

Recommendation to Montenegro:

2. Ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Croatia); give serious consideration to the ratification of the Convention on the Rights of Persons with Disabilities (Mexico)

Montenegro ratified the UN Convention on the Rights of Persons with Disabilities(UNCRPD) in November 2009 together with its Optional protocol and is due to submit its first national report on UNCRPD implementation.

In line with UN CRPD Optional protocol, the new Law on Ombudsman establishes its role as a national protection mechanism on anti-discrimination. In 2010, Montenegro adopted the Law on anti-discrimination that prohibits discrimination on any grounds and explicitly refers to prohibition of discrimination of Persons with Disabilities(PWD). PWD are guaranteed special protection by several other laws such as: Law on Minority Rights and Freedoms, Labour Law, Law on Professional Rehabilitation and Employment of PWD, Law on Social and Child Protection, Law on Health Protection, General Law on Education, Law on Primary Education, Law on Higher Education, and the Criminal Code. The overall legislative framework has been extensively aligned with international standards in this area.

Montenegro is also a signatory state party of most important international treaties in this area in particular UN instruments such as: International pact on Civil and Political rights (including both Optional protocols), International Pact on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of all Forms of Discrimination against Women, Convention on the rights of the child including both Optional protocols. Montenegro also signed Council of Europe instruments such as European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, the Convention on the Protection of Human Rights and Fundamental Freedoms and its Protocols, the Convention on the Prevention of Torture and Inhuman or Degrading Treatment and Punishment with two Protocols.

Even though the legislative framework is progressively aligned PWD are still excluded and discriminated against in practice and much work is needed to ensure full implementation of the UN Convention on the rights of persons with disabilities, including addressing public awareness and equal access to services and opportunities. Accessibility for PWD is still limited from physical accessibility to facilities and public transport to accessibility of services in the area of education, health and social protection and to civic participation.

There is significant stigma and cultural obstacles to inclusion, which government has begun to address-in partnership with UNICEF. Article 8 of the UNCRPD on Awareness Raising remains a relative success story in Montenegro through the impact of the *It's About Ability* campaign (conducted jointly by the Government of Montenegro and UNICEF), which can be seen in the attached link <http://youtu.be/7TZ2UsAaLNU>.

There are major gaps in prevention, early identification, assessment and intervention for children under 3 and complex classification systems for PWD in general. These factors, coupled with stigma are perhaps contributing factors to significant discrepancies in estimates of prevalence of disabilities amongst children which in turn makes it very difficult to set targets for inclusion in the education and other sectors:

UNICEF Montenegro Analysis of Different Estimates on Childhood Disabilities Prevalence data	
MICS Montenegro 2005 - suspected disability rate (2-9 years of age)	12.5%
Child Disability Rate in Census 2011*	1543 or 1.1%
Child disability benefit recipients	1682
Children in school or day centres 06-14	977
Children between 06-14 based upon 5.1% WHO national average estimate	3,704
Children between 0-14 with some type of diagnosis form health care services (Institute for Public Health)	Total: 2162
	0-5: 984
	6-14: 1178

*Adult disability rate was 14 %

According to routine data, 63 % of children who have been abandoned in residential institutions are children with disabilities while services at local level that should support children with disabilities and their families (such as Day Care centres) are insufficiently developed, though it should be noted that there has been an increase from 1 Day Care Centre to 5 operational Day Care Centres in the past three years. However this still only covers a quarter of municipalities and even when operational, Day Care Centres suffer from poor and unpredictable funding flows for basic operations. The situation of children in institutions, including those without disabilities, but deprived of parental care is being slowly addressed by the child welfare reform process but needs to be significantly accelerated through strengthening of preventative social work interventions, expanded foster care and small group homes.