158. The Law on Social and Child Welfare prescribes the basic rights in social care, which by the Law prescribed conditions, can be exercised by elderly persons as well as: financially secure families (monthly social assistance), single disability payment, care and help of another person, accommodation in an institution, accommodation with another family, funeral expenses and lump-sum financial aid.

159. Procedure of exercising of right is implemented by the competent centres for social work. The Law prescribes that in exercising of rights in social and child welfare, centre for social work will independently obtain evidence for unskilled and disabled person and in all other cases, when they assess that this is more relevant and economical.

160. In Montenegro two homes have been established for adult disabled and elderly persons in Risno and Bijelo Polje, with the capacity of 300 users. Elderly persons, with impaired mental development and who cannot be provided accommodation within a family, are provided with accommodation in the suitable institute of social care, JU Institute "Komanski Most" in Podgorica. The Ministry of Labour and Social Welfare in collaboration with the Employment Office and Local Self-Government is realizing the "Assistance at home" project. In this project, in 16 municipalities 170 geriatric staff have been employed, who take care of over 1,200 elderly persons. It is a matter of a model of home assistance to elderly persons which is above all reflected in physical care and sociopsychological support to elderly persons, all in the aim to improve the quality of life in old age.

161. Apart from the right laid out by the Law, the Montenegro Government is implementing the Programme on subsidy of consumers of electric power starting from 1 December 2008. The Programme includes a group of users of social-care rights and for this group of consumers the amount of subsidy is 40 per cent for used electric power. The Programme includes elderly persons, who are beneficiaries of social welfare laws.

162. The Family Law (*Official Gazette of the Republic of Montenegro*, No. 1/07) prescribes the option to determine, in a court proceeding, the obligations children may have to support parents, as well as for the guardian body putting in place guardians in the case where the elderly person is unable to independently execute their rights and interests.

163. In accordance with the Montenegro Law on Right to Asylum the status of refugee is granted to foreign nationals if, at their request for obtaining asylum, it is determined that fear from persecution, on the ground of his/her race, language, nationality, association with a nation or group or due to own political beliefs in the origin country, is justified and as a result is unable or does not want to use the origin country protection.

164. In accordance with article 29 on asylum, person who requests asylum in Montenegro has the following rights:

- Residence and freedom of movement
- Valid identification which confirms their identity, legal status and right to residence and other rights prescribed by this Law
- Travel document for foreign national, for travel abroad, in accordance with regulations on foreign national residence
- Free basic education at public schools
- Provision of accommodation in case it is required and adequate living conditions, health care in accordance to special regulations

- Family unification
- Legal assistance
- Work as part of the Centre or other object for collective residence
- Social care
- Freedom of religion
- Access to UNHCR and NGOs for provision of legal assistance
- Assistance in the process of providing asylum
- Humanitarian aid.

165. A person who has been granted refugee status has the right to unite with family members, who include: spouse, underage children and guardians of underage persons.

166. Family members can be granted refugee status if they submit such a request.

167. The right to uniting families shall not be permitted if for a member of the family determined that he/she has carried out a war crime or crime against humanity according to the international law beyond Montenegro, and that he/she is guilty for the action which is against the goals and beliefs of the United Nations.

168. Request for uniting families can be submitted at the diplomatic-consulate representative of Montenegro which is dealt by the State administration body competent for internal affairs.

169. For approved cases, uniting with other members of the family can be granted.

170. Montenegro Constitution, part IV “Economic, social and cultural rights and liberties”, highlights a special protection of family, protection of mother and child and child rights. Beginning with the constitutional provisions of these categories the Law on Protection from Domestic Violence (*Official Gazette of Montenegro*, No. 46/2010) provides the fundamental definition of violence in families, defines family members on the same grounds, institutions in charge of protection and emergency of procedure. A special chapter is dedicated to the protection of victims of domestic violence and forms and methods of providing protection. The mentioned Law prescribes protective measures which are enforced in order to prevent and suppress violence, remove consequences of violence and putting in place efficient measures in re-education of the violence perpetrator and removal of conditions which stimulate such violent actions in the future. On these grounds provisions are prescribed and methods of protective measures such as distancing from residence, or other housing, prohibition of approach, prohibition of harassment and stalking, mandatory health treatment from addiction and mandatory psychosocial treatment. The Law also prescribes that the protective measure may be exercised with a punishment, or as an individual sanction, so that the body for offence may impose on the perpetrator one or many protective measures when there are grounds for them to be exercised, which are prescribed by the subject Law, and that it also may extend the time of their duration, if the reasons for implementation of protective measures have not ceased.

171. The mentioned Law prescribes provisions for punishment which the violation of responsibility of family member, violation of responsibility for neglect in respect to upbringing of child and family members, who are unable to take care of themselves, responsibility for not acting according to police officers instructions on distancing, or prohibiting to return to apartment, or other living space of the violator, violation of responsibility of other persons, which refer to competent persons in the government body, other bodies, health, education and other administrations, teachers, educators and other

persons if it is the performed offence is not reported to police but which is discovered in carrying out of their operation.

172. The Criminal Code in title IXX prescribes criminal acts against marriage and family. Criminal right in this field is limited to those cases in which other types of protection are insufficient.

173. As domestic violence represents a serious problem in modern societies, accordingly our legislation stipulates this criminal act, even though the incriminated behaviour in general can be encapsulated in the existing incrimination such as endangering safety, force, abuse of underage person. Due to the nature of this social phenomenon establishment of a separate criminal act of domestic violence is to be justified. Special form of criminal act exists for providing sanctions for violation of protection measures from domestic violence. For the worst form of this criminal act imprisonment of three to 12 years is prescribed.

174. From the stipulated it can be observed that in Montenegro acts of domestic violence have been clearly incriminated especially violence on women and children.

175. The development of a Strategy to fight against domestic violence is currently under way, while as part of the working group formed by the Ministry of Labour and Social Care, also taking part in this are representatives of the Ministry of Education and Sport, Ministry of Health, Ministry of Law, Ministry for Human and Minority Rights, UNICEF representatives, as well as four NGOs. Apart from that, UNICEF has involved a consultant from Croatia who previously participated in the development of a Law on protection from domestic violence. The draft should soon be available, as a public discussion and adoption of the Strategy and relevant action plan are planned for end of June 2011.

176. In terms of the measures for increasing public awareness, through a stream of TV programmes, as well as information provided through other media, citizens of Montenegro are informed of the Law on Protection from Domestic Violence, and measures which victims of violence can undertake, in order to protect themselves and their family from the violator.

177. The Strategy for fight against domestic violence, in the coming period, plans education of legal officers, as well as all subjects who are responsible and participate in its implementation.

178. Montenegrin legislation has identified human trafficking as one of the most dangerous forms of criminal activity, and by analysing relevant international instruments, when issuing these criminal acts the legislator intended, by defining the criminal acts of human trafficking, to include the widest spectrum of operations which violate fundamental human rights, such as freedom and physical integrity protection.

179. Priorities in attacking human trafficking are insured by a set of laws which treat this criminal act (Criminal Act, Law on amendments and additions to the Criminal Act, Law on criminal procedure and its revisions, Law on Witness Protection, Law on Amendments to the Law on Public Prosecutor).

180. Montenegro, as part of its legislative framework, has adopted and implemented the United Nations Convention against Transnational Organized crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and ratified the Council of Europe Convention on Action against Trafficking in Human Beings (2008), the United Nations Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (ratified 23 October 2006). With this aim, suggestions and standards from conventions were incorporated putting in place new standards, all with the aim to further improve and strengthen institutions in cooperation with the non-

government sector and international organizations in the area of human trafficking prevention, protection, education and criminal prosecution.

181. The Criminal Law of Montenegro in article 444 defines the forms of this criminal act – labour exploitation, commercial, sexual exploitation and begging, removal of a body part for transplantation, use in armed conflicts, carrying out of criminal acts and placing into a position of a servant, while a special article 445 of the Law defines the criminal act of child trafficking.

182. In the period 2004–2011:

- Police Administration has issued 18 criminal offences for criminal offences of human trafficking (art. 444 KZ CG) and one for criminal offence of trafficking of children for the purpose of adoption (art. 445 KZ CG)
- Public Prosecution office has brought indictments against 52 persons for criminal offence of human trafficking (art. 444 KZ CG) and against 6 persons for criminal offences of trafficking of children for the purpose of adoption (art. 445 KZ CG)
- Competent courts have issued a total of 31 administrative court rulings against 83 persons, out of which 22 guilty verdicts/rulings (for criminal offences of human trafficking from article CG, out of a total number of rulings 10 are valid which include 22 offenders and 36 victims of human trafficking). Rulings enforced punishments spanning between two years and seven years of imprisonment.

183. Based on the validity of guilty verdicts, during the period of 2004 to 1 April 2011 there were 36 victims of human trafficking (foreign nationals, except in two cases, persons of average age between 18-35 years, three underage persons – 17 years of age, originating from Albania, Bangladesh, Kosovo, Serbia and Ukraine).

184. Up until now there has been no registered cases of human trafficking of Montenegrin citizens who are exploited in another country, while one case was recorded of interruption of transiting victims over the territory of Montenegro into Italy, in which two victims of human trafficking were identified, citizens of Ukraine, while the perpetrators (four persons from Croatia, Kosovo and Serbia) ruled with a valid verdict to imprisonment of 6 years and 10 months, 5 years and 10 months, 3 years and 6 months and 2 years.

185. The National Strategy for fight against human trafficking was adopted at a Government meeting in November 2003. It represents the basic document, which contains instructions for actions of all relevant subjects in the fight against trafficking of human beings in Montenegro.

186. The Strategy, which is divided into three parts: criminal pursuit, protection and prevention, has an all-inclusive approach to the problem of human trafficking and predicts use of concrete lawful/legal, administrative and practical measures. From the National Strategy come the individual action plans for its implementation. Valid action plan for implementation of the National Strategy which covers the period of 2010/2011, the Government has adopted on 21 January 2010 and in its establishment, apart from the executors of its activities, also participated representatives.

187. For implementation of the National Strategy and individual action plans, which are a result of it, the responsibility lies with the Working Group for monitoring the implementation of the National Strategy as the body, made up of the representatives of resource ministries at the level of Ministry Assistant, Assistant to the Government General Secretary, Deputy of the Supreme Public Prosecutor, Head of the Office for Fight against Trafficking in Human Beings and representatives of the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), UNICEF, the United States Embassy in Montenegro and the European Union Delegation.

The Working Group meets bimonthly at the request of the Head of the Office for Fight against Trafficking in Human Beings who chairs the meetings, but if necessary meetings are held more frequently.

188. Dedicating great attention to the segment on the welfare of victims of human trafficking, the Office for Fight against Trafficking in Human Beings since 2006 has fully taken on the financing of the functioning of a refuge which is in a position to provide 24 hours a day all the necessary assistance to the victims of human trafficking – beginning with the one necessary for basic existence such as food, clothing and footwear, all the way to professional legal, psychosocial and medical aid. The Office has formed an SOS line for victims of human trafficking. The SOS line for victims of human trafficking is available 24 hours; it is free from all landlines and mobile networks in Montenegro, where calls are anonymous. A campaign for promotion is performed continuously, as part of which billboards have been erected at the most frequent locations across Montenegro, a video clip has been produced which is broadcast on nearly all television networks in Montenegro; the SOS number is printed on café sugar bags and similar.

189. In accordance with the United Nations Convention against Transnational Organized Crime (Palermo Convention), supplemented by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Montenegro Government Strategy for fight against human trafficking and recommendations on cooperation between the Government sector, Supreme Public Prosecutor and NGOs, in cooperation with the Office for Fight against Trafficking in Human Beings and the OSCE Mission in Montenegro, on 18 October 2007, an agreement was signed between: Supreme Public Prosecutor, Ministry of Health, Labour and Social Welfare, Ministry of Education and Science, Police Administration and three NGOs.

190. The purpose of this Agreement is cooperation on prevention, identification, education, reporting and criminal prosecution of perpetrator and protection of potential victims of human trafficking, with full regard of their human rights, with the aim to provide physical, psychological, medical, social and child welfare and facilitating their integration into a new society, that is, reintegration in case of voluntary return into their country of origin.

Article 11

1. Right to continuous improvement of living conditions

191. Estimates of poverty are based on national absolute line of poverty which is obtained according to the methodology which is recommended by the World Bank. For the estimations the same methods and procedures were used for the entire period of 2006-2009 which provides a good comparison of results over the time and noting of the main trends in poverty.

192. Basic source of data for poverty estimation in the observed period is the Survey/Questionnaire on household expenditure, which is regularly yearly prepared by MONSTAT. The main indicator of living standard is household expenditure. For better comparison of standard by households a correction was made for the differences in the size of a household using the modified Organization for Economic Cooperation and Development (OECD) scales and correction for regional differences in the price levels.

193. Absolute line of poverty for Montenegro in 2009 equalled €169.13 per equivalent adult, which is by nearly €6 more than in 2008. In 2009 6.8 per cent of the population had an equivalent expenditure below the absolute line of poverty.

194. The Montenegro Government has adopted the Strategy for poverty reduction and social exclusion (SPRSE) for the period 2007-2011. SPRSE is the result of a determined commitment of the Montenegro Government to reduce poverty and social exclusion of the vulnerable categories of citizens. Having in mind the fact that selected as the priority areas were: health, education, labour market and social welfare, the Government, portfolio ministries and public services, have a dominant role in the implementation and evaluation of SPRSE findings. Efficient implementation of defined programmes, projects, measures and activities, directly focused on the most poor and socially handicapped (children, elderly, persons with disabilities, refugees, misplaced persons, Roma people and uneducated), especially in the least developed regions, will contribute to reduction of the rate of economically handicapped/threatened population.

195. Under the Ministry of Labour and Social Welfare acts a unit for monitoring and evaluation of the SPRSE which follows the realization of the Strategy Action Plans, which are focused on those policies and activities which are clearly defined as priority. This unit coordinates research on poverty, maintains continuous contact with Ministry Portfolio, MONSTAT, NGO sector, representatives of local communities, social partners, media and international development partners in the aim to maintain the highest quality monitoring and evaluation systems.

196. Strengthening the monitoring and evaluation systems SPRSE assumes monitoring a set of indicators in the middle term. Special attention is given to the regular data collection on poverty and identification of programmes for poverty reduction. Portfolio ministries are competent for monitoring of the project realization from their competency, as well as monitoring of indicators (access to education, health, employment and social programmes).

197. As part of improvement of welfare of the neediest categories, a number of strategic documents were adopted by the Government of Montenegro:

- National Action Plan for “Inclusion of Roma people decade” (2005-2015) in Montenegro, which by realizing activities in areas of education, employment, health and housing need to contribute to the reduction of poverty and social inclusion of this population
- Strategy for improvement of RAE population in Montenegro (2008-2012) which aims to create conditions for application and application of basic human rights and minority rights in regard to the Roma people population, individual and collective, in order to improve essentially and the quality of the entire social, cultural, socio-economic and every other position of this citizen group of Montenegro
- Strategy for development of social and child welfare (2008-2012) has the goal to reduce poverty and social exclusion of vulnerable categories in Montenegro
- Strategy for integration of persons with disabilities (2008-2016) through a sequence of special areas, predicts a large number of measures and activities, which contribute to a greater inclusion of persons with disabilities in Montenegro
- Strategy for development of social welfare of the elderly (2008-2012) is intended for improvement of the position of the elderly in Montenegro
- Strategy for early age and preschool education (2010-2015) with the goal to ensure availability of preschool education for all children in Montenegro, with a focus on the most vulnerable children (children from poor families, children with handicaps in development and RAE population).

2. Right to adequate food

198. The Law on Food Safety (*Official Gazette of Montenegro*, No. 14/07) represents framework of legal decision which determines general rules of food safety and conditions for putting the food into sale. This Law contains the basics for adopting secondary legislation which will closer define this area.

199. The Law on hygiene of provisions and products of general use (*Official Gazette of SFRY*, No. 53/01) represents a framework of legal decision which determines general rules of safety for materials, packaging and items which come in contact with food.

200. The Law on genetically modified organisms (GMOs) (*Official Gazette of Montenegro*, No. 7/08) represents a framework of legal decision which determines general rules sale and labelling of GMO products.

201. The Law on food safety puts in place competencies and coordination of competent government administration bodies in terms of transfer and adopting of provision and creation of policy, in order to insure complete inclusion of the food chain.

202. The Ministry of Health enforces the Law on Food Safety and secondary legislation adopted based on the Law in the area of food of plant origin after primary production, food of plant origin after primary production and other food and performs inspection supervision through the sanitary inspector.

203. The Veterinary Administration enforces the Law on food safety and Law on veterinary and secondary legislation adopted based on these Laws in the area of food of animal origin, food for animals and by-products of animal origin and performs inspection supervision through the sanitary inspector.

204. The Phytosanitary Administration enforces the Law on food safety and secondary legislation adopted based on this Law in the area of food of plant origin at the level of primary production and performs inspection supervision through a phytosanitary inspector.

205. Operations of State administration in the area of veterinary medicine is performed by the Ministry of Agriculture, Forestry and Water Management and Veterinary Administration, Ministry of Agriculture, Forestry and Water Management is competent for adopting of provisions for acting by the Law in the area of veterinary medicine which is provisioned by the Decree on organization and method of operation of a Government institution (*Official Gazette of Montenegro*, Nos. 54/04 and 14/2009).

206. This Decree prescribes the responsibilities and competencies related to adaptation of legislation, in accordance with:

- Law on veterinary (*Official Gazette of Montenegro*, Nos. 11/04 and 27/07)
- Law on identification and registration of animals (*Official Gazette of Montenegro*, No. 48/07)
- Law on protection of animal welfare (*Official Gazette of Montenegro*, No.14/08).

207. Veterinary institution prepares technical basis for provisions in the area of veterinary in the method described in the introduction of this answer.

208. The national programme for integration of Montenegro into the European Union (NPI) for the period between 2008 and 2012 anticipated dynamics of transfer of European Union legislation in the area of phytosanitary policy into the national legislation, has been provided in detail.

209. The Ministry of Health is included in the adoption of provision for enforcement of the Law on Resources for Plant Protection, in the part where the Maximum Residue Levels (MRL) are determined on the plant or plant products or in food or pet food.

210. The Phytosanitary Administration prepares technical basis for regulations in the phytosanitary area in the way described in the introduction to this answer.

211. NPI for the period between 2008 and 2012 anticipated dynamics of transfer of European Union legislation in the area of phytosanitary policy into the national legislation, has been provided in detail.

212. The national council for evaluation of food safety, in accordance with the Law on Food Safety, provides suggestions for decisions on technical questions, allows a scientific and technical assistance in decision-making and preparation of regulations from the area of food safety and food for animals.

213. NPI for the period 2008-2012 provides, in detail, estimated dynamics of transferring of European Union legislative from the area of food safety to the national legislation.

214. The following period predicts the naming of one body as a central body of the State administration in charge of food safety, coordination between responsible bodies and organization of business controls and will represent a contact point with the European Commission.

3. Right to water

215. The question of water supply is defined by the Law on Waters, chap. 5.1.1. This paragraph defines the priorities in water supply, public and individual water supply, water quality for human use, water supply operations, mandatory water quality and quantity controls, source protection, sanitary protection zones and adopting of secondary legislation which will sooner regulate the question of water supply.

216. Priorities in water supply are defined in the following way: supply of citizens with drinking water, land defence, sanitary needs and water supply for cattle has a priority over use of water for other needs. Waters which are not used or are intended for water supply cannot be used for other needs in the way that would negatively impact on the required amount and characteristics of water for water supply. Answers as follows:

- Articles 51 and 52: Law on waters refer to the responsibilities of quantity and quality control of the water. Business for waterworks and sewerage are responsible to provide hygienically accurate drinking water, while the water quality testing for water supply is carried out at water intake according to the yearly plan which is decided by the competent ministry
- Articles 56 and 57: Define protection of water source which are intended for public water supply from the least or accidental contamination and other impacts that can have unfavourable effect on the productivity of the water source and on the hygienic accuracy of water (zones of sanitary protection). Potential regional water sources for water supply of sanitary protection zone are determined by water base which decision is issued by the Government with the recommendation of the ministry competent for water management
- Chapter 5.2 defines the protection of waters from contamination in an aim to provide safe and continuous use of waters, human health safety, animal and plant world and protection of the environment. Protection of waters from contamination is performed by prohibition, limitation and prevention of adding to water any dangerous or

harmful matter, with prescribing, warranting and undertaking other measures for preservation and improvement of the quality of waters.

217. Hygienic accuracy of drinking water is in the competency of the ministry competent for the health sector, it is provided by the Law on Food Safety (*Official Gazette of Montenegro*, No. 14/07), which as part of food includes: water for drinking which is used for public water supply, water which is used that is, input into food during its production, preparation or processing, bottled or in another way packaged water, table water, spring or mineral water. Hygienic accuracy of drinking water is further defined by secondary legislation – Rule book on the method of sample collection and method for laboratory analysis of drinking water (*Official Gazette of FRY*, No. 33/87). Quality of natural mineral, spring and table water is regulated with the Rule book on the quality and other requirements for natural mineral water, natural spring water and table water (*Official Gazette of Serbia and Montenegro*, No. 53/05). Given that the Law on waters and Law on food safety (adapted to European Union Directives) have been adopted and put into effect, which deal with the question of water quality for drinking, mineral, spring and table water, preparation of new Rule books is under way which will be adapted to the Directives of the Advisory: 98/83/EZ – quality of water intended for human consumption; 80/777/EZ – use and placement into trade of natural mineral water; 96/70/EZ – addition to Directive 80/777/EZ and refers to spring waters for human consumption and water which is bottled at the spring and 2003/40/EK – which determines the list of concentration limits and requirements on labelling for ingredients of natural mineral water and conditions for use of ozone-enriched air during filtering of natural mineral and spring waters.

4. Right to adequate housing

218. The Law on Social and Child Welfare (*Official Gazette of Montenegro*, No. 78/05) prescribes that everybody is responsible by working, earning and property, to create conditions for satisfactory human/living needs and contribute to prevention, removal, or moderate the social threat, as well as social threat to family members, especially children and other members, who are not in the position to take care of themselves.

219. The homeless, as citizens of Montenegro, can exercise the right to social and child welfare in accordance with conditions prescribed by the Law on Social and Child Welfare. The term “homeless” is not used, neither in regulations in the area of social and child welfare nor in area of family law protection, so as a result there is no adequate evidence. It is a matter of persons who have financial, health, housing and other problems and there is an opportunity to solve these as part of systematic laws from these areas. These persons can be of varied age and gender. Part of this population is implemented in the area of social and child welfare, or in the area of family relationship (guidance), but unknown under this title. If it is a matter of “homeless” who are overage persons, who due to mental health, mental handicap or any other cause are unable to exercise their rights and interests, they are deprived of the capacity to exercise the right, the decision being made by the Court in extrajudicial proceedings, according to article 235, paragraph 1, Family Law (*Official Gazette of Montenegro*, No. 01/07). Person who is, due to Court decision, partially or fully deprived of the capacity to exercise the right, the Guardian Body, i.e. centre for social work, is placed under guidance and in accordance with the law authorization takes on the welfare measures.

220. After completion of implementation of the Action Plan of Housing Policy in Montenegro, 2005–2009, conditions allow to continue in the direction of solving the problem of housing – at the national and local level. Adopting the National Housing Strategy shall provide the basic principles for defining the direction of further development of the housing sector in Montenegro.

221. Having in mind the significance of the housing policy, Montenegro has opted to begin with the processing of the National Housing Strategy, as the basic strategic document for its formulation, implementation and monitoring of progress in its undertaking. Having in mind the wider regional context, national housing strategy of Montenegro must be aligned with the policies of the region and European Union and to provide the framework for access to the regional and European financial organizations.

222. During 2010 the Ministry of Sustainable Development and Tourism composed a Project task for processing of National Housing Strategy in Montenegro for the period between 2010 and 2020, as well as the Action Plan for the period of five years. The first draft of this document was submitted on 21 March of the current year, while examination of the National Housing Strategy as part of the Montenegro Government operations programme is anticipated for the third quarter of the current year.

223. The document contains analysis of the state and problem in the housing sector, review of key stakeholders, as well as current Government Strategy and measures which impact the development of the housing sector, recommendation of adequate measures for implementation of the housing policy (through short-term, medium-term and long-term strategic targets) as well as recommendation of the Action Plan.

224. It should be highlighted that the success of the National Housing Strategy will be based on the realization of National Housing Policy and successful defining of priority areas where tangible results can be achieved such as: creating prerequisites for improvement of the housing market; improvement – maintenance of the current housing fund; regulation of the question of informal suburbs; improvement of living conditions of specific social groups; improvement to the infrastructure and energy consumption in housing, formulation of strategic frameworks for transparent division of public resources, as well as for mobilization of other resources, etc.

225. National housing strategy the housing situation of specific target groups is considered in the context of social living practice in the country. Social living assumes providing living conditions to citizens who cannot exercise this right in market conditions.

226. Housing subsidies and other incentives are regular mechanisms of achieving social housing practice. Practice of social living points at the different views of subsidy of the social living: subsidy of the living expenses (loan), subsidy of emergency works on the maintenance of shared parts of housing building, subsidy of legalization and improvement of the quality of informal suburbs and subsidy of interest rates on loans, approved for solving the housing question in the area of social living. There are not enough apartments for social cases. Out of the different subsidy models in the area of social living the State has, in a number of attempts realized projects which included subsidy of interest rates on loans for solving the housing question, while the local self-government contributed to the financing of development of apartments intended for the socially handicapped groups through free provision of land and exempt of expenses for municipal services.

227. Support for the development of the rental sector, public as well as private, with the creation of conditions for total legal security in this sector represents one of the important strategic targets of this strategy.

228. Next step, in increasing the availability by the development of social apartments for renting, is confirming the criteria and procedure for allocation of those apartments to target groups, which has until now been in jurisdiction of the local self-government. Recommendation is to, at the Government level the main principles are defined, which would need to define: idea of social living, the household income threshold, jurisdictions, source of financing, method of using the resources, institute of protected rent. Secondary legislation should more specifically define the allocation of these apartments; at the local self-government level the extent of the protected rent should be defined.

229. Conditions for access and movement of persons with impaired mobility are defined in article 73, Law on physical planning and development (*Official Gazette of Montenegro*, No. 51/08) and Rule book on closer conditions and method of adaptation of objects for access and movement of persons with impaired mobility (*Official Gazette of Montenegro*, No. 10/09).

230. Development of objects in public use is performed in a method where the persons with impaired mobility are provided unrestricted access, movement, residence or work. Development of housing or housing-office objects is performed in the method where these persons are provided unrestricted access and movement in shared premises.

231. Housing and housing-office objects with 10 or more apartments must be developed in the method which provides simple adaptation of the object, at least one housing unit for every 10 apartments for unrestricted access, movement, residence or work of persons with impaired mobility.

232. During processing of plan documents, as well as processing of technical documentation for development of objects it is necessary to, in accordance with article 12 of the Law on Physical Planning and Development (*Official Gazette of Montenegro*, No. 51/08), specific conditions must be complied with. Namely, the quoted article defines that the physical planning and development must be adjusted to the specific provisions from the area of environment protection, cultural and natural heritage protection, rational power consumption and power efficiency, cultural historic development, architectural and natural heritage, soil, air, forests, waters, health as well as protection of energetic, mining and industrial objects, prevention and protection from natural and technological disasters; infrastructural objects and networks, sporting, tourist and special purpose objects and their infrastructures.

233. In terms of mechanisms in the area of environment protection, generally it can be said that the Law on strategic estimation includes this segment. Namely, this Law confirms the conditions, method and procedure of carrying out the impact estimation of particular plans or programmes on the environment, through integration of environment protection principles into the preparation procedure, adaptation and realization of plans or programmes which have a significant impact on the environment.

234. Processing of the strategic estimation is mandatory for plans or programmes from the area, among other, urban or space planning or use of land. For plans or programmes which are subject to strategic estimation, a preparation of the report on strategic estimation is mandatory.

235. Body competent for plan or programme preparation shall not forward the plan or programme into further acceptance procedure, without previously obtaining consent on the report on strategic estimation, from the body responsible for environment protection operations.

236. Body responsible for operations of environment protection is:

(a) Government institution body responsible for environment protection operations;

(b) Local State administration competent for environment protection operations.

237. Report on strategic estimation contains information which describe and estimate potential significant impact on environment which can occur due to the realization of the plan or programme.

238. Report on the strategic estimation contains, among other, description of the existing state of the environment covered by the plan, as well as measures anticipated with the aim to prevent, reduce or eliminate, in the greatest possible amount, any known significant

negative impact on the health of people and environment which realization of the plan or programme can cause. Also, the report on strategic estimation contains the description of the programme's monitoring of conditions of the environment, including human health during the plan or programme's realization (monitoring).

239. Law on Evaluation of environmental effects caused by the project, estimation of project's impact on the environment, that is the Decree, on projects for which estimation of impact is carried out, does not anticipate carrying out of procedures of impact estimation for the housing objects.

240. There were no such cases in Montenegro, therefore no measures were taken in this direction.

241. There were no such cases. In the Constitution of Montenegro in article 41 breach of domicile: "The domicile is unreachable. Nobody can without the Court Ruling enter the domicile or other premises against the will of its holder and carry out a search in them." In the same way article 58 guarantees the property right: "Nobody can be deprived or limited to the property rights, except when it is requested by public interested, with a lawful compensation."

Article 12

242. In 2003, the Government of Montenegro adopted a Strategy for Health-Care Development in Montenegro, which defines main guidelines for health-care reforms. New health-care policy is in accordance with health-care policy of developed countries, to which Montenegro aims at, and with wishes for democratic development of society and prosperity for all citizens.

243. Health-care policy is changed in terms of focusing on health instead of illness. Implementation of the policy is conditioned by reorganization of health-care services, adequate plans and education, development of research and science in health care, research of health determinants and influence to risk factors, promotion of health and prevention of illness, prevention and suppression of diseases, more quality medical treatment and rehabilitation.

244. Adoption of healthy lifestyles is a precondition for prevention of health risks and promotion of life quality, by proper nutrition, promotion of working and living conditions, and promotion of traffic safety and reduction of risk against injuries.

245. General risk factors of certain illnesses refer to health risks connected to determinants of external environment, which include regular water supply, disposal of waste, microbiological and chemical pollution, genetically modified food, air pollution, noise and the like.

246. Health-care reform includes extensive changes in health-care system and health insurance in Montenegro.

247. The main objective of reform is to bring the health-care system to a state of optimal functioning in order to, within the framework of available resources, achieve the highest positive effect on the health condition of the population of Montenegro.

Main guidelines in health care (health mainstreaming)

248. Within the Strategy of the World Health Organization (WHO) for the European region, "Health-for-All for the 21st century", out of 21 regional goals almost all are directly or indirectly connected with public health, and in the European Union programme (2003-2008) integrated health strategies take a special place through the following main goals:

- Promotion of informing and knowledge in public health care
- Strengthening of capacity of public services and health-care system for fast response to health threats, and
- Promotion of health and prevention of illness by affecting health determinants, through all policies and social activities.

249. Having in mind the stated documents and attitude of new public health care, strategic development relies on multisectoral and participatory strategies for creation of sustainable health of Montenegro citizens in the twenty-first century. Such strategies recognize public health as a science and art of prevention of illness, extension of life expectancy and promotion of mental and physical health through organized efforts of the society. Public health-care strategies also present support for fulfilment of social interests regarding provision of conditions for healthy people. For implementation of such strategies, efforts in illness prevention and health promotion must be based on scientific and technological knowledge; and public and health activities should reflect community values and rely on consensus in community.

250. Primary health care is the basis of health-care system and the first level where a citizen has access to health care or is included in process of health care on other levels, except for emergency cases.

251. Health-care reform, based on reform of the primary level of health care, is initiated within the Project for Promotion of Health-Care System in Montenegro.

252. We introduced the institution of a selected physician as a provider of health-care services on the primary level, centres and support units and we kept health centre as a reference centre for primary health care.

253. In primary health care, each citizen shall be registered with his/her selected physician who shall follow the patient's state of health and requirements, refer the patient to higher levels of health care and be motivated by the payment system to provide better quality work.

254. Primary health-care reform is based on clear separation of primary, secondary and tertiary health-care level.

255. Pursuant to the document model of primary health-care system, selected physicians are bearers of health care on the primary level, because their selected physicians shall meet most needs for health care of insured persons.

256. Pursuant to the model, there is a selected physician for adults (medical doctor, specialist of general practice, industrial medicine physician, emergency medicine specialist and internal medicine specialist), selected physician for children/paediatrician, selected physician for women/gynaecologist and selected dentist.

257. Model of primary health-care system envisages that every insured person can select one physician for access to main package of health services. By a rule, one insured person has only one medical file and it is located with the selected physician.

258. Selected physician for adults can be medical doctor, specialist of general practice, industrial medicine physician, emergency medicine specialist and internal medicine specialist.

259. Selected physician provides services to insured persons 24 hours a day, 7 days a week and 365 days a year. If selected physician is not able to provide services to a patient, and is "out of" the system of health centre, his/her replacement is provided.

260. Pursuant to the Law on health-care insurance, the Government of Montenegro passed a Regulation on the scope of rights and health-care standards from mandatory health insurance.

261. The Regulation hereof defines scope of rights and health-care standards from mandatory health insurance, which are exercised by insured persons in accordance with the Law. Scope of rights and health-care standards include:

- (a) Medical measures and procedures for health promotion, prevention, suppression and early detection of illnesses and other health impairments;
- (b) Medical check-ups and other types of medical assistance;
- (c) Medical treatment of the sick and the injured and other types of medical assistance;
- (d) Medical treatment abroad;
- (e) Prevention and medical treatment of mouth and teeth diseases.

262. Project of reform gave a special significance to public health functions, with emphasis on prevention of chronic non-infectious diseases, such as cardiovascular diseases, smoking and consequences of smoking, protection and promotion of the health of mothers, children, youth and elderly. Numerous strategic documents were adopted:

- Mental Health Improvement Strategy (Annex 217)
- Strategy for preservation and promotion of reproductive health (Annex 219)
- Strategy for implementation of information and computing technology (ICT) in health-care system
- The National strategy for tobacco control (Annex 222)
- The National Strategic Response to drugs
- The National HIV/AIDS Strategy
- Strategy for prevention and control of chronic non-infectious diseases
- The National Medical Waste Management Strategy
- Safe blood strategy (Annex 220)
- Food Safety Strategy (Annex 216).

263. The reform envisages that the Health Insurance Fund of Montenegro provide financing of the basic package of health services, while other services, as well as the difference in price paid by the insured person through the system of participation, shall be within the voluntary health insurance.

264. Planned changes in health care include changes in organization and activities of the Health Insurance Fund as a part of reform. That particularly refers to planning of health care and establishment of partnership relations with health-care institutions and employees. Experience from other countries indicates that reforms were successful only if followed by adequate financing and changes in that field. Having in mind significance and responsibility of the Fund regarding success of health-care reforms and provision of financial sustainability of the health-care system, the Government of Montenegro adopted a financial sustainability plan for the period 2005-2010.

265. The Ministry of Health of Montenegro established the Agency for medicines and medical devices of Montenegro, which registers medicines and issues licences for their

circulation, as well as other business activities defined by the Law on medicines and the Law on medical products that govern this field.

266. Regarding medicinal cost management, the Ministry of Health, in cooperation with the Health Insurance Fund and the Medical Chamber and the Pharmaceutical Chamber of Montenegro passes decisions on:

- Control of prices of medicines, which is based on comparative prices of the same medicines in countries with approximately the same gross domestic product (GDP) per capita
- Introduction of referential prices of medicines, models and methods for determination of level of prices of medicines, which are on the positive list, and which are provided by the Health Insurance Fund based on the Financial Plan
- Making clinical guidelines in pharmacotherapy illnesses and conditions, special working groups for certain specialities shall propose specific solutions on the most successful and the most rational usage of medicines in health-care institutions and prescription of medicines.

267. Professional training for health-care workers (specialization, that is, specialist training) is carried out in accordance with the Law and programme that includes theory and practice.

268. Theoretical part of a specialist training, that is, specialization, is carried out at adequate faculty for health care, and practical part is carried out in the health-care institute that meets prescribed conditions (in most cases that is the Clinical Centre of Montenegro).

269. Montenegro created conditions for Department of Radiology so that complete specialization can be carried out in Montenegro, and we also work on establishment of Department of Family Medicine, which would create conditions for this specialization.

270. The final year, which includes theory and minor part of skills, including final examination, is carried out in one of the regional university centres, mostly at Belgrade University, School of Medicine. We plan to make agreements with university centres in Italy, Slovenia and Switzerland on residency for health-care workers and other types of professional training of health-care workers from Montenegro.

271. Pursuant to the Constitution of Montenegro, the Law on Health Care and Health-Care Policy of Montenegro, the same access to the health-care services is provided both for women and for men. Further, health-care system reform enabled women to have two selected physicians (one for general health care, and the other – gynaecologist who would take care of reproductive health). All health-care services provided to women during pregnancy, birth and puerperium are completely free of charge, even services not connected with pregnancy, if a woman is in that state.

272. All citizens of Montenegro have equal rights to health care.

273. Health policy of Montenegro recognized, as significant goals, promotion, improvement and health care of women. The Ministry of Health, with its policy (making laws and by-laws, initiatives, defining and implementing strategies, planning and programming activities) explicitly decided to harmonize goals of health-care policy of Montenegro with millennium development objectives, especially with vulnerable groups of society. Everyday medical practice and positive legal decisions from this field indicate progress in health care of women.

274. Health care of women is part of a broader context of general human rights protection and is realized through promotion of health in women, preventive protection of women's health, family planning and birth control in terms of high and low birth rate, pregnancy

control, birth and motherhood, sexual activities and risks of transmitted diseases, transition period and problems with women's health in old age. The basis of health care is prevention of illness.

Women have absolute rights to all types of health care

275. The health-care system in Montenegro is established in a way that all women have absolute right to all types of health care on all levels. This includes primary level health care, where the selected gynaecologist provides health-care services, and where every woman selects her own physician. Then it means services on the secondary and tertiary level, that is, hospital services. There are special wards in hospital for women (maternity services and especially wards for treatment of reproductive system disorders). In addition, there is a nursing service in Montenegro that under the Law on health care provides adequate number of services to women relating to pregnancy, birth and reproductive health of women and provides house calls for newborn children.

Contraception

276. When it comes to contraception methods to which women have rights, the only unfulfilled need is the one that is not requested. All known contraception methods are available to women in Montenegro, but some of them are bought with own funds at acceptable prices.

Water supply

277. The issue of water supply is defined by the Water Law, chapter 5.1.1. This chapter contains definition of priorities in water supply, public and private water supply, quality of water for people, water supply works, responsibilities regarding control of quality and quantity of water, control of water quality, springs intended for regional and public water supply, protection of springs, sanitary protection zones as well as enactment of by-laws that would regulate water supply issue.

278. Priorities in water supply are defined as follows: drinking water supply for population, defence of the country, sanitary needs and water for cattle have priority compared with the water intended for other purposes. Water used or intended for water supply cannot be used for any other purposes in a manner that would have adverse effect on required quantity and quality of water for water supply.

279. Articles 51 and 52 of the Water Law refer to mandatory controls of quality and quantity of water. Public Utility Company "Water and Sewerage" is obliged to provide potable water, while testing of water quality for water supply is carried out at water intake sources according to the annual plan made by the competent ministry.

280. Articles 56 and 57 define protection of springs intended for public water supply against deliberate or accidental pollution and other influences that can have adverse effect on abundance of springs and water potability (sanitary protection zones). Upon proposal of the ministry in charge of the waterworks, the Government enacts water resource that defines sanitary protection zones for potential springs of water supply.

281. Chapter 5.2 defines protection of water against pollution in order to provide harmless and smooth usage of water, protection of health of people, animal and plants and environment. Protection of water against pollution is conducted by prohibition, restrictions and suppression of putting into water dangerous and harmful substances, regulations, orders and other precautions for preservation and improvement of water quality. The Water Law defines protection of water against pollution that is conducted in accordance with the protection plan against pollution of waters passed by the Government for the period of six years. Protection plan against pollution is made upon classification and categorization of

water (arts. 75 and 76 of the Water Law) and strategy for protection of waters against pollution defined by water resource. Regulation on classification and categorization of surface and groundwaters is passed pursuant to articles 75 and 76 (*Official Gazette of the Republic of Montenegro*, No. 2/07). The regulation is in accordance with Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States.

282. Health correctness of drinking water is under competence of the Ministry of Health and regulated by the Food Safety Law (*Official Gazette of the Republic of Montenegro*, No. 14/07), which includes as food the following: drinking water used for public water supply, water that is used, i.e. integrated in food during their production, preparation or processing, bottled or otherwise packed water, table, spring or mineral water. Health correctness of drinking water is specified by by-laws.

283. Supervision and inspection of the health-care system are defined by the Law on health care (*Official Gazette of the Republic of Montenegro*, No. 39/2004) in terms of health care of citizens upon principles of good medical practice, monitoring of citizens' condition and taking adequate measures when health of population is impaired, especially due to natural and other disasters, when emergency measures are taken, disorder of epidemiologic situation in the country or one part of it, observance of prescribed rules within health institutions, as well as assignments within sanitary inspections and other competences of the Ministry of Health.

284. The Law on protection of citizens from infectious diseases, adopted in 2005, defines infectious diseases that jeopardize health of citizens of Montenegro, infections occurring as result of working in health-care system, measures for their prevention and suppression, and clearly determines method of their conducting, competent bodies, provision of means for their realization and supervision of enforcement of the law hereof.

285. Legal conditions significant for protection, preservation, and promotion of health of Montenegro citizens are provided by determining infectious diseases in the stated manner and general and special measures for their execution. The Law complies with the European Union regulations, above all with Decision No. 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community, and decisions arising from later regulations passed in this field.

286. The Law precisely defines the scope of rights and responsibilities of all participants for exercise of their right to protection against infectious diseases, as well as jurisdiction of State bodies that control application of the proposed law. The list of infectious diseases defined by the law hereof is made upon recommendations from WHO, the European Commission and actual epidemiological situation and analysis of quality of supervision of particular infectious diseases registered on the territory of Montenegro, based on current registry.

287. Monitoring health condition and planning promotion measures and preservation of health of population falls under jurisdiction of the Public Health Institute of Montenegro. The Public Health Institute is a highly specialized health institute on the tertiary level of health care whose activities are focused on preservation and improvement of health of all citizens.

288. Epidemiological control and supervision of infectious diseases are conducted by the following measures and activities:

- Immunoprophylaxis and chemoprophylaxis
- Medical examinations of certain categories of population together with counselling

- Health monitoring and quarantine
- Laboratory examinations in order to determine causes of infectious diseases and causes of epidemics of infectious diseases
- Early detection and registry of infectious diseases
- Transport, isolation and treatment of patients who contracted infectious disease
- Epidemiological examination
- Health education of the sick persons, their family members and other persons at risk of contracting an infectious disease
- Disinfection, disinsectization and deratization upon epidemiological indicators.

289. Epidemiological supervision is organized through a network of hygienic epidemiological services in health centres and the Public Health Institute. Physicians who diagnose infectious diseases, which must be reported, are obliged to report such diseases in an adequate form and submit them to territorially competent epidemiological service and the Public Health Institute.

290. The Law on limited tobacco use (*Official Gazette of the Republic of Montenegro*, No. 52/2004) prohibits sale of tobacco products to persons younger than 18 years of age. Sale and use of tobacco products are prohibited in public places (art. 17). Retail sale objects that sell tobacco products must have a sign on prohibition of sale of tobacco products to persons younger than 18 years of age (art. 18).

291. Sale of tobacco products is prohibited in and near schools, hospitals, pharmacies, sports objects, by self-service from the cigarette vending machine, as well as sale of products whose name can mislead people that they are less toxic (art. 19), toys and other products that remind of cigarettes or cigarette brands (art. 20). Advertising and promotion of tobacco products or smoking is prohibited (arts. 21 and 22) as well as showing people smoking in media (art. 23).

292. Smoking in a part of public space is totally prohibited (health care, education, air and road public transportation, meetings, catering industry – discotheques, pastry shops, pizzerias and fast food objects (art. 24).

293. Regulation of right to clean air for non-smokers in other public (arts. 25 to 27) and working (art. 29) space by physical separation of spaces and adequate air ventilation. No smoking signs must be visible (art. 28).

294. Education in schools on harmfulness of smoking is mandatory (art. 30).

295. The Law on changes and amendments to the Law on restriction of the use of tobacco products is being discussed in the Parliament of Montenegro, which aims to regulate legal framework that would enable more rigorous measures for prohibition of use of tobacco products in public and working places, according to the European standards.

296. Inspection control is carried out by health-care, sanitary, market and tourist inspectors (art. 31).

297. Activities regarding informing of citizens are carried out by regular marking of the international day of fight against smoking tobacco (World No Tobacco Day, 31 May) when media campaigns are organized in order to reduce tobacco consumption. Various media campaigns are prominent, particularly those of the NGO “Montenegrin society for fight against cancer”. The last campaign was called *Zone bez dima – zdravo svima*.

298. National HIV/AIDS strategic plan defined seven priority areas:

- (a) Prevention of spreading HIV/AIDS among groups of special significance (youth, sailors and workers in tourism and catering, intravenous drug users, persons involved in commercial sex, homosexuals, the Roma and prisoners);
- (b) Protection and prevention in health-care institutions;
- (c) Diagnostics, medical treatment and care of HIV/AIDS persons;
- (d) Fight against stigma and discrimination of HIV/AIDS persons;
- (e) Policy of HIV testing;
- (f) Promotion of supervision over HIV/AIDS and monitoring and evaluation of activities connected with HIV/AIDS;
- (g) Strengthening capacities and coordination within national solution for HIV/AIDS. Answer is given within answer to 262 and 263.

299. Mentally ill person who is placed in the psychiatric institution has the right to:

- (a) Be acquainted with his/her rights at the time of admission and later at his/her request, and to be instructed on how to exercise his/her rights, in a way and language he/she understands;
- (b) Be acquainted with the reasons and purpose of his/her placement, as well as with the purpose, nature, consequences, benefits and danger of the proposed type of treatment and other possible types of treatment;
- (c) Actively participate in planning and carrying out of his/her medical treatment, recovery and resocialization;
- (d) Receive an education and training for work according to the general and special programme for the mentally ill persons slowed in development and with learning disabilities;
- (e) Lodge objections to the authorized person in the psychiatric institution as well as to the independent multidisciplinary body regarding methods of medical treatment, diagnosis, discharge from the institution and violation of his/her rights and freedoms;
- (f) Lodge claims and declare objections, complaints and other legal remedies to competent judicial and other State authorities, without supervision and constraints;
- (g) To have consultations, at his/her expense, in private with the medical doctor or a lawyer, at his/her choice;
- (h) Socialize with other persons, go in for recreational activities, participate in working-therapeutic activities in accordance with his/her abilities, and receive visitors;
- (i) To send and receive, at his/her expense, with full respect of privacy, without surveillance and constraints, mail, parcels, newspapers and make phone calls;
- (j) Listen to radio and watch TV programmes;
- (k) Keep with himself/herself things for personal use;
- (l) Be accommodated and sleep in a room separated from a person of the opposite sex;
- (m) Express his/her religious convictions, within the possibilities provided by the psychiatric institution;
- (n) Ask for a transfer to another psychiatric institution;

(o) Be discharged from a psychiatric institution with a safe support for acceptance in a community.

300. Psychiatrist can approve conversation of the mentally ill person placed in a psychiatric institution with the official staff of the administration body competent for internal affairs and professional workers in the centre for social work only when the state of health of the mentally ill person allows that.

301. Psychiatrist cannot approve conversation of a person from paragraph 1 of the article hereof with the mentally ill person who is not capable of understanding the state he/she is in, or the consequences of such conversation.

302. The above stated rights are regulated by the Law on protection and exercise of the rights of the mentally ill persons (*Official Gazette of the Republic of Montenegro*, No. 32/2005) and Strategy for Mental Health Improvement in the Republic of Montenegro, which was adopted by the Government of Montenegro in 2004.

Article 13

303. Pursuant to the Constitution of Montenegro (art. 75), the right to education under same conditions shall be guaranteed. Elementary education shall be obligatory and free of charge. The autonomy of universities, higher education and scientific institutions shall be guaranteed.

304. Montenegro started a comprehensive reform of all levels of educational system in 2000, which was focused on quality education for all citizens, education based on underlying principles that involve decentralization of system, equal opportunities, equal right to education for everyone regardless of the gender, socioeconomic and cultural background, religion, possibility of choice according to individual abilities and interests, application of system that provides quality, human resources development, lifelong learning, flexibility, possibilities of transfer and gradual introduction of changes.

305. When it comes to school programmes that include education on economic, social and cultural rights, programmes of Civic Education in primary schools and programmes of Civic Education in gymnasiums and secondary vocational schools explicitly contain contents from the Universal Declaration of Human Rights (Human Rights), contents from the United Nations Convention on the Rights of the Child (Rights of the Child) as well as contents dedicated to rights from the International Covenant on Civil and Political Rights, and especially rights contained in the International Covenant on Economic, Social and Cultural Rights. Therefore, these programmes enable young people in elementary and secondary education to be acquainted with the right to education, right to work and free time, right to adequate living standard, right to the highest standards and achievements regarding their psychological and mental health condition, right to healthy environment, etc. Our aim is to develop with young people sensitivity for problems of minority groups and we insist on equality and equal rights for all social groups (children, women, persons with disability, etc.). Civic education programme is mandatory in the VI and VII grade of primary schools. Civic education programme is not mandatory in gymnasiums, but most pupils choose it. Civic education programme as a facultative subject is available to pupils of secondary vocational schools.

306. In addition to these programmes, economic, social and cultural rights are partly taught through facultative programmes such as Research on the state of humanitarian rights and the European Union (EU) in primary schools and programme of European integration in gymnasiums. Therefore, programmes on the EU in primary schools, and European integration in gymnasiums contain the following topics: single EU market, environment protection in the EU, human rights in the EU, the EU united in diversity, the EU – society

based on knowledge, etc. All the stated topics include more or less explicitly contents and rights stipulated by the Covenant on economic, social and cultural rights.

307. Overall elementary education is mandatory and free of charge, from the I grade (from starting the school) to the IX grade, for children of 6 to 15 years of age.

308. Article 137 of the General Law on Education (*Official Gazette of the Republic of Montenegro*, Nos. 64/02, 31/05 and 49/07 and *Official Gazette of the Republic of Montenegro*, No. 45/10) stipulates that institutions financed from the public revenues cannot require from the pupils, that is, attendants, contribution in covering educational costs (teaching and non-teaching activities). The same article stipulates that the institution can require from a pupil, i.e. attendant, to contribute in covering in educational costs (teaching and non-teaching activities) upon approval of the Ministry of Education and Sports.

309. Strategy for Early Learning and Preschool Education (2010-2015) stipulates that all children in Montenegro, from their birth to beginning of primary school, are provided with quality services for early development and learning in order to achieve their full potential and become active and productive members of the society. Aim of the Strategy is to meet all conditions in order to provide available, high quality, comprehensive, culturally adjusted inclusive services to all children in Montenegro from their birth to beginning of primary school, with special focus on the most sensitive children. It is necessary to improve mechanisms that provide inclusion of children from the most sensitive groups into the system of early and preschool education. Increase of number of children in early and preschool education will be realized by inclusion of children in preschool activities that are conducted by new, specialized and shorter programmes. Specialized programmes enable inclusion of children in educational programmes by certain fields and interests, and shorter programmes contain educational activities that do not mean all day stay. In addition, we will pay special attention to development of shorter programmes for preparation of children of 5-6 years of age for primary school. It is recommended that this shorter programme is mandatory for all children, which provides educational activities in year before beginning of primary school. It is necessary to establish and secure reliefs for inclusion of all children from the most sensitive groups in process of early and preschool education, but also to promote cooperation and involvement of local community.

310. The Ministry of Education and Sports and the Ministry of Labour and Social Welfare continuously provide free of charge textbooks to users of material support to families (13,528 users), to children without parental care that are accommodated in families (344 users) and to children of fallen soldiers (12 users).

311. Children with disorders and difficulties in development that are included in regular educational process also receive textbooks free of charge, and based on decision on orientation passed by the local government competent for educational affairs.

312. The Ministry of Education and Sports managed to provide textbooks for the first, the second and the third grade in primary schools for pupils of the RAE population, at the amount of €33,387.50. This year, as well as previous years, everything was realized in accordance with the Strategy for improvement of RAE population in Montenegro (2008-2012) and through the Institute for textbooks and teaching aid.

313. Team of the Ministry of Education and Sports and the Red Cross team of Montenegro made, for the school year 2010/2011, a list of children that are not included in educational system (Camp Konik 1 and 2). The Ministry of Education and Sports provided for 55 children necessary clothes, textbooks and school equipment at the amount of €3,600.00.

314. Since the school year 2008/2009, the Ministry of Education and Sports and the Red Cross of Montenegro realized desegregation of education for the Roma population from the

camp Konik. The Ministry of Education and Sports provided free of charge textbooks and transport to city schools for those children (on average €1,300.00 per month is allocated for this purpose).

315. Free of charge secondary education still does not exist in Montenegro, but possibility of its introduction is under consideration.

316. According to the public competition, number of places for enrolment of students in the first year of secondary schools is determined upon proposal of the school, opinion and recommendation of the Employment Agency of Montenegro, number of pupils that finished primary school in certain municipalities and analysis of results of entrance in previous years. When defining proposal of plan for entry of students in the first grade of general gymnasium and secondary vocational schools, schools are obliged to harmonize their planned educational demand and number of entry places with other secondary schools within territory of municipality and the local government, which is competent for educational affairs, along with taking into account data on number and educational profile of unemployed persons registered with the local employment office and needs of the labour market. The school board for all schools passes proposal of plan.

317. In addition, the Employment Agency of Montenegro, for purposes of the Ministry of Education and Sports, prepares upon analysis of supply and demand and survey conducted by employers, recommendations for entry of students in the first grade of secondary school and number of places for various educational profiles. All these activities are carried out in order, as much as possible, to harmonize entry policy with the labour market needs.

318. Having in mind decrease of interest for obtaining qualifications in education required by the labour market, especially on the level III, schools that educate students in areas such as civil engineering, mechanical engineering, electrical engineering, catering industry, agriculture, forestry, wood processing and other, prepare brochures and organize visits to primary schools as well as open-door days with an aim to present educational offer of their school.

319. A handbook for training of teachers and professional associates was made within the regional project "Transfer of the youth in the working world" in schools dealing with professional orientation under title "Five steps to reach decision on school and occupation" as well as training of teachers in nine primary schools. The Bureau for educational services accredited training programme for teachers.

320. Strategy for Lifelong Guidance (2011-2015) and corresponding action plan were prepared within the Project IPA 2008 Reform of the labour market and development of workforce.

321. The Ministry of Education and Sports, the Ministry of Sustainable Development and Tourism and Centre for vocational education prepared a communication campaign for strengthening image of vocational education in agriculture and tourism in Montenegro, with special reference to the north-eastern part of Montenegro.

322. When it comes to children with special educational needs (children with disorders and difficulties in development), focus should be on their guidance towards secondary vocational education. Through vocational education, children with special educational needs can most adequately prepare for independent living, because classes in secondary vocational schools have greater possibilities for individual approach to students with special educational needs and acquiring practical knowledge, skills and competencies. In that regard, we are working on promotion of inclusive education and trainings for teaching and professional staff in secondary schools, which is realized in cooperation with the Centre for vocational education and Austrian organization *KulturKontakt*. The main objective is to create teams for training and support of inclusive education in secondary schools. Training

programme for support of inclusive education in secondary vocational schools is made – Project “VET trainers in inclusive education”, whose realization (education) should start. The training is focused on the next areas: inclusive movement and affirmative terminology, legal and strategic framework for inclusive education, characteristics of adolescence phase and adolescent’s personality, experience and recommendations for work with students with disorders and difficulties in development, process of occurrence of disorders and difficulties in development, instruments for evaluation of capabilities, quality of environment and lifestyle, prejudices and acceptance of diversity, teamwork, making individual development-educational programme (IROP – individual programme for development and education), organization of dual classes (cooperation with the private sector which provides practical training in secondary vocational education). Working version of the handbook is made upon seminars held by experts and other interested and collected experiences after completion of the original cycle of training. Intensive training (1 or 2 workshops) will be carried out by 2 to 4 seminar attendants in the area of teaching methods and lecturing to adults and didactics. These multipliers will carry out cycle of trainings with subject “Inclusion in secondary vocational education” under supervision of the main experts for one more group of school teams.

323. In the area of secondary education, all children that meet prescribed conditions, independently of their nationality or religion convictions, are enrolled in secondary schools under equal conditions. By comparing data of the Ministry of Education and Sports on number of students that completed primary schools and number of enrolled students in the secondary school, it can be concluded that percentage of students that continue education after primary school is high, therefore we aim to create conditions such that all children acquire secondary school education. Pupils of RAE population, whose number in secondary schools is small, mostly enrol upon principle of positive affirmative action and the Government of Montenegro secures scholarships and free of charge textbooks for RAE population students enrolled in secondary schools. In areas where members of national or ethnic group make significant part of population, educational process is carried out in language of that national or ethnical group (Albanian).

324. Education of adults in Montenegro is deemed as one of important means for increase of employability and social inclusion, development of democracy, human rights, observance of diversity and sustainable development. Education of adults is part of a regular educational system in Montenegro and is regulated by the General Law on Education and the Law on education of adults (*Official Gazette of the Republic of Montenegro*, No. 20/2011), which provided qualitatively a new dimension in recognition of significance, regulation and development of this area.

325. The Ministry of Education and Sports continuously works on promotion of literacy (alphanumeric and functional) and on education of adults from perspective of lifelong learning. The Ministry passed the following important documents and conducted activities :

- Montenegro passed a Strategy for education of adults in period 2005–2015
- A special Law on education of adults is passed in 2002
- New Law on education of adults is passed in 2011
- In 2010, the Government of Montenegro adopted the Plan for education of adults in Montenegro for period (2010-2014)
- The Government of Montenegro adopted the Annual plan for education of adults for 2011, which envisaged required financial funds to support education of adults and lifelong learning
- In order to promote education of adults and lifelong learning, the Ministry of Education and Sports and the Centre for vocational education organize every year a

manifestation called “Festival of education of adults”. The tenth Festival of education of adults was organized this year

- The Ministry of Education and Sports, according to the Law, grants licences to institutions for education of adults and keeps special records, that is, adequate registry of institutions
- Plan for education of adults and elaborate annual plans should enable efficient achievement of goals defined by the Strategy for education of adults in Montenegro for period 2005-2015.

326. General Law on Education and Law on minority rights and civil freedoms (*Official Gazette of the Republic of Montenegro*, Nos. 31/06 and 38/07) regulates educational rights of minorities and their members.

327. Laws on education guarantee all its citizens equal exercise of educational rights, regardless of their nationality, race, gender, language, religion, social background or other personal capacity. There are 162 primary schools in Montenegro, and out of them teaching in Albanian language is held in 12 schools. Out of totally 47 secondary schools, teaching in Albanian language is held in 4 schools. In 3 preschool institutions education and upbringing is held in Albanian language. Textbooks for all grades of primary schools and gymnasiums are printed in Albanian language.

328. The laws regulating all education levels stipulate that a class held in language and alphabet of the minority can have smaller number of students, meaning up to 50 per cent of the number of students stipulated by the regulation of the Ministry.

329. Education on all levels is carried out in accordance with effective educational programmes, whereby before defining a special part of effective educational programme compared to the subject programmes that express specific features of minorities, the Council of the minority delivers opinion to the competent council. The Ministry of Education and Sports cannot change the special part of effective educational programmes determined by the competent council.

330. Pursuant to the recommendations of the Law on minority rights and civil freedoms, subject programmes for education contain topics from history, arts, literature, tradition and culture of the minority.

331. A study programme for teachers of Albanian language is organized within higher education. The University of Montenegro, upon proposal of the Council for minority, enrolls every school year certain number of students, members of minorities, in order to exercise minority rights in accordance with the Statute of the University.

332. Minorities and their members are entitled to establish educational institutions, which was done in Ulcinj where they established a private gymnasium “Drita” that performs effective educational programme in Albanian language.

333. When it comes to securing the same criteria for boys and girls on all education levels, those criteria in Montenegro are the same and traditionally both genders are equally present on all education levels.

334. Ratio of girls and boys in school year 2010/2011, according to data from the Ministry of Education and Sports:

Preschool institutions

<i>Total number of children</i>	<i>Number of boys</i>	<i>Number of girls</i>
13 176	6 814	6 362

<i>Total number of children</i>	<i>Number of boys</i>	<i>Number of girls</i>
100%	52%	48%

Primary schools

<i>Total number of children</i>	<i>Number of boys</i>	<i>Number of girls</i>
71 043	36 232	34 811
100%	51%	49%

Secondary schools

<i>Total number of children</i>	<i>Number of boys</i>	<i>Number of girls</i>
31 914	16 455	15 459
100%	52%	48%

335. All schools have expert services (mostly comprised of a pedagogue and a psychologist) that deal with students' problems, when it comes to poor results and early leaving of school, occupation issues and connecting occupational requirements with individual characteristics.

336. Objective of these services is to enable every child and young person to freely develop and find optimal methods for quality living, learning and working, as well as to enable family and parent to recognize children's needs and support their optimal development, and regarding educational institutions, to constantly improve quality of education and clearly set direction of its development.

337. In addition, there are a great number of measures taken to reduce number of students leaving education without formally recognized qualifications:

- Increase of educational offer and making programme differentiation through educational programmes of various levels of standards, that is, duration
- Teachers in schools apply modern teaching and learning methods, with greater individualization
- The Law on Vocational Education (*Official Gazette of the Republic of Montenegro*, Nos. 64/02, 31/05 and 49/07) enables change of educational programme with taking additional and differential examinations after the first grade, and in three-year schools after the second grade in the same area
- The laws on education (*Official Gazette of the Republic of Montenegro*, Nos. 64/02, 31/05 and 49/07) introduce possibility that remedial test can be taken by students who had three failing numerical marks at the end of year. (Previous regulations allowed that remedial test could be taken by a student who had two failing numerical marks.) Student has the right to repeat the grade only once in a two-year vocational school, two times in a three-year, i.e. four-year vocational school and gymnasium, and once in higher vocational school
- Students who left regular education can continue education in capacity of a part-time student, whereat all positive numerical marks achieved upon completion of regular education are accepted. Part-time students can take remedial tests in June, August and January. These students can return to regular education

- Centres for professional informing and counselling within the Employment Agency in Podgorica and Bar started with professional orientation and counselling activities for students in primary and secondary schools and adults without qualifications
- Introduction of mandatory secondary education is under consideration
- In addition, the Law on National Vocational Qualifications (*Official Gazette of the Republic of Montenegro*, No. 80/08) stipulates that persons who attended secondary vocational schools and left regular education are enabled to acquire vocational qualifications if they completed successfully one part of programme corresponding to standard of occupation. All persons who completed only primary school can be included in training programmes for occupations required by the labour market and can acquire vocational qualifications after testing. In addition, pursuant to the decisions from the Law, vocational qualification can be acquired by direct testing of previously acquired knowledge. The objective is to improve position of all these persons (that left education without acquiring qualifications, that attend training programmes, that want to certify previously acquired knowledge) on the labour market so that their knowledge, skills and competencies are verified and visible.

Article 14

338. Elementary education in Montenegro is mandatory and free of charge, which is explained in the answer within article 13.

Article 15

339. Culture in Montenegro is developed upon principles that secure and provide approach to cultural programmes to all categories of citizens. In this context, article 3 of the Law on Culture (*Official Gazette of the Republic of Montenegro*, No. 49/08) stipulates principles upon which culture is realized and developed. Those principles include freedom of creativity and respect of right to culture, dedication of the country and local governments to stimulate and assist development of cultural and art creativity, protection and preservation of cultural heritage, equal preservation of all cultural identities and respect of cultural diversity, transparent activities and democratization of cultural policy and decentralization of organizing and financing culture.

340. Article 5 of the Law on culture (*Official Gazette of the Republic of Montenegro*, No. 49/08) defines culture as a public interest activity. Public interest means, among other things, uniform development of culture in Montenegro, creation of conditions for realization and development of all areas in culture and art, creation of conditions for stimulation of development and affirmation of talented young creators, development of amateur cultural and art creativity, development of cultural and art creativity of persons with disabilities and creation of conditions for development of creative industries.

341. Public interest activities in culture provide access to cultural and art programmes for all population segments. Methods of realization of public interest are defined in chapter VI of the Law on culture (arts. 68 to 83), which refers to stimulation and support of culture development, as well as in the National programme for development of culture 2011-2015. In this context, the Ministry of Culture through public invitation provides co-financing of programmes and projects that enable access and production of cultural contents for all population segments.

342. The public invitation is intended for natural persons and legal entities that are registered in Montenegro for cultural activities, and it applies for all areas of culture and art

creativity (visual arts, musical and music-and-stage arts, literature and literary translation, magazines for culture and arts, theatre, cultural manifestations and festivals, amateur creativity, traditional art crafts and skills, creative industries, support to persons with disabilities and creativity for children and youth).

343. With regard to infrastructure for access of persons with disabilities to cultural programmes, based on the report made by the public cultural institutions in March 2011, it is noted that those conditions were only partial. However, programmes for development of culture for the following period envisage their improvement as well as instalment of access ramps that would enable these groups of citizens access to cultural institutions and programmes. In addition, improvement of access to all cultural institutions and their programmes, on the State and local level, is part of the National programme for development of culture 2011-2015.

344. When it comes to participation of citizens in various cultural activities, it is important to stress that all public cultural institutions have discounts and privileges for certain categories of citizens (50 per cent of discount for students and youth in theatres and cinemas, museums, while visits to art exhibitions, literary meetings and concerts are free of charge and available to everyone).

345. In order to create uniform development of culture in Montenegro, the Ministry of Culture through a special programme (Programme for development of culture in the north of Montenegro) stimulates and supports development of culture in this part of Montenegro, which is known as a rural and urban area that is falling behind. The programme is realized through two models, out of which the first relates to improvement of infrastructure, such as reconstruction and rehabilitation of cultural objects, as well as acquisition of modern stage and technical equipment; while the second model relates to organization of cultural programmes (theatre plays, musical concerts, film projections, literary meetings and art exhibitions) that are free of charge for all citizens.

346. Access to cultural heritage of humankind by new Internet technologies means numerous Internet sites that promote Kotor as a United Nations Educational, Scientific and Cultural Organization (UNESCO) place in Montenegro. Internet site of the National Committee is under construction and its greater part will be dedicated to UNESCO protected areas – Durmitor and Kotor.

347. Chapter VI of the Law on culture refers to stimulation and support to development of culture and stipulates co-financing projects and programmes significant for realization of public interest in culture, so in that context there is a special area co-financed by public invitations of the Ministry of Culture for creativity of children and youth with an aim to stimulate participation of children in cultural life regardless of their financial or any other situation.

348. The National programme for development of culture 2011-2015 contains a part dedicated to improvement of development of culture of young people through cooperation and activities in schools and cultural institutions, as well as promotion of culture through joint projects of the Ministry of Culture and the Ministry of Education.

349. Article 5 of the Law on culture (*Official Gazette of the Republic of Montenegro*, No. 49/08) stipulates that development of cultural and art creativity of persons with disabilities is of public interest in culture, so, in that context support to persons with disabilities is a special area co-financed by public invitations. In that manner the Ministry of Culture stimulates and improves creative potential of persons with disabilities, secures their inclusion and participation in cultural life of Montenegro.

350. The Constitution of Montenegro (*Official Gazette of the Republic of Montenegro*, No. 01/07), article 78 in area of special minority rights guarantees members of minority

national communities protection of national, ethnic, cultural, linguistic and religious identity, as well as wide range of rights that can be exercised individually or collectively within community.

351. The main principles of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005, ratified by Montenegro in August 2008, are contained in articles 3 and 5 of the Law on culture (*Official Gazette of the Republic of Montenegro*, No. 49/08), which stipulate that culture in Montenegro is realized and developed upon principles of equal preservation of all cultural identities and respect of cultural diversity; and that preservation of authentic and traditional cultural and ethnic cultural features is of public interest of Montenegro.

352. Pursuant to the obligations of each signatory country of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005, Montenegro appointed a cultural contact point (CCP) in 2010, i.e. person responsible for realization of requirements arising from application of this Convention and for exchange of information regarding Convention.

353. Public invitations announced by the Ministry of Culture include a special area for co-financing of cultural programmes and projects – traditional art crafts and skills as well as amateur activities, which present a segment of culture that reflects various cultural heritage of Montenegro; tradition of people and national community, intangible cultural heritage whose aim is to promote cultural diversity.

354. In accordance with affirmation of multinational and multicultural features of Montenegro, one of criteria for evaluation of projects registered in public invitation for co-financing cultural and artistic creativity is “contribution of projects to development of multinational and multicultural values”, as well as “preservation of tradition and Montenegrin cultural heritage”.

355. In order to preserve authenticity of cultural heritage as part of national identity, the Ministry of Culture passed four new laws in August 2010 (Law on protection of cultural monuments, Law on museum activity, Law on archives activities, Law on library activities) which provide protection and preservation of cultural heritage and monuments according to the European and international standards and covenants.

356. In order to recognize cultural diversity and preserve culture and cultural heritage of minorities and other minority national communities, the Government of Montenegro founded a Montenegrin Centre for preservation and development of minority cultures. Montenegrin Centre for preservation and development of minority cultures is a special budgetary institution whose main task is:

- Preservation, development and expression of minorities’ culture in Montenegro
- Realization and distribution of programmes and organization of manifestations from all areas of arts (visual, theatrical, literary, film and the like) that relate to members and institutions of minorities in Montenegro
- Animation activities with minority members in Montenegro through organization of conversations, seminars, courses, lectures, public debates, promotions and the like
- Organization of visits of experts and stay of artists from the country and abroad that are important for culture of minorities in Montenegro
- Support research projects in culture of minorities in Montenegro
- Provision of financial support to cultural institutions and associations (library, gallery, NGOs and the like) in Montenegro that are important for culture of minorities

- Financing projects important for culture of minorities in Montenegro
- Support and develop cooperation with cultural and other similar institutions in the country and abroad
- Support and assist institutions in Montenegro that work on improvement of mass culture and cultural amateurism of minorities in Montenegro
- Support free artistic initiative of all members of minorities in Montenegro in all forms of artistic activities
- Publishing technical literature and other publications from activities of the Centre
- Publishing magazines about culture and art of members of national and ethnical groups in Montenegro
- Creation informing bulletins for culture of minorities .

357. Upon proposal of the Government of Montenegro, the Parliament of Montenegro passed a Decision on establishment of the Fund for Minorities in February 2008 (*Official Gazette of the Republic of Montenegro*, No. 13/08). The Fund for Minorities was founded to support activities significant for preservation and development of national, that is, ethical special features of minorities and other minority national communities and their members regarding national, ethical, cultural, linguistic and religious identity.

358. The Ministry of Education and Sports made a five-day Plan for excursions of nine-year primary schools that is carried out in Montenegro, so that children first learn about their country before going to foreign countries. The Plan for excursions contains core of cultural monuments that all children in Montenegro should visit on excursions: Cetinje, Kolašin, Kotor, Nikšić, Podgorica and Žabljak.

359. The Ministry of Education and Sports and the Bureau for Education Services in cooperation with the Centre for emigrants realized several programmes for Montenegrin diaspora, which can be realized through programme of summer school “Montenegro, my homeland” or in any other way abroad such as Montenegrin language – elementary and beginner’s course; Montenegrin literature; geography of Montenegro; history of Montenegro; cultural heritage of Montenegro; and musical culture of Montenegro.

360. Programme for activities in preschool education envisages, among other things, the following goals: learning about visual heritage of own and other cultures (folk costume, houses, handicrafts ...); learning about musical culture of own and other nations (old and modern worlds) by noticing their diversity and variety; learning and practising traditional dance from our and other countries.

361. When defining the subject – Montenegrin language and literature for I, II, III, IV, V, VI, VII, VIII and IX grade of primary schools it is highlighted that Montenegrin language is a tool for thinking, self-expression and communication, for establishment of social relations, for preservation and transfer of cultural heritage and progress of an individual and society. Language is a social phenomenon that makes man a human being; it is stressed that Montenegrin language as a subject has an important task to assist students to become, through knowledge of language and literature, independent, free, creative and cultural person, aware of own identity and identity of own people, that is, national or ethnic group. In this manner students become aware that language is the most important part of cultural heritage and the most important basis for one’s identity.

362. General goals of subject programme – Montenegrin language, as a non-mother-tongue for I, II, III, IV, V, VI, VII, VIII and IX grade of nine-year primary school, have an aim to contribute to formation of autonomous, democratic, empathic person who would be capable to adequately act in intercultural and plurilingual surroundings, by spreading own

knowledge on other nations and cultures and at the same time developing awareness on own cultural values.

363. General goals of subject programme – Learning about society for IV and V grade of nine-year primary school, state that subject Learning about society can be viewed as knowledge and understanding of social communities; people and environment; movement of people in space and time; cultural heritage, arts.

364. General goals of subject programme – Musical culture for I, II, III, IV, V, VI, VII, VIII and IX grade of nine-year primary school – state that students should learn about the most valuable achievements of human spirit as well as the ones determining cultural identity of certain nations and communities; about traditional musical heritage; create positive relationship towards national and world musical culture.

365. General goals of subject programme – Geography for VI, VII, VIII and IX grade of nine-year primary school – state that the aim is to explore geography so that students could learn geographic values and features of own region and homeland and develop positive emotions for their natural and cultural heritage; learn how other people live and work in various parts of the world, learn about richness of differences between people on the Earth and their contribution to development of modern civilization and learn to understand and appreciate nations and their culture in own and other countries.

366. General goals of subject programme – Civic education for VI and VII grade of nine-year primary school – are focused on the following: adoption of basic knowledge on life forms in society, social phenomena and methods of functioning of the Montenegrin society, which would help students to notice continuity and develop feeling of affiliation to society, feeling of own national and cultural identity, but also a need for constant changing and building society based on capabilities of continuous informing, analytical and critical opinion, independent search for answers to social questions, making responsible decisions and dealing with ethical problems.

367. Subject programme – History for VI, VII, VIII and IX grade of nine-year primary school stresses: history has primary significance in educational process because it forms national identity and develops personality; general goals of subject programme state that the aim of history is to affirm contents from the national history which helps students to develop their national identity and awareness on affiliation to the State community.

368. Subject programme – Biology for VIII and IX grade of nine-year primary school – stipulates learning about selected ecosystems in Montenegro, biodiversity, phytogeographic and zoogeographic areas of Montenegro, map of lichens in Montenegro, extract from the IUCN (International Union for Conservation of Nature) Red List of Threatened Species in Montenegro.

369. Subject programme – Biology with ecology for VII grade of nine-year primary school; one of the goals is that students develop ecological awareness on biodiversity of Montenegro as part of national wealth.

370. In general gymnasium, within didactic recommendations for mandatory facultative subject, subject programme – Arts and visual communication has, among other general goals, a goal to foster cultural and historical heritage through various projects.

371. Within mandatory facultative subjects, subject programme – Civic education for I, II, III and IV grade of general gymnasium has a topic: State and legal tradition of Montenegro.

372. Subject programme – Montenegrin language, as a non-mother-tongue for I, II, III and IV grade of secondary vocational school, has an operational goal that students can

explain features and “lagging behind” of Bosnian, Croatian, Montenegrin and Serbian modern literature compared to European modern literature.

373. The programme – Montenegrin language and literature for I, II, III and IV grade of secondary vocational school – states that by learning Montenegrin language and literature students develop as independent, free, creative and cultural persons, aware of their personal and national identity. Students are taught to value own culture and language, minority languages in their region as well as total linguistic and cultural heritage of humankind.

374. Since 2005, secondary vocational schools have subject programme – Cultural and historical heritage of Montenegro, which aims at adoption of basic knowledge on cultural and historical heritage of Montenegro that is further developed in programme through informing goals and contents.

375. Pursuant to article 76, paragraph 1, of the Law on protection of cultural monuments (*Official Gazette of the Republic of Montenegro*, No. 49/2010) educational institutions are obliged to develop awareness of value of cultural monuments, through school and out-of-school programmes, as part of a fertile source of knowledge, creativity and inspiration for present and future generations, dangers and risks they are exposed to, need for their preservation, respect and understanding and benefits that may arise from them. The same article stipulates that the Ministry of Culture, the State authorities and public institutions for protection of cultural monuments are obliged to stimulate knowledge on domestic and international regulations on protection of cultural monuments, to inform public on their programmes and activities ... Pursuant to article 77, the Ministry of Culture and other related institutions are obliged to work on presentation and popularization of cultural monuments.

376. Article 3, paragraph 2, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) stipulates that performance of scientific research activity is free of charge and accessible to all domestic and foreign natural persons.

377. The Constitution of Montenegro, chapter Biomedicine, article 27, stipulates that:

- “The right of a person and dignity of a human being with regard to the application of biology and medicine shall be guaranteed
- “Any intervention aimed at creating a human being that is genetically identical to another human being, living or dead shall be prohibited
- “It is prohibited to perform medical and other experiments on human beings, without their permission.”

378. Article 4 of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) proclaims principle of ethics and responsibility of persons performing scientific research work for the consequences of their work.

379. Effective legislation of copyrights and related rights provides legal ground for protection of author’s moral rights regarding his/her work. The author has exclusive right to:

- (a) Have author’s name, pseudonym or mark stated on copies of the work, that is, referred to on the occasion of publication of work, except in case when, considering the specific form of publication of work, that is technically impossible or unpurposeful;
- (b) Publish his/her work and define method of its publishing;
- (c) To protect the integrity of his/her work by opposing the alterations to his/her work by unauthorized persons, communication of his/her work to the public in an altered or incomplete form;

(d) To oppose exploitation of his/her work in a manner that jeopardizes or may jeopardize his/her reputation or honour.

380. The Law on copyright and related rights (*Official Gazette of the Republic of Montenegro*, No. 61/04) provides holders of copyright and related rights to deposit copies of their works in the Intellectual Property Office in order to secure evidence.

381. The author acquires right to his/her work by making the work, which means that depositing of the work to the Intellectual Property Office does not have constitutional character, that is, author does not acquire right to his/her work from the day of depositing it to the Office, but from the day of origination of work.

382. Confirmation on deposition of work issued by the Intellectual Property Office is refutable assumption on holder of right to author's work and serves as evidence on authorship before court and other State authorities.

383. The Intellectual Property Office of Montenegro, since the establishment date 28 May 2008 until 9 June 2011, received 71 requests for registry and deposition of author's works and subject matters of related rights.

Period: 28.05.2008–09.06.2011

YEAR	2008	2009	2010	2011
A				7
	16	20	26	
S				
	1	1	0	0
Total	71			

A-Author's work

S-Subject matter of related rights

384. Article 4, paragraph 10, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) proclaims protection of person and dignity of individuals who perform scientific research work.

385. According to the Regulation on changes and amendments of the regulation on organization and methods of work of the State authorities of Montenegro (*Official Gazette of the Republic of Montenegro*, No. 15/10), protection of copyright and related rights is under competence of the Ministry of Economy and therefore the Law on copyright and related rights applies in this area.

386. Article 76 of the Constitution of Montenegro (*Official Gazette of the Republic of Montenegro*, No. 01/07) guarantees the freedom of scientific, cultural and artistic creation and their authors the moral and property rights.

387. Article 3 of the Law on Culture (*Official Gazette of the Republic of Montenegro*, No. 49/08) stipulates that culture in Montenegro is realized and developed upon principles of freedom of creation and respect of rights to culture, as well as respect and protection of copyright and related rights.

388. The Law on Cinematography (*Official Gazette of the Republic of Montenegro*, No. 14/08) protects moral and material author's rights in a manner that article 3 of the Law stipulates protection of the author's right to freedom of expression as well as intellectual property rights protection in the field of cinematography.

389. In addition, the author of cinematographic work (film and television) intended for public show or other method of economic exploitation has protected rights to freedom of

expression and protection of intellectual property rights (art. 3 of the Law on cinematography).

390. Article 8 of the Law on Publishing (*Official Gazette of Montenegro*, Nos. 20/95, 22/95, 64/02) stipulates that publication cannot be published before publisher does not regulate copyright with the right holder.

391. The Ministry of Culture contributes to protection of moral and material rights of author by requiring that, through application conditions and criteria for support and stimulation of development of culture, evidence is delivered based on which protection of moral and material rights of authors is guaranteed, which refers to publishing activities, theatre and film production, and other projects using author's works.

392. According to the regulations in force, the author has the right to economic exploitation of his/her work, and work created upon remake of his/her work. For every exploitation of author's work by another person, the author shall receive compensation, except in cases where law defines otherwise. Author can exercise his/her rights individually or through an organization for collective exercise of copyright and related rights, which enables the author to profit from his/her intellectual creation even in situations, when due to frequent forms of use of specific subject matter protection it is not possible to exercise one's rights individually.

393. Collective exercise of copyright or related rights is carried out through organizations for collective exercise of specific types of rights regarding specific subject matter of protection.

394. The Intellectual Property Office of Montenegro issues licence for collective exercise of copyright or related rights to an applicant who fulfils all conditions prescribed by the Law on copyright and related rights.

395. The Intellectual Property Office of Montenegro performs supervision of the organization for collective exercise of copyright or related rights.

396. So far, organization for collective exercise of rights of music authors – PAM CG <http://www.pam.org.me/mn/> – received a licence from the Intellectual Property Office of Montenegro.

397. In case of violation of his/her property author's rights, the author can realize efficient legal protection in proceedings before competent authorities, that is, before the court, customs, market inspection. Significant progress in protection of copyrights was achieved especially through controls in order to prevent software piracy, and regarding control and prevention of unauthorized copying of optical discs containing music and film for commercial purposes.

398. Proposal of the new law on copyright and related rights, which is expected to be soon adopted by the Parliament, stipulates that an organization for collective exercise of copyright or related rights can use up to 10 per cent of realized profit for social and cultural purposes and for stimulating cultural diversity (monetary social aid, scholarships, stimulation of development of minority cultures and the like).

399. The new law on copyright and related rights makes organizations for collective exercise of copyright or related rights obliged to allocate a part of their profit for social and cultural purposes and for stimulating cultural diversity and the Intellectual Property Office of Montenegro performs supervision of the organization for collective exercise of copyright or related rights. Article 36 of the Articles of Incorporation of the existing organization for collective exercise of rights of authors of music PAM CG reads: by deducing costs of author's fees, 10 per cent is used for promotion of domestic musical creation.

400. As a State authority for supervision of activities of this organization, the Intellectual Property Office of Montenegro received report of the board that determines allocation of the stated funds, based on which can be seen that one part of these funds was allocated not only to promotion of domestic musical creation but for social and cultural purposes and development of minority cultures in Montenegro.

401. Article 17 of the Law on protection of cultural monuments (*Official Gazette of the Republic of Montenegro*, No. 49/10) stipulates that intangible cultural goods can be traditional crafts and skills if they fulfil conditions prescribed by the Law.

402. Article 5 of the Law on culture (*Official Gazette of the Republic of Montenegro*, No. 49/08) stipulates that protection and preservation of tangible and intangible cultural heritage and preservation of authentic and traditional cultural and ethnic cultural features is of public interest for development of culture in Montenegro. In this context, the Ministry of Culture has a special area for co-financing of projects and programmes in culture such as traditional artistic crafts and skills, as a segment of traditional knowledge. The main principle of these projects is promotion of various handicrafts and their authenticity, which were basis for preservation and existence of various autochthonous nations, their culture and customs.

403. In addition, the National programme for development of culture 2011-2015 contains a special area dedicated to development of intangible cultural heritage whose aim is to promote and develop cultural diversity as well as various measures and activities for protection of intangible cultural heritage.

404. The law on copyright and related rights defines moral, property and other copyright and holders of related rights. All rights prescribed by this law enable holders of copyright and related rights exercise of other rights recognized by this pact. In addition, this law clearly defines methods and conditions for restriction of rights to their holders.

405. The Constitution of Montenegro (*Official Gazette of the Republic of Montenegro*, No. 01/07), article 76, guarantees freedom of scientific, cultural and artistic creation, as well as freedom of publishing scientific and artistic works, scientific discoveries and technical inventions.

406. Article 24 of the Constitution of Montenegro stipulates that guaranteed human rights and freedoms may be limited only by the law, within the scope permitted by the Constitution and to such an extent that is necessary to meet the purpose for which the limitation is allowed, in an open and democratic society. Limitations shall not be introduced for other purposes except for those for which they have been provided.

407. Article 25 of the Constitution of Montenegro stipulates that during the proclaimed state of war or emergency, the exercise of certain human rights and freedoms may be limited to the necessary extent. Measures of limitation may be in effect at the most for the duration of the state of war or emergency.

408. Article 27 of the Constitution of Montenegro stipulates that any intervention aimed at creating a human being that is genetically identical to another human being, living or dead, shall be prohibited. It is prohibited to perform medical and other experiments on human beings, without their permission.

409. Article 3, paragraph 2, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) stipulates that performance of scientific research activity is free and accessible to all domestic and foreign natural persons.

410. Article 4, paragraph 1, item 6, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) stipulates that freedom and autonomy of scientific work need to be independent, morally and intellectually from every political

authority and economic power, and performed with respect of ethical standards and principles of scientific truth and critical thinking.

411. Article 4, paragraph 1, item 7, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) stipulates principle of ethics and responsibility of persons performing scientific research work for the consequences of their work.

412. Article 5 of the Law on culture (*Official Gazette of Montenegro*, No. 49/08) stipulates that scientific research and professional training in culture as well as creation of conditions for stimulation of development and affirmation of talents are activities of public interest in culture.

413. The same article prescribes that international cultural cooperation and presentation of Montenegrin cultural and artistic creation and cultural heritage is also area of special interest for development of culture.

414. In this context, the Ministry of Culture, through special forms of support beside public invitations, stimulates and supports, that is, co-finances projects in this field such as projects significant for Montenegrin culture and international cooperation, which is defined under article 70, paragraph 5, of the Law on culture.

415. In order to develop international cultural cooperation, the Ministry of Culture signed bilateral and multilateral agreements and protocols in the field of culture; realized cooperation with UNESCO, the Council of Europe and the EU; it aims at implementation of programmes and projects intended for regional and international development of culture.

416. In this context, the Ministry of Culture did the following:

- Accession to the programme Kultura 2007-2013
- Accession to various regional and international initiatives that stimulate cooperation in culture (International Foundation – Forum of Slavic Cultures; International Foundation *Ana Lind*, Biennial of Young Artists from Europe and the Mediterranean)
- Stimulation and assistance to Montenegrin artists to participate in international manifestations and festivals
- Accession to the programme “European Heritage Days”
- Accession to the Regional programme for cultural and natural heritage
- Member of the Council of Ministers of Culture of South-East Europe.

417. One of the main aims of the National programme for development of culture in period 2011-2015 is international cooperation, and priorities for realization of this goal are defined by development and promotion of bilateral and multilateral cooperation, institutional cooperation through agreements on regional and international cooperation of public cultural institutions as well as stimulation of participation of Montenegrin artists, institutions and NGO sector in international projects, promotion of cooperation with the Council of Europe, the EU, UNESCO and other international initiatives.

418. Article 4, paragraph 1, item 1, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) stipulates principle of widening and deepening of scientific knowledge.

419. Article 4, paragraph 1, item 2, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) proclaims principle of development of science with a view of increased effectiveness, protection and development of the general knowledge base.

420. Article 4, paragraph 1, item 4, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) proclaims principle of integration into the European Research Area and Framework Programmes of the European Union for research and development, and other international programmes.

421. Article 4, paragraph 1, item 5, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) proclaims principle of involvement in regional cooperation programmes in the field of scientific research activity.

422. Article 4, paragraph 12, of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) proclaims principle of networking of persons performing scientific research work at the national and international level.

423. Article 10 of the Law on scientific research activity (*Official Gazette of the Republic of Montenegro*, No. 80/10) defines priorities in scientific research activity that are realized through the programmes of public interest.

424. Programmes of general public interest are the programmes:

(a) Which contribute to the development and strengthening of national economy, and the realization of which contributes to the improvement of the living standard of citizens and building of a knowledge-based society;

(b) Which facilitate integration of scientific research institutions and researchers into the European Research Area and international scientific programmes;

(c) Of stimulation of research which brings about career development and mobility of Montenegrin researchers, with a view of enabling their work in research centres and institutes as well as access to high technologies and modern laboratories in the country and abroad;

(d) Regional cooperation and infrastructural linkages in research activity;

(e) National and international scientific research projects of basic, applied and developmental research;

(f) Centres of excellence;

(g) Enhancement of infrastructure and acquisition of equipment necessary for realisation of research;

(h) Which stimulate scientific productivity and enhance the quality of scientific research activity;

(i) Which stimulate publishing activity and organization of scientific congresses;

(j) Of involvement of scientific diaspora into the scientific research activity in Montenegro;

(k) Of involvement of internationally recognized foreign scientists into the research programmes and projects in Montenegro;

(l) Which enable access to the results of scientific work in the country and abroad;

(m) Of national importance which have multidisciplinary character; and

(n) Other programmes of significance for the realization of scientific research activity.

425. By annual public invitation for co-financing scientific research activity, the Ministry finances research projects and programmes of public interest. The Ministry also defines legal framework and stimulates bilateral and multilateral scientific cooperation. In this

context, the Ministry signed the following bilateral and multilateral agreements in the period 2007–June 2011:

- Memorandum of understanding associating Montenegro to the European Union's Seventh Framework Programme for Research and Technological Development (FP7 2007–2013)
- Bilateral agreements on scientific and technological cooperation with Austria, Slovenia, Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Albania, Serbia, Bulgaria and China.

426. The Ministry of Science also stimulates participation in the EU research programmes (FP7, COST, EUREKA) and other international organizations (NATO Science for Peace and Security (SPS), UNESCO, Central European Initiative (CEI)) by promoting, informing and assisting when applying for projects, etc.

427. The Ministry of Science is a coordinating body of national contact persons for the EU's Seventh Framework Programme.

428. As a partner in several important regional projects and initiatives (FP7: WBC-INCO.NET; SEE-ERA.NET; SEE-ERA.EI; MIRA etc.; initiatives of the Regional Cooperation Council (RCC) and the like) the Ministry builds own capacities and strengthens regional cooperation for better integration of Montenegro into the European Research Area.
