



08/12/2014

RAP/RCha/MNE/4(2015)

EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of the
European Social Charter

submitted by

THE GOVERNMENT OF MONTENEGRO

- Articles 7, 8, 16, 17, 19, 27 for the period
01/01/2010 – 31/12/2013
- Complementary information on Article 13§4
(Conclusions 2013)

Report registered by the Secretariat on

8 December 2014

CYCLE 2015



Montenegro

The Government of Montenegro
Ministry of Labour and Social Welfare

EUROPEAN SOCIAL CHARTER (revised)

FOURTH NATIONAL REPORT ON THE IMPLEMENTATION OF THE REVISED EUROPEAN SOCIAL CHARTER

Reference period 01.05.2010 - 31.12.2013.

(Report for Working Group IV – „Children, families, migrants”
on Art. 2 para. 1, 2, 3, 4, 5, 6, 7, 8 and 9, 8,16,17,19 para.11 and 12,
and 27 para. 1a, 2, 3,)

November, 2014

Article 7

The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- 1 to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
- 2 to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
- 3 to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
- 4 to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
- 5 to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
- 6 to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
- 7 to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
- 8 to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
- 9 to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

Application of Article 7, Paragraph 1

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1 to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education”

Pursuant to Article 16 of the Labour Law (“Official Gazette of Montenegro” 49/2008, 26/2009, 59/2011 and 66/2012) general conditions to conclude contract of employment are: that the person is at least 15 years old and that he/she has general health ability to work. Contract of employment may be concluded with a person who is under the age of 18, with a written consent from the parents, adoptive parents or guardians, if such work does not compromise his/her health, moral and education, or provided that such work is not prohibited by law (Article 17). A fine in the amount from EUR 500 to EUR 20,000 shall be imposed to an employer with the status of a legal entity for an infringement if the referred employer concludes a contract of employment with a person under the age of 18, contrary to the provisions of Article 17 of the Labour Law (Article 172).

An employer shall have an obligation to ensure special safety and health at work for employed women during pregnancy, employed persons under the age of 18 as well as disabled persons in accordance with the Law on Safety and Health Protection at Work (“Official Gazette of Montenegro” 34/14) and a separate law.

Article 60 para. 2 of the Law on Safety and Health Protection at Work defines that secondary legislation (Protection of Young Persons at Work Ordinance) regarding implementation of the stated law shall be adopted within two years following the date of entry into force of the present Law (The Law on Safety and Health Protection at Work entered into force on 16 August 2014).

Draft Protection of Young Persons at Work Ordinance scheduled for the second quarter is prepared as envisaged in the Action Plan for harmonisation of legislation and building necessary capacities for implementation and strengthening the community law.

The suggestion of the European Commission related that o the Action Plan is that Directive 94/33EC related to measures and activities in relation to the protection of young persons at work should be built in the Labour Law.

Application of Article 7, Paragraph 2

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

2 to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;

A person under the age of 18 may enter into contract of employment only based on findings from a relevant health authority determining his/her ability to perform duties covered by the contract of employment and that such duties are not harmful to his/her health pursuant to Article 17 of the Labour Law. Articles 103 and 104 of the Labour Law envisage special protection for women and juveniles. An employed woman and employees under 18 years of age may not work on positions where mostly very difficult physical work is performed, on positions performed underground or under water, or positions which may be harmful and increase risk for their health and life.

The employer is obliged to ensure the protection and health of workers at work by preventing, eliminating and controlling risks at work, informing and training of employees, with appropriate organization and necessary means, but it has an obligation to ensure special protection and health at work of employed women during pregnancy, persons under the age of 18 as well as disabled persons in accordance with the Law on Safety and Health Protection at Work (“Official Gazette of Montenegro” 34/14) and a separate law.

Application of Article 7, Paragraph 3

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

3 to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;

Above mentioned rights shall be realized in accordance with the Labour Law which prescribes that general conditions for concluding a contract of employment shall be: that the person is at least 15 years old and that he/she has general health ability to work (“Official Gazette of RCG” 64/02 and 49/07 and “Official Gazette of Montenegro” 45/10 and 39/13) whereby primary education is compulsory for all children from the age of six to fifteen.

Labour Law also lays down that while concluding a contract of employment with a person who is under the age of 18, employer must have a written consent from the parents, adoptive parents or guardians, with a condition that such work does not compromise his/her health, moral and education, or provided that such work is not prohibited by law as well as that a contract of employment may be concluded with a person under the age of 18 only based on findings from a relevant health authority determining his/her ability to perform duties covered by the contract of employment and that such duties are not harmful to his/her health.

The Law on Primary Education obliges parents that they must ensure for their children to fulfil the obligation to receive primary education and obligation to attend primary school shall be considered fulfilled after pupil’s nine years long attending of primary school but if a pupil is fifteen during the school year, he/she will have to attend the teaching up to the end of that school year. The primary education of pupils older than fifteen is realised in accordance with regulations governing the field of education of adults i.e. a person who failed to finish primary education by the age of fifteen, he/she may realize it as an adult by attending a special programme adjusted to adults. For the purpose of the attaining of primary education, the adult shall not pay education related costs.

Pursuant to provisions of the Law on Vocational Education (“Official Gazette of Montenegro” 64/02 and 49/07 and “Official Gazette of Montenegro” 45/10 and 39/13) a

person who completed primary education and is under the age of seventeen may be enrolled at school for acquiring lower and medium vocational education (III and IV1 of the National Qualification Framework). The Law provides for the possibility that vocational education is implemented by schools (school form) and schools together with the employer. When a student acquires practical education as a whole with the employer, parent concludes with that employer an individual contract of education, which specifies the obligations of an employer and duties of a student. The contract contains an obligation of the employer not to burden students with jobs that are not connected with his practical training. The Law also obliges the employer to take care that the student regularly attends practical training and fulfils the work obligation, ensure student's safety at work, care about the health of student in the course of work, pay regularly to the student a monthly fee that is for first and second year of education at least 15% and for the third and fourth year at least 20% of the average gross salary of employed persons in the economy of Montenegro. For the duration of practical training with an employer, a student gets rights of employment in accordance with labour regulations and is entitled to pension and health insurance paid by the employer in accordance with the regulations.

If the students of vocational education have a practical education in the school's facilities only during the school year, they must complete the professional practice that is performed after the end of the school year in order to get familiar with the real working environment, and a way of organizing and duration of professional practice is determined in the curriculum. The longest professional practice is 30 days for educational programs for waiters and cooks, while for other educational programs it is from 10 to 15 days.

Pursuant to the law on the Adult Education ("Official Gazette of Montenegro" 20/11) the aims of the adult education are the achievement of primary education at least, and of the first vocation for all citizens; continuing vocational advancement, the re-qualification, long life learning, etc.

The adult education (persons older than 15) is accomplished in school, specialized institution for the adult education (worker or adult education centres, training centres, driving schools, etc.), as well as with other legal and natural entities that meet the requirements prescribed by the law.

The adults can evidence the acquired knowledge and skills and competences through the sitting for exams before the Centre for Vocational Education Adults and then receive a certificate of acquired national vocational qualification.

Application of Article 7, Paragraph 4

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

4 to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;

An employee under 18 years of age may not be ordered to work overtime, or at night in accordance with Article 106 of the Labour Law. Employees under 18 years of age may be ordered to work part-time by the employer’s collective agreement. Employees under 18 years of age may be deployed to work at night when it is necessary to continue work which was interrupted due to natural hazards, or to prevent damage to raw materials or other materials.

Application of Article 7, Paragraph 5

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

5 to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;

All employees, including those under the age of 18, pursuant to Article 77 of the Labour Law are entitled to an adequate salary, determined in accordance with the law, collective agreement and contract of employment. Employees shall be entitled to minimum wage for the standard performance and full working hours, or working hours equivalent to full working hours in accordance with this Law, collective agreement and contract of employment. Article 16 of the General Collective Agreement and Article 80 of the Labour Law sets for that

minimum wage may not be lower than 30% of the average wage in Montenegro in the previous six months according to the official data determined by the administration body in charge of the statistics provided that an amount so determined cannot be lower than the national absolute poverty line according to the official data determined by the administration body in charge of the statistics.

An employee shall be entitled to minimum wage hours in accordance with the law for the standard performance and full working hours, or working hours equivalent to full working. The amount of the minimum wage shall be determined by the Government of Montenegro upon a proposal from the Social Council of Montenegro, every six months.

If the total income of an employee for a standard work performance and full working hours or working hours equivalent to full working hours is less than minimum wage, the employee shall be paid the wage in the amount of minimum wage referred to in paragraph 1 of this Article.

Application of Article 7, Paragraph 6

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

6 to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;

In accordance with Article 38 of the Labour Law, the employer shall make it possible for an employee to receive education, vocational training or further improvement when required by the work process, a new method of organisation of work, and in particular when new methods in organization and technology of work are introduced. An employee shall undergo vocational training and further improvement of skills for work according to his/her abilities and needs. Costs of education, vocational training or further improvement shall be provided from the employer’s funds and other sources, in accordance with the law and collective agreement.

Employees, including those under the age of 18, shall be entitled to a wage compensation in the amount determined by collective agreement and contract of employment during **professional improvement upon an order from the employer, during retraining,**

additional training and training for work on other existing positions and in other cases determined by the law, collective agreement and contract of employment.

Application of Article 7, Paragraph 7

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

7 to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;

An employee under 18 years of age shall be entitled to weekly rest of at least two consecutive days, one of which is Sunday in accordance with Article 62 paragraph 6 of the Labour Law. According to Article 64 of the Labour Law, an employee under 18 years of age shall be entitled to annual leave of at least 24 working days.

Application of Article 7, Paragraph 8

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

8 to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

Article 106 of the Labour Law envisages that:

Article 106

- (1) An employee under 18 years of age may not be ordered to work overtime, or at night.
- (2) An employee referred to in paragraph 1 of this Article may be ordered to work part-time by the employer's collective agreement.
- (3) Exceptionally of paragraph 1 of this Article, an employee under 18 years of age may be deployed to work at night when it is necessary to continue work which was interrupted due to natural hazards, or to prevent damage to raw materials or other materials.

Application of Article 7, Paragraph 9

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

9 to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

Labor Law, under the Article 17, stipulates that a person under the age of 18 may enter into contract of employment only based on findings from a relevant health authority determining his/her ability to perform duties covered by the contract of employment and that such duties are not harmful to his/her health.

The Law on Health Care (“Official Gazette RCG” 39/04 and “Official Gazette of Montenegro” 14/10) in Article 15 stipulates the priority measures of the health care whereby health care of children and young people is included. In the area of health care, the Republic shall provide funds from the Budget for monitoring of the health status of population and identification of health problems.

Provision of the Article 16 of the above mentioned Law lays down specific health care of the employed to include: medical examinations for the establishment of capability for work; monitoring of health condition of the employed; identification and assessment of health risks at work: general medical check-ups, previous, periodical, and control medical examinations of the employed in regard to their gender, age, and working conditions, incidence of occupational diseases, injuries at work, and chronic diseases; counseling on health, safety, hygiene at work, organization, and protection devices; medical examinations of the employed that are mandatory conducted for the protection from hazardous factors of the living and working environment; organizing and administrating first aid and urgent interventions on the spot and in the working process; assessment of working conditions of particular jobs for the protection from occupational diseases; assessing needs and referring workers who are exposed to health hazards at work and those chronically overtired and physically exhausted workers to health-preventive active rest and early rehabilitation and monitoring results of such rest and rehabilitation; health education of the employed.

Article 8

The right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 1 to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
- 2 to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
- 3 to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
- 4 to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
- 5 to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

Application of Article 8, Paragraph 1

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 1 to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;*

Upon submission of a medical certificate with probable/assumed date of delivery, in accordance with Article 111a paragraph 1 of the Labour Law, an employed woman may start

maternity leave 45 days prior to delivery, and 28 days prior to delivery as mandatory leave. A child's mother may not interrupt parental leave prior to expiry of 45 days from the birth of the child. Upon expiration of the maternity leave starts the parental leave being an entitlement of one of the parents to use absence from work for the purpose of providing care and nursing to child (Article 111 para. 1). Parental leave may be used for 365 days from the birth of the child. Before and after maternity leave due to illness, complications or risk of complications, an employee shall be entitled to absence from work in accordance with Article 15 of the Labor Law and regulations on health insurance.

In accordance with Article 111 paragraph 3 of the Labour Law, the parent may start work even prior to expiry of the stated leave, but not prior to expiry of 45 days from the birth of the child. During the maternity and parental leave referred to in Article 111b of the Labour Law, the parent shall be entitled to wage compensation in the amount of the salary he/she would earn if he/she was at work, in accordance with the law and collective agreement.

Application of Article 8, Paragraph 2

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 2 to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;*

Article 108 of the Labour Law stipulates that an employer may not refuse to conclude a contract of employment with a pregnant woman, or terminate her contract because of pregnancy or if she is on maternity leave. An employer may not terminate contract of employment with a parent who is working with half of working hours due to providing care to a child with severe developmental disabilities, a single parent with a child up to seven years old or a child with severe disability, or with a person using any of the stated rights. During absence from work for the purpose of nursing a child and parental leave an employer may not terminate the employer's contract of employment or be declared redundant employees due to

introduction of technological, economic or restructuring changes in accordance with this Law. In case of an employed woman whose fixed-term contract of employment expires while she is on maternity leave, the term of employment according to the fixed-term contract of employment shall be extended until expiry of the maternity leave.

In the interest of preservation of the woman's health or the health of her child, based on findings and recommendation of the relevant medical doctor, a woman during pregnancy and breastfeeding a child may be temporarily deployed to other positions. If an employer is not in position to deploy her to another position, the employee shall be entitled to absence from work with wage compensation which may not be lower than the compensation she would receive if she were on her position. An employed woman during temporary deployment to other positions shall be entitled to the salary corresponding to the position where she worked prior to the redeployment. An employed woman during pregnancy and a woman with a child under three years of age cannot work longer than full time hours, or at night. Exceptionally, an employed woman with a child over two years of age may work at night only if she accepts such work in a written statement. An employee who believes that the employer has violated any of his/her rights arising from and based on employment may file a claim with the employer to request exercise of the right. An employer shall decide on the request of an employee, within 15 days as of the day of filing the request. Such decision shall be final, it should contain explanation and note on the legal remedy and is delivered to an employee within eight days as of the day of expiry of the period for making the decision. An employee who is not satisfied with the decision or who has not received the decision within the prescribed period, shall be entitled to initiate proceedings before the relevant court for the purpose of protecting his/her rights within 15 days as of the day of receiving the decision. An employer shall enforce the final court decision within 15 days as of the day of receiving the decision. If it is determined that there were no legal or justifiable grounds for termination of a contract of employment, the employee shall be entitled to return to work, as well as to a compensation of financial and non-financial damage. An employee and an employer may entrust the Agency for Amicable Settlement of Labor Disputes with resolving disputes arising from and based on employment, in accordance with Article 121 of the Labor Law and a special law. The burden of proving that reasons for termination of employment are not connected to pregnancy shall be borne by the employer.

Application of Article 8, Paragraph 3

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 3 to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;*

Apart from break, a rest period of a minimum 30 minutes every working day for all full time employees, an employed woman, who starts work prior the expiry of 365 days, shall be entitled to use another 90 minutes of leave for the purpose of breastfeeding the child (Article 111a of the Labor Law). An employed woman shall take a leave for breastfeeding in agreement with the employer.

Application of Article 8, Paragraph 4

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 4 to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;*

In accordance with Article 110 of the Labor Law, an employed woman during pregnancy and a woman with a child under three years of age cannot work longer than full time hours, or at night. Exceptionally, an employed woman with a child over two years of age may work at night only if she accepts such work in a written statement.

Application of Article 8, Paragraph 5

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 5 to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.*

According to Article 104 of the Labour Law, an employed woman and an employee under the age of 18 may not work on positions where mostly very difficult physical work is performed, on positions performed underground or under water, or positions which may be harmful and increase risk for their health and life. Based on findings and recommendation of the relevant medical doctor, a woman during pregnancy and breastfeeding a child may be temporarily deployed to other positions, if it is in the interest of preservation of her health or the health of her child. If an employer is not in position to deploy her to another position, the employee shall be entitled to absence from work, with wage compensation which may not be lower than the compensation she would receive if she were on her position. An employed woman during temporary deployment to other positions shall be entitled to the salary corresponding to the position where she worked prior to the deployment. The Government determined Proposal of the Law on Safety and Health Protection at Work at the session held on 06 February 2014 which was approved by the Parliament at the session held on 25 July 2014 and published in the Official Gazette of Montenegro 34/14 on 08 August 2014. This is a new Law which replaces the Law on Safety at Work (“Official Gazette of RCG” 79/04, “Official Gazette of Montenegro” 26/10 and 40/11). Article 60 paragraph 2 of the above mentioned Law defines that secondary legislation (regulation on safety and protection at work for pregnant women, postpartum/breastfeeding women) regarding implementation of the stated law shall be adopted within two years following the date of entry into force of the Law.

Article 16

The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Application of Article 16

New Law on Social and Child Protection was adopted in June 2013 (“Official Gazette of Montenegro” 27/2013). The reasons for the adoption of the law are alignment of the social and child protection system with international standards and obligations assumed by ratifying international treaties and those relating to guarantees of human rights and freedoms and the rights of the child. The Law improves the area of financial benefits, as well as the area of social and child protection. The law establishes the procedure for obtaining licenses for organizations and experts in the field of social and child protection, as well as the process of accreditation of training programs, or programs of service.

In Accordance with the Law on Social and Child Protection, the following secondary legislation was adopted in 2013: Rulebook on the conditions for the exercise of basic material benefits in the field of social and child protection (Official Gazette of Montenegro 40/13); Rulebook on the content and form of the individual activation plan and method of implementation of the measures of social inclusion of able-bodied beneficiaries of material support (Official Gazette of Montenegro 58/13). This Rulebook sets forth in more details the content and form of the individual activation plan and method of implementation of the measures of social inclusion of able-bodied beneficiaries of material support; Rulebook on the contents of the database and the content and manner of keeping records of social and child protection (Official Gazette of Montenegro 58/13), which prescribes the conditions in terms of content, manner of keeping and access to records, registers and database; Rulebook on the conditions and standards for performing professional activities in social and child protection (Official Gazette of Montenegro 56/13), which defines the professional activities of social and child protection, as well as detailed conditions and standards for their performance; Rulebook on the organization, norms, standards and methods of work of Social Welfare Centres (Official Gazette of Montenegro 58/13), which prescribes the organization, norms, standards and methods of work of Social Welfare Centres, as well as the detailed conditions for providing the service of assessment and planning in social and child protection.

In order to improve the protection of vulnerable categories of citizens under the competence of the Ministry of Labour and Social Welfare, a number of strategic documents has been

adopted: Strategy of Protection from Family Violence 2011-2015, Strategy for the Development of Foster Care in Montenegro, with the Action Plan for the period 2012 to 2016, Strategy for the integration of persons with disabilities for 2008 – 2016, Strategy for the Development of Social Protection for the Elderly 2013-2017. National Plan of Action for Children 2013-2017, Strategy for the development of the social and child protection system for the period 2013-2017. Strategy for resolving issue of displaced and internally displaced persons in Montenegro, with special emphasis on Konik camp I and II (2011-2015) with the Action plan.

In 2013, the Ministry of Labour and Social Welfare continued the realisation of the project “Social Welfare and Child Care Reform: Enhancing Social Inclusion“, financed by the EU (under the IPA 2010), in the amount of 3,000,000.00 euro.

The aim of this project is to facilitate access of vulnerable, socially excluded groups to comprehensive, inclusive and sustainable family and community based services.

The realisation of the project: Social Card – Social Welfare Information System (ISSS) is under way. The total value of the project is 1,279.979.00 euro, financed by the Government of Montenegro in the amount of 1,151.981 euro and UNDP 127.998.00 euro, whereas UNDP is in charge of the project implementation. This project is of strategic importance for the social and child protection system as it represents the backbone of the reform process, which will serve to achieve interoperability, more efficient and better social protection system. This system improves the working processes of social welfare centres and the quality of social and child protection aimed to realise financial support and services of social and child protection.

The rights in the area of social and child protection shall be exercised with the Social Welfare Centres of which eleven is organised in Montenegro. Centre can be established only by the state, as a public institution. In addition to the activities prescribed by the Law on Social and Child Care, the Social Welfare Centre starts, develops and participates in the implementation of strategies, plans and programs that contribute to meeting the needs of citizens and cooperating with government authorities, municipalities and other organizations in the field of social welfare in the municipality for which it was created.

Six public institutions to accommodate users have been organised.

In order to improve the protection of citizens who need appropriate form of social and child welfare, the Government of Montenegro adopted the Program on Subsidizing Electric Energy Consumers. The beneficiaries of the Programme are: beneficiaries of material support, allowance for care and support, the right to personal disability-family placement of foster care and foster care, recipients of social assistance for fighters, unemployed which defined the status of disabled workers II and III, an unemployed person impeded in development and others. In December 2013, the subsidy was used by 15,494 users.

Other relevant information and statistical data

The Law on Social and Child Protection in Article 5 stipulates that rights in accordance with this Law can be exercised by a Montenegrin citizen with the permanent place of residence at the territory of the State. The rights in the area of social and child protection established by this law and international contract can be exercised also by a person who has the status of a foreigner with granted temporary stay or permanent stay in the state, in accordance with a special law.

Displaced and internally displaced persons exercise their rights on social and child protection according to the Decree on the manner of exercising the rights of displaced persons from former Yugoslav republics and internally displaced persons from Kosovo residing in Montenegro (“Official Gazette of Montenegro” 45/10, 64/11 and 34/13).

The Law on Social and Child Protection under the Article 7 para. 1 item 2 stipulates a ban of discrimination of beneficiaries on the basis of race, gender, age, national belonging, social origin, sexual orientation, religion, political, trade union or other belonging, property owned, culture, language, disability, nature of social exclusion, belonging to particular social group or other personal characteristics.

The Law on Social and Child Protection under the Article 79 para. 1 item 8 stipulates that family is made up of spouses or common law marriage partners and children (born in marriage or out of it, adopted and step children) and relatives in the first line notwithstanding the degree of relationship, as well as relatives in the lateral line including also other relatives living together; a child not living in the family if it attends the regular secondary school education, until the time limit prescribed for that education, and the spouse notwithstanding where he is living.

Decision on harmonisation of the amount of bases for exercising the right on financial support and financial benefit in social and child protection (applied from 01 January 2014, “Official Gazette of Montenegro” 6/14) prescribes that benefits are as follows:

- the monthly amount of financial support for an individual and/or a family with no revenue shall amount to: 64.00 euro for an individual; 76.90 euro for a family with two members; 92.30 euro for a family with three members; 108.90 euro for a family with four members; The amount of financial support for a person who was a child without parental care shall amount to 121.70 euro per month. The number of material support users for February 2014 was 13841 families with 40853 members.

- the amount of personal disability allowance is 109.70 euro per month;

- the amount of care and support allowance is 63.50 euro per month;

- the amount of funeral costs is 317.70 euro.

- compensation for the newly born child is 106.00 euro;

- the amount of child allowance per month is: 19.20 euro for a beneficiary of financial support; 25.80 euro for a beneficiary of care and support allowance; 32.10 euro for a beneficiary of personal disability allowance; 32.10 with no parental care; 19.20 euro whose parent, adoptive parent, guardian, foster parent i.e. person to whom care, upbringing and education of the child have been entrusted as beneficiary of financial benefit established employment relationship based on an agreement on active overcoming of an unfavourable social situation.

- the amount of benefit for a new-born child for a person who is who is in the records of the Employment Agency and a regular amount 64.00 euro.

In December 2013, the right to material provision was obtained by 13,748 families with 40,251 members, personal disability allowance received 1,833 persons; care and support allowance received 8,554 persons, health protection 2,020 persons, funeral costs 46 persons, compensation for a new-born child exercised 599 persons, child allowance 9,891 families with 18,958 children, costs of nutrition in pre-school institutions 734 persons, reimbursement of salary compensation and salary compensation for maternity or parental leave, the maternity leave pay, reimbursement of salary compensation and salary compensation for half – time work obtained 5,679 persons.

The Law stipulates the harmonisation of financial benefits in the area of social and child protection on semi-annual basis (on 01 January and on 01 July of the current year) with the

living costs trends and the average salary of employees at the territory of Montenegro based on the statistical data for the preceding half year in the percentage which represents the sum of half percentage of growth, i.e. reduction in the living costs and half the percentage of growth, i.e. reduction of salaries.

Concerning the amount of basic material support, one should bear in mind the fact that families that obtain material support acquire basis for the realisation of other financial support and services in the area of social and child protection and the right to material provision is not their only income. For example, family with four members, out of which two are children, exercises right to material provision in the amount of €108.90, child allowance in the amount of €19.20, free of charge stay for preschool children in the pre-school institutions in the average monthly amount of €40.00, going on summer and in particular winter holiday for children in the amount of €105.00 per child (for winter and summer holiday for two children the amount is €420.00), health care, funeral expenses for a family member and one-time financial assistance. Children of the beneficiaries of financial support of primary and secondary school age are entitled to purchase textbooks. Also, listed families, pursuant to the Programme of the Government of Montenegro, shall be entitled to a subsidy of 40% of monthly electricity bills, as well as the provision of textbooks for the children of primary and secondary school age.

The Law on Social and Child Protection in Article 60 stipulates services in the area of social and child protection as follows: assessment and planning; support for the life in the family; counselling-therapy and social-educational service; accommodation and urgent interventions. Service provider is an institution, other form of organizing and a natural person for which the competent state administration body determined to meet the requirements to perform activities in the area of social and child protection and issue a licence for provision of that service.

Accommodation services are provided in public institutions for social and child protection. The service of accommodation of children without parental care and children whose development is hindered by family circumstances is provided by the Public Institution (PI) Children's Home "Mladost" in Bijela, where in December 2014 were 114 children. Public Institution Center for Children and Youth "Ljubovic" in Podgorica provide accommodation services for children and disorder in young people, where 14 children were accommodated in Decembre 2013. PI Institute "Komanski most" provides accommodation services to persons

with intellectual disabilities and autism, where 111 persons were accommodated in December 2013. PI Home for the Elderly "Grabovac" in Risan accommodates adults with disability and the elderly, where, 252 persons were accommodated in December 2013 and PI Home for the Elderly "Bijelo Polje" which accommodated 107 107 persons. The service leisure and recreation of children of beneficiaries of financial support and children without parental care is provided in the PI "Lovcen" - Becici, where in the summer season of 2013 stayed 3100 children, and in the winter season 600 children. For users for which the services of accommodation cannot be provided in Montenegro, it is provided in institutions outside of Montenegro. In institutions outside of Montenegro in December 2013, there were 73 children and persons.

In order to perform development, advisory, research and other professional activities in social and child protection in accordance with the Law on Social and Child Protection, the Social & Child Protection Bureau has been established which will become operational by the end of 2014.

Resolving housing issues is not prescribed in the Law on Social and Child Protection but is the responsibility of the local self-governance i.e. pursuant to the Law on Local Self-Government ("Official Gazette of RCG" 42/2003, 28/2004, 75/2005, 13/2006 and "Official Gazette of Montenegro" 88/2009 and 3/2010) material support users may exercise the right of resolving housing issues in accordance with material possibilities of the municipality.

The process for conducting eviction is in the jurisdiction of the court. As a rule, in the execution of the eviction, the court seeks presence of social workers, who can state its position in relation to the concrete case as regards postponing eviction. In the proceedings with the competent courts in accordance with The Law on Free Legal Aid ("Official Gazette of Montenegro" 20/11) the right to free legal aid, may be exercised by a beneficiary of material family benefits or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking and a person of poor financial standing.

In addition, the Law provides that a municipality may, in accordance with the financial possibilities, provide material social benefits, such as one-time assistance; subsidies for the

payment of utility services provided by public enterprises established by the municipality and other material benefits from social protection.

The Family Law of Montenegro (“Official gazette of RCG” 1/07) regulates: marriage and relationships in marriage, relationships between parents and children, adoption, placement in family (fostering), custody, support, property relationships in the family and actions of authorized bodies with regard to marriage and family relationships.

The Family Law in Article 2 stipulates that a family is a community of living of parents, children and other relatives who in the sense of this law have mutual rights and obligations, as well as the other basic community of living in which children are raised and cared for. Family Law prescribes the exercise of parental rights, settlement of disputes between spouses in relation to children, as well as disputes relating to property rights and the obligation to support between family members.

Law on Protection of Domestic Violence (“Official Gazette of Montenegro” 46/10 and 40/11), shall mean omission or commission by a family member in violating physical, psychological, sexual or economic integrity, mental health and peace of other family member, irrespective of where the incident of violence has occurred. A victim of violence has the right to psycho-social support, legal aid, social and medical care. Victim protection is provided by issuance of order of protection. Special assistance and protection is provided to a victim who is a minor child, elderly, person with a disability, and person who cannot take care of himself/herself. It is prescribed that institutions providing protection are: the Police, misdemeanour body, public prosecution service, Social Welfare Centre or other social and child protection agency, health care institution, and other agency or institution acting as care provider, have the duty to provide victim with full and coordinated protection, within their respective powers and depending on the severity of violation, a non-governmental organization, other legal or natural person, may provide protection in accordance with law.

Article 17

The right of children and young persons to social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- 1 a to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
 - b to protect children and young persons against negligence, violence or exploitation;
 - c to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
- 2 to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Application of Article 17, Paragraph 1

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- 1 a *to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;*

- b to protect children and young persons against negligence, violence or exploitation;*
- c to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;*

The education in Montenegro aims to provide opportunities for overall development of the individual, regardless of any personal characteristics, as well as to meet the needs and desires of the individual interest for lifelong learning. Primary education is compulsory and free of charge, and for the acquisition of secondary education in institutions that are publicly funded students do not pay the scholarship. Parents must ensure for their children to meet the compulsion of primary education. The Law stipulates that schools are in obligation to submit the competent inspection the report on the parents of children that have not been enrolled into school, or of children who have not met the requirements for primary schooling. The report is submitted within 15 days as of the day of the expiration of the deadline for enrollment, or as of the day of the cessation of the fulfillment of requirements for the primary schooling.

In order to achieve the primary school obligations of each child, the local self-government authority, is in obligation to table the listing of children, who have become match for schooling and who belong to that school according to the settlement they reside in, until the end of February. In order to achieve better success in learning and behavior as well as fulfilling the duties of students, parent of a pupil is obliged to cooperate with the school.

The Law guarantees citizens the equal access in acquiring education provided by the appropriate arrangement of institutions in the territory of Montenegro, in accordance with the network of institutions established by the Government, on the basis of benchmarks and criteria: number and age of children in a particular area, specifics of an area, providing equal conditions for access to education, financial possibilities. The education is carried out by public and private institutions. Establish by the state Montenegro, and/or a municipality, and a private institution may establish domestic or foreign natural or legal entity. Institution can also be established and based on the model of public-private partnerships for the area of education. Despite the legal possibilities for the establishment of private institutions, education in Montenegro is predominantly implemented in public education and upbringing institutions. There are 21 public pre-school institutions, 14 private, 163 primary schools

(including 256 branch schools), 47 public secondary schools (high schools, vocational and mixed schools) and one private high school, three resource centers, two education centers (institution in which is realized more educational programs of several levels of education), 67 licensed adult education providers.

The law specifies that each class of the same grade may have 30 pupils at most, exceptionally, a class may be composed of 33 pupils, on the basis of the Minister competent for education and science permission. Also, a class in Gymnasium and vocational school may have more than 30 students which is decided by the Ministry of Education. The implementing regulation, issued by the Ministry of Education established the norms and standards on the basis of which the smallest number of students is defined for a class, or group, and if the institution cannot organize classes in accordance with established standards, the Ministry of Education decides on the approval of the formation of classes in any such particular case. The average number of students in a class in public institutions in the academic year 2014/15 is 20.6. However, this average is obtained by just a small number of students in the branch schools because the intention is to facilitate access to education for every child and meet her/his needs.

Number of teachers in an institution depends on the number of formed classes and teachers' norms. Teachers are obliged to teach within their working week (working hours), i.e. direct work with students which is different for individual subjects, ranging from 18 to 24 hours a week. Preschool teachers has a maximum working week of 26 hours a week, while professional associates (pedagogue, psychologist, librarian, etc.) have a norm of at least 20 hours a week. All performers of educational work within their working week perform other duties prescribed tasks as determined by the statute of the institution.

In the nineties of the 20th century, Montenegro has recognized the need that a system in the field of education should be modernized and to introduce inclusive orientation for children with disabilities and developmental disabilities.

In Montenegro¹, the term “special educational needs”² is used up to the university level and includes children with disabilities (physical, mental, sensory and combined) and development

¹ Identical term is used in the following countries: Albania, Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Finland, Greece, Ireland, Italy, Cyprus, Kosovo, Latvia, Macedonia, Germany, Poland, Portugal, Slovakia, Slovenia, Spain, United Kingdom.

disabilities (behavior, learning, serious chronic and long-term illnesses, difficulties due to emotional, social, linguistic, and cultural deprivation). The emphasis is on the obstacles and barriers in the environment, and not on the fault of the child's development or current characteristics.

The Law on Education of Children with Special Educational Needs ("Official Gazette of Montenegro" 45/10), which amended the Law of 2004 ("Official Gazette of Montenegro" 80/04), Ordinance on the manner, conditions and procedure for orientation of children with special educational needs ("Official Gazette of Montenegro" 57/11) and exceeds the medical approach. Education and upbringing of children with special educational needs is part of a unified education system and the activity of public interest.

The teaching process aims to provide equal opportunities for all children, the conditions for optimal development, timely inclusion in the appropriate educational program, individual (adjusts to meet the physical, emotional, social and psychological needs of each child with a disability, and preserved abilities and interests are the basis for developing individual development - education plan), including parents, continuity of education, adequate educational technologies and assistance for children with special educational needs.

The formation of special educational need depends on how and to what extent environmental factors facilitate or hamper the final functioning of the child. It is viewed through the intersection of personal and environmental dimensions and factors. The emphasis is on obstacles in the environment, and not on the fault of the child's development or current characteristics. This goes beyond the so-called medical and introduces an integrative model.

As a first choice, children with disabilities attend mainstream schools (inclusive education). Children with moderate and serious difficulties are included in separate classes within regular schools, attending lessons together with their classmates, attending regular classes on a particular subject with their mates. If it is the only and best interests they are directed to the Resource Centres.

Currently a number of children with special educational needs is 1445, as decided by the Commission for Orientation of Children with Special Needs into Education.

Special institutions have been transformed into resource centres. In Montenegro, there are: PI "Resource Centre for Hearing and Speech", Kotor, 2) PI Resource Centre for Children

2 Special educational needs can be viewed through developmental disabilities, learning and behavioral difficulties and social disadvantages (original engl.: disabilities, learning or behavior difficulties and social disadvantages).

and People with Intellectual Disabilities and Autism “1 June”, Podgorica, 3) PI Resource Centre for Children and Youth “Podgorica” (for physical and visual impairments). Professionals of the Resource Centres are engaged as a support to regular education of children with disabilities. During their school visits, they provide: assistance in developing individual education plan; individual work with children; instructions to teachers; instructions to expert services; instructions to parents to work with children; etc. Children with moderate and serious difficulties are included in special classes seven primary schools: “Olga Golović”, Nikšić; “Jugoslavija”, Bar; “Njegoš”, Kotor; “Ilija Kišić”, Herceg Novi; “Vuk Karadžić”, Berane; “Dušan Korać”, Bijelo Polje; “Boško Buha” and “Pljevlja”. For children in special classes, it is realized the common teaching of each subject with their mates in regular classes. At the same time, within the working week, full support of the defectologist to the pupils who attend classes with an adjusted program (full inclusion) is provided. For these schools, training were ensured, specialized learning material were acquired, advisory support of experts for the implementation of procedures to include children from special into regular classes was provided.

The Ministry of Labour and Social Welfare adopted and **Act on the establishment of the Council on Children’s Rights**, and his authority was extended to all areas defined by the UN Convention on the Rights of the Child. The main tasks of the Council on Children’s Rights are to monitor the implementation of the National Action Plan for Children. Members of the Council on Children’s Rights is composed of a child’s representative (which ensures the participation of children in the preparation and implementation of public policies that affect their social status), as well as three representatives of civil society.

During 2013 and 2014, activities were carried out aimed at further increasing the knowledge of children about their rights as well as the responsibility of the institution of the Ombudsman, through the project "Children, write to the Ombudsman," which was conducted in cooperation with the office of the Ombudsman, UNICEF and the NGO “Akcija za ljudska prava” (Engl. “Action for Human Rights”). Through this initiative, children are directly invited to write to the Ombudsman about the violation of rights (Ombudsman processed 37 cases of 150 letters received from children). On the basis of letters received from children, a comic with stories and the most common forms of violations of children's rights was developed which is approved by the National Council for Education as an auxiliary teaching tool.

Taking into account the recommendations of the Committee on the Rights of the Child, we can talk about progress in the work of the Protector of Human Rights and Freedoms. First of all, the mandate of the Deputy Protector of Human Rights and Freedoms for the rights of the child was explicitly defined by an act on job systematisation, after his election by the Montenegrin Parliament. Since the appointment of Deputy Protector of Human Rights and Freedoms, in addition to the regular work on complaints, is active in various fields such as: the implementation of promotional activities, workshops on the Rights of the Child, the various projects, campaigns and publishing.

A unique methodology of data collection of children in the system of social and child protection as part of the reforms of the social and child protection supported by the European Union (IPA 2010), with the support of international experts provided by UNICEF and through a series of consultations with the Ministry of Labour and Social Welfare and social welfare centers. This methodology is in line with international standards for collecting such data as well as relevant national legislation (Law on Social and Child Protection, Family Law, Law on Protection of Domestic Violence and the Law on the Treatment of Juveniles in Criminal Proceedings).

Based on the developed methodology, software was developed that is installed in all centers for social work and services at the local level and in the Ministry of Labour and Social Affairs at the central level in early 2013. The application, in addition to entry forms of personal data and recording provided measures / services includes 50 indicators at the national level which are calculated automatically based on entered data. The indicators are related to child poverty, children who are in the formal system of care, children with disabilities, children from families with troubled relationships, children in conflict with the law, then there are intersectional data from health and education, as well as service providers in the system of social and child protection.

Database of child protection allows a better and more effective support to individual beneficiary (child), and enabled the networking of the Ministry of Labour and Social Welfare with all social welfare centers in Montenegro, in order to standardize the methods of collecting and consolidating information, faster and easier access to all relevant data and quality of data processing. Data collected and processed in this way provide information and data necessary for the planning and creation of evidence-based policy and better targeting of

programs and support to the most vulnerable categories of children and their families in Montenegro.

This system of collecting data on children in the system of social and child protection is in use from 15 January 2013 and contains somewhat more than 17000 entries.

Montenegro still does not have a single legal act which would cover all issues related to the specificity and the status of children's rights in domestic law, nor the Constitution of Montenegro contain an explicit standard which unconditionally guarantees or grant special rights to the child, or define this term.

Family Law, which regulates the system of family relations, at its largest extent is based on the Convention on the Rights of the Child, with an established border legal age (18 years), whereby a child shall be considered every human being under the age of 18. Specific legal texts were established boundaries of legal capacity with respect to age, or the age of the child, whereat such standards have not been fully harmonized in the context of different legal texts.

The new Law on Social and Child Protection is currently the only legal act that under Montenegrin legislation specifically defines the term "child" as a person under the age of 18 years (Art. 19 items. 6).

The implementation of necessary changes in the legal framework and public policies in accordance with the adopted definition of the term for a child remains a priority, and pursuant to the recommendations of the Committee on the Rights of the Child.

According to the latest survey of knowledge, attitudes and behaviour of citizens of Montenegro towards children with disabilities, which was conducted within the framework of the campaign "It's about ability" in December 2013, Montenegro showed a visible progress on the path to becoming an inclusive society.

As a result of joint efforts of the coalition partners for inclusion, which was formed as part of the campaign, led by the Government of Montenegro and UNICEF, the percentage of citizens of Montenegro is that it is unacceptable that a child with disabilities goes to the same class with their child decreased from 64%, in August 2010, to 20% in December 2013. This means that 80% of the population now supports inclusive education in Montenegro.

Also, every other citizen now accepts that a child with disabilities can be the best friend of his child. The percentage of those for whom this is unacceptable decreased from 77% in August 2010 to 49% in December 2013.

At the same time, the awareness on the basic human right and need of every child to be raised in a warm family environment increased, regardless of with disability or not. The percentage of people who believe that children with disabilities who are deprived of parental care are better to grow up in a foster family than in an institution increased from 77% in August 2010 to 49% in December 2013.

The Law on the Treatment of Juveniles in Criminal Proceedings and the Law on Social and Child Protection represent an important step forward in this field, but it remains to be monitored how the newly established legal guarantees apply in specific cases. On the other hand, at the level of the Family Law remains plenty of room for improvement. In this regard and thereby the National Plan of Action for Children 2013-2014 envisaged amendments to the Family Law which should be used for the establishment of the institute of independent legal representation, with the aim of improving the principle of the best interests of the child.

The implementation of the principle of the best interests of the child in practice in judicial, managerial and administrative decisions, programs, projects and services that have an impact on children will depend on the number of trained professionals in the police, courts and prosecutors to work with children, and the newly established professional services must become operational and monitor the treatment of children in court proceedings.

The Institution of the Ombudsman in cooperation with UNICEF, for the third year in a row is implementing the project "Obrati se zaštitniku" (Engl. Address to the Ombudsman"), which is focused exclusively on children placed in institutions, under which the booklet was printed which gives guidance on the Institution of the Ombudsman, the reasons for which can one contact the Ombudsman, the way in which children can contact the Ombudsman. These institutions, six of them in Montenegro, are regularly visited by the Protector and mailboxes are placed where children can insert their complaint. Representatives of the Institution of the Protector empty boxes once a month, and held workshops where children are informed about the possibilities of asking questions and complaints to the Protector. On this occasion, memorandum of cooperation with the directors of institutions was signed. Also, if necessary,

representatives of the Institution of the Protector hold workshops for employees of the institutions.

There is a special report in relation to children placed in institutions of social protection which was published in 2011, with recommendations addressed to competent authorities and their fulfilment is continuously monitored, and the report submitted by the Protector in 2012, contained a specific section on the work of these institutions.

With the adoption and early implementation of the Law on the Treatment of Juveniles in Criminal Proceedings Law on the treatment of juveniles in criminal proceedings and avoiding restriction of personal freedom of minors and/or respect for their human rights and fundamental freedoms are kept on the level of the basic principles of juvenile justice in Montenegro. The measure of detention as a measure of deprivation of liberty may be ordered only exceptionally under legally prescribed terms, while measures of temporary supervision and accommodation of juveniles with numerous modalities listed in the law are the rule if there is a necessity for their determination. Also this law explicitly stipulates the obligation of the juvenile judge or the presiding judge for juveniles who rendered the criminal sanction to supervise and control over its execution, with the stipulation that during the execution of institutional measures or juvenile imprisonment, particularly focus should be placed on the health status of minors and especially in relation to health risks associated with deprivation of liberty. For the first time in the juvenile justice system in Montenegro, a legal obligation was established of a juvenile judge, who handed down the institutional measure, to visit juveniles placed in juvenile ward or in an institution where executes institutional measures every six months (the juvenile judge may authorize a person from professional services to visit the minors placed in an institution and that person is required to submit a report to the judge for minors authorized), which shall report to the President of the Court thereof.

According to the Decision of the Government of Montenegro and in line with the Law on Protection of Domestic Violence, the work of teams to protect children from abuse and neglect is extended to protection from domestic violence in 2012. Both teams are integrated into the system and the obligation of their existence was denied.

During 2013, continued education for professionals in teams. Evaluation of the team works has shown that the professionals are ready to change their practice through the offered model, and that model is encouraging for the other teams in the center for social work.

The level of trust in the institutions is increasing, as well as knowledge among professionals and achieved recognition of OMTs (operating multidisciplinary teams) in the local environment. The quality of cooperation between team members improved, and cooperation with institutions and the local community. A functional division of roles and tasks in a team is performed. Problem solving approach is faster and more secure.

Before the introduction of multidisciplinary teams, it has been observed that users, in principle, manifested distrust in institutions and objected the work of expert workers. Along with the training of professionals, there were less objections. Since the training was attended by representatives of the NGO sector, they began to encourage the victims to turn to institutions, so that there has been a change in the attitudes of users.

The practice has shown that the OMT is a highly integrated group with positive, cooperative atmosphere and relationships of trust among members. This mode of work prevents burnout. In relation to the victims, it is manifested a high degree of empathy and responsibility. Within the team, weaknesses are defined and eliminate timely. The inclusion of experts from other system increases the level of knowledge and professional skills to the centers for social work, as well as in other institutions of other systems. It is also positive that the recommendations and opinions of the teams are respected in practice. Team meetings are held regularly in order to monitor the issues in the field.

The new Law on Social and Child Protection defines the duty of all who work on child protection to make every effort to assist the child to remain in the family by providing family support, and if this is not possible or not in the best interest of the child, through the provision of family placement - foster care. The new Law provides that a **child under three years of age is not provided with accommodation in an institution**, and that the placement of the child in an institution is provided only when all other options are exhausted and it is reviewed at least once every six months.

The Ministry of Labour and Social Welfare will tend to reduce the total number of children in institutional care for 30% by 2017, and the children of 0-3 years will be our priority.

Draft plan for transformation of PI Institute “Komanski most” was prepared during 2011 and 2012 with the assistance of UNDP and UNICEF and it is applied for the implementation of this Institution. Children's pavilion at the institution Komanski most was closed in mid-2014.

All children from “Komanski most” have been relocated. Moratorium to the admission of children to this institution was introduced in 2007. Out of children who have already been placed in an institution, the majority has become an adult and moved to the pavilions for adults in the absence of alternative services for the care or support for community living. It is also already known and two children who will be 18 years during 2014 or 2015 already moved to pavilions. The two youngest children moved to the Resource Center "Podgorica" according to the decision of the competent Commission for Orientation of Children with Special Needs into Education. Thereby the children's pavilion at the institution “Komanski most” was closed.

Draft Plan for transformation of the Public Institution (PI) Children’s Home “Mladost” in Bijela has been prepared by the working group of the Ministry of Labour and Social Welfare with the support of the UNICEF international expert.

In accordance with the Social Welfare Development Strategy and the National Plan of Action for Children, Transformation Plan for the PI Children's Home “Mladost” in Bijela seeks to provide transformation of residential institutions for children and support services that are aligned with the needs of children and families in the community, to develop and further strengthen foster care, improving professional capacity and accountability system as a function of the transformed and decentralized system of child protection.

In the field of social policy, the state of Montenegro committed to reform in line with international regulations. The protection of children without parental care, as a particularly vulnerable group, Social Protection Reform Strategy foregrounds respect the best interests of the child and the development of various services which support the natural family and family environment, as least restrictive environment for a child. The Strategy also emphasizes the importance of encouraging the development of less restrictive forms of social protection: foster care, adoption services, day centers, home assistance, advisory services, and so on.

The aim of the reform is primarily to reduce the number of children in the institution, develop a range of new services whose task is to support and help families in the community, as well as taking measures in order to bring closer conditions in the institution to the standards of living in the family.

New services are designed to suit the individual needs of the child and adapted to the circumstances of each child and his / her family. They provide better quality care for children, and can respond to the needs of a broader group of children and families.

As it is undivided opinion that the ultimate goal of welfare reform is, above all the protection of children without parental care and children living in disadvantaged family circumstances, non-institutional support for healthy growth primarily in their own family or in any other form of family protection (close, extended families, adoptive or foster families), then, in planning the transformation of the Children's Home "Mladost" in Bijela, it can be acted in the direction to gradually transform the current Children's Home "Mladost" into a **Resource Center for providing (missing specific) social protection services oriented towards children and young people affected by family opportunities for local and regional level**. Given the number of inhabitants and the geographical area of the state, the institution may be the only provider of certain services at the national level (for example, support for young mothers to take maternity, in the Home, and also may be the seat of the Adoption Support Team, and all aspects of foster care).

Transformation of the Institution shall be based on international and domestic laws and principles

- *UN Convention on the Rights of the Child;*
- *UN Convention on the Rights of Persons with Disabilities;*
- *European Convention on Human Rights;*
- *Other key conventions and directives of the European Commission and Council of Europe;*
- *Strategy for the Development of the Social and Child Protection;*
- *The Law on Social and Child Protection;*
- *The Family Law;*
- *The Law on Inclusive Education;*
- *Strategy on the Development of Foster Care in Montenegro.*

The goal of transformation of the institution is expanding activities of the institution by developing services that are based on family and community, which would result in better quality of care for many children and improving developmental outcomes for children.

Target groups

Support services for families and children would be intended for the following categories of users:

- **Children living in residential institutions or are at risk of institutionalization.** The plan includes the development of a range of services that will ensure appropriate placement of children in the family and community for children currently living in institutions, as well as developing services that will prevent further placement of children in institutions.
- **Children living in families, known by competent authorities and with a risk of threat, or whose needs are not being met.** The plan includes the development of services for children and families at risk in order to reduce the vulnerability of children.
- **Children who are at risk of endangerment, or whose needs are not being met, as well as children with disabilities** for whom still there is no sufficient number of appropriate services and programs to enable them optimal treatment and socialization at the state level.

Transformation expectations

- prevention of separation of children from their families, reducing trauma and improving development outcomes;
- improved developmental outcomes for children who are at risk or children suffering family circumstances;
- improved life chances in relation to future involvement in community;
- protection of a number of children from neglect and abuse;
- the inclusion of children with disabilities in all aspects of life and the community in general.

The Plan recognises that reduction of residential capacities, make available both human and infrastructural resources which may be used for offering services in the community for children who live with their families as well as establishment of new centres to support foster families.

It is expected that the Plan shall be approved by the end of 2014, and begin its implementation. In the meantime, the number of children in care is being reduced. In early May, there were six children of up to three years of age and 91 children from 3 to 18 years of age.

We note that there is great interest in adopting children. However, the number of children available for adoption is relatively small and is much smaller than the number of married couples interested in adoption. On average, it is 7-8 children per year.

The competent Social Welfare Centre together with the Children's Home tries to ensure every child leaving the Home an accommodation and employment in accordance with her/his qualifications. Children out of the Home are entitled to material family benefit five years after the age of majority, or to obtain permanent employment. In addition, the professionals from the Social Welfare Centre and professional employees of the Home provide psychological and advisory support to these persons after leaving the institution.

In Podgorica and Bijelo Polje housing service is provided to support children who leave the Children's Home, and it is not possible for them a return to the family. For this purpose, two flats are provided, one in Podgorica and one in Bijelo Polje.

The first small group house for children with disabilities and without parental care was built in Bijelo Polje, with funding provided by the US Embassy, and it is equipped with the support of UNICEF. Construction works were completed in the first quarter, and equipping was completed in mid-2014. It is expected to become operational in the autumn of 2014.

Application of Article 17, Paragraph 2

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- 2 to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.*

The realisation of measures of the Action Plan of the Inclusive Education Strategy 2014-2018 are being implemented as planned. The document was published in Montenegrin and English language. The Informer about inclusive education was prepared. It is designed for children with disabilities, their parents, families and professionals whose field of action relates to this population, in cooperation with the NGO sector. Ministry of Education and the Bureau for Educational Services prepared information materials on the process of orienting children with special educational needs for professionals and parents as well as the Instructions for orientation of children with special educational needs intended for members of the Commission. The process of improving the format, content and procedure for application of individual development and educational plan (IROP) and making an Individual Transition Plan (ITP) is under way. ITP is conducted in two stages: at the end of primary school (includes elements of professional orientation) and at the end of secondary education (focused on preparing for employment and skills for independent living).

The activity of preparatory kindergarten for children of Roma and Egyptian population was realised between 16 and 27 June this year. The program is being implemented for the third year. During the 2013/14 school year eight preschools were involved: PPI "Đina Vrbica", Podgorica, PPI "Dragan Kovacevic", Niksic, PPI "Radmila Nedic" - Berane, "Bambi" - Tivat and "Naša radost" - Herceg Novi, PPI "Solidarnost", Ulcinj, PPI "Vukosava Ivanovic-Mašanović" Bar and PPI "Duso Basekić", Bijelo Polje. It included 119 children. Activities encompasses: contact with the families, RE community, local government, local Red Cross branches, Social Welfare Centres, schools in which children will be enrolled. The Bureau for Educational Services has conducted training and supported the engagement of RE mediators.

Desegregated education of RE children from camps Konik 1 and 2 takes place in six primary schools in Podgorica: Primary school "BV Podgoričanin", PS "Marko Miljanov", PS "21. Maj", PS "Savo Pejanovic", PS "Vladimir Nazor" and PS "Vuk Karadzic". Activities represent gradually closing the branch school PS "Bozidar Vukovic Podgoričanin". This school year, classes in the branch school take place only within the third and fourth grade, and

all the other children are integrated into the aforementioned six city schools. Transport has been arranged for about 200 students on a daily basis.

For the school year 2014/15, 1003 free sets of textbooks for I, II and III class was provided as well as for 46 children who attend classes in the fourth grade of the Branch School and 53 students who attend fifth grade in urban schools.

Six RE mediator shall ensure that children attend school regularly, collaborate with teachers and expert services in schools with a view to their success. Children at risk of dropping out are regularly monitored and measures proposed to overcome the problems.

In partnership of the Ministry of Education, Ministry of Human and Minority Rights, the Bureau for Educational Services, Centre for Vocational Education and the Institute of Social Inclusion and the support of REF, it is implemented a mentoring program/RE high school students will be further supported by the responsible teachers.

Article 19

The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

11 to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

12 to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Application of Article 19, Paragraph 11

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

11 to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

The Law on Primary Education in Article 15 additional and supplementary education was amended and the second paragraph was added to read: Students who have a primary school obligation in accordance with this law and are included in the teaching process for the first time and they do not know or are insufficiently familiar with the language in which teaching is organized, shall have additional classes per especially valid curricula for up to one school year as special assistance in order to learn the language and better involvement in teaching.

In addition, the Bureau for Educational Services prepared programme for a subject Montenegrin language as a Non-Mother Tongue language. Accordingly, the Bureau for Textbooks edited textbooks for Montenegro as a Non-Mother Tongue language for the first, second, fourth, sixth and seventh grade of the primary school. Development of textbooks for the third and fifth grade is under way, and for the eighth and ninth grade open competition was announced.

Application of Article 19, Paragraph 12

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

12 to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Schools are given the opportunity to, in addition to the content included in the regular curricula, plan the contents of up to 20% of the teaching hours for each subject. "Open" part of the educational program forms the conditions that take into account the needs of each child. Within the 20% of the content of each subject promote the culture, language and traditions of the country of origin of migrant children. Then, the school is obliged to organize tuition classes for better acquisition of teaching contents during the school year as well as additional classes for students who show a particular interest in broadening and deepening knowledge of certain teaching educational areas. Teachers are required to achieve better success in mastering the educational program, to realize two more hours of direct work with students.

According to the Law on Primary Education, school shall during the school year, organize tuition classes for students who are lagging behind in learning. Also, students who have a primary school obligation and are included in the teaching process for the first time and they do not know or are insufficiently familiar with the language in which teaching is organized, shall have additional classes per especially valid curricula for up to one school year as special assistance in order to learn the language and better involvement in teaching. The Ministry shall identify the school with tangible, physical, human and other resources for organising such form of additional teaching.

Also, the Law on Gymnasium and the Law on Vocational Education, it was determined that the school has an obligation to assist in overcoming the language of teaching to the student who is foreign national as well as Montenegrin citizen who had inadequate knowledge of the language.

Article 27

The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

- 1 to take appropriate measures:
 - a to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
- 2 to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
- 3 to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Application of Article 27, Paragraph 1a

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

- 1 to take appropriate measures:*
 - a to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;*

The Law on Employment and Exercising Rights with respect to Unemployment Insurance (“Official Gazette of Montenegro” 14/10, 39/11, 40/11, 45/12 i 61/13) shall apply to unemployed person, workers seeking to change their job, employers and any other person seeking information on employment matters. The provision of Article 23 of the Law on Employment and Exercising Rights with respect to Unemployment Insurance provides that an unemployed person has the right to be informed with the Employment Agency (Agency) and Agencies for Employment (Agencies) about the possibilities and conditions of employment, for free and use the services of Agency and other agencies, to determine an individual employment plan with the Agency and agencies, participate in programs and active labour market measures, in accordance with individual employment plan, realize benefits during the

period of unemployment, as well as financial assistance during the education, training, vocational rehabilitation of individuals hard to find the employment and inclusion in other measures aimed at increasing employment and reducing unemployment.

The provision of Article 24 of the same Law prescribes that an unemployed person has a duty to actively seek employment, to fulfil the obligations laid down in the individual employment plan, participate in active employment policy measures, to accept suitable employment, to contact in person the Bureau for information on the possibilities and conditions of employment and employment mediation, and at every call of the Bureau, and at least once in two months, and/or beneficiary of financial support once a month, to inform the Bureau of any change affecting the acquisition or loss of rights or obligations under this Law, as well as to fulfil his obligations arising from the Law, a general act of the Bureau and individual employment plan.

The Law envisages measures of active employment policy, namely: information on possibilities and conditions of employment, job mediation, professional orientation, financing salaries of interns, support self-employment, employment subsidies, adult education and training, vocational rehabilitation for individuals hard to find the employment, public work, scholarships and other measures aimed at increasing employment and reducing unemployment.

Individual Employment Plan refers to the agreement between the holders of employment and unemployed on the activities of the unemployed with job search and participation in active labour market measures. The Law provides assistance to unemployed persons, employed persons and any other person, particularly in the field of professional orientation, to view more objectively, plan and execute his professional career as well as the harmonization of individual needs and capabilities of the unemployed person with needs and requirements of the labour market. Also, the person seeking employment is provided a possibility that through education and training programs acquire a qualification for the first occupation, innovate knowledge within the same occupation and level of education, retrain and acquire key skills.

The term “persons with family responsibilities” is used in the Law on Employment and Exercising Rights with respect to Unemployment Insurance as well as in other secondary legislation. However there is a possibility that in determining individual employment plan, an unemployed person declare himself as a person with family responsibilities.

Application of Article 27, Paragraph 2

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

- 2 to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;*

In accordance with Article 111 of the Labour Law;

(1) Parental leave is entitlement of one of the parents to use absence from work for the purpose of providing care and nursing to child.

(2) Parental leave may be used for 365 days from the birth of the child.

(3) The parent may start work even prior to expiry of the leave referred to in paragraph 2 of this Article, but not prior to expiry of 45 days from the birth of the child.

(4) In case referred to in paragraph 3 of this Article the parent shall not be entitled to continue to use parental leave.

(5) If one of the parents interrupts parental leave as referred to in paragraph 3 of this Article, the other parent shall be entitled to use the remaining part of the parental leave referred to in paragraph 2 of this Article.

(6) A child's mother may not interrupt parental leave prior to expiry of 45 days from the birth of the child.

During the maternity and parental leave referred to in Article 111b of the Labour Law, the parent shall be entitled to wage compensation in the amount of the salary he/she would earn if he/she was at work, in accordance with the law and collective agreement.

The employer shall provide the employee with return to the same working position or to an adequate working position with at least the same salary upon expiry of maternity, or parental, leave.

Application of Article 27, Paragraph 3

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

- 3 to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.*

According to Article 108 of the Labour Law, it is envisaged that an employer may not refuse to conclude a contract of employment with a pregnant woman, or terminate her contract because of pregnancy or if she is on maternity leave. An employer may not terminate contract of employment with a parent who is working with half of working hours due to providing care to a child with severe developmental disabilities, a single parent with a child up to seven years old or a child with severe disability, or with a person using any of the stated rights.

During absence from work for the purpose of nursing a child and parental leave an employer may not terminate the employer's contract of employment or be declared redundant employees due to introduction of technological, economic or restructuring changes in accordance with this Law.

In case of an employed woman whose fixed-term contract of employment expires while she is on maternity leave, the term of employment according to the fixed-term contract of employment shall be extended until expiry of the maternity leave.

In the interest of preservation of the woman's health or the health of her child, based on findings and recommendation of the relevant medical doctor, a woman during pregnancy and breastfeeding a child may be temporarily deployed to other positions. If an employer is not in position to deploy her to another position, the employee shall be entitled to absence from work with wage compensation, which may not be lower than the compensation she would receive if she were on her position. An employed woman during temporary deployment to other positions shall be entitled to the salary corresponding to the position where she worked prior to the redeployment.

Labour Directorate

Ref. No:023-340/14

Podgorica, December 5, 2014

2013 Conclusions for Montenegro

Non-harmonised Article 13 paragraph 4

Article 13 Right to social medical assistance

paragraph 4

With regards the conclusions of the European Committee of Social Rights and request for provision of information as to which types of medical assistance are implemented and to what extent we note the following:

In line with the **Law on Healthcare** (Official Gazette of Montenegro 39/04 and 14/10), Article 13 item 9,13,14,15 the state provides funds for healthcare of citizens who have no health insurance, foreigners and staff of diplomatic and consular missions, who are provided healthcare on the basis of international agreements, if otherwise not provided for by such agreements, as well as to foreigners who have come to Montenegro at in invitation of state authorities for the duration of their stay in Montenegro, healthcare to foreigners who have been recognised the status of refugees or internally displaced persons in accordance with national legislation and international agreements, for healthcare of persons suffering from plague, cholera, virus haemorrhagic fever or yellow fever, as well as for foreign crew members of foreign sea ships who suffer from sexual diseases or other dangerous contagious diseases, with the right to equality of treatment at the primary, secondary and tertiary level of healthcare (Article 18).

Article 31 lays down the duty of healthcare institutions and healthcare staff to provide emergency medical assistance to foreigners. Foreigners pay healthcare costs if otherwise not provided in an international treaty. Montenegro is a signatory of a range of bilateral agreements on social insurance defining realisation of healthcare of nationals of the signatory states.

Article 30 of the Law on Healthcare provides that asylum seekers, persons who have been recognised the status of refugees, persons granted additional protection and persons granted temporary protection in Montenegro are entitled to healthcare in accordance with the provisions of this and a special Law, in this case the Law on Asylum (Official Gazette of Montenegro 45/2006).

The Rulebook on manner of realisation of healthcare by asylum seekers, persons who have been recognised the status of refugees, persons granted additional protection and persons granted temporary protection (Official Gazette of Montenegro 31/2010) sets out in detail how such persons may realise healthcare. This Rulebook provides that asylum seekers and persons who have been recognised the status of refugees have the right to special healthcare provided by public healthcare institutions in the territory of Montenegro, while dental care is provided in healthcare institutions that have signed contracts with the Health Insurance Fund of Montenegro. Asylum seekers and persons who have been recognised the status of refugees exercise the rights to healthcare on the basis of a certificate confirming they have applied for asylum or have been recognised the status of refugees.

Persons who have been granted additional protection and persons granted temporary protection are entitled to free emergency healthcare on the basis of a certificate confirming they have been granted additional or temporary protection.

Under Article 8 of the Law on Health Insurance (**Official Gazette of the Republic of Montenegro 39/04 and Official Gazette of Montenegro 14/12**), mandatory health insurance covers:

- foreigners who are employed in Montenegro by Montenegrin natural or legal persons on the basis of special agreements on international technical cooperation
- foreigners who are employed in Montenegro by international organisations and institutions and other legal and natural persons, if otherwise not provided by an international treaty or if they are not insured under the legislation of another country;
- foreigners who are employed in Montenegro at foreign diplomatic and consular missions, if such insurance is provided for by an international treaty.

Article 9 of this Law provides that nationals of countries that have signed international treaties with Montenegro on social insurance realise healthcare to the extent determined by such treaties.

Under the Law on Foreigners (Official Gazette of Montenegro 82/08, 72/09, 32/11) one of the requirements for issuance of a temporary residence **permit**, is that the applicant has healthcare in the country he comes from. Having in mind that temporary residence may be granted to a foreigner who intends to stay in Montenegro over 90 days for the purpose of employment and work, performance of commercial or entrepreneurial activity, seasonal employment, high school or University education etc, by achieving the purpose of his stay **such person realizes one of the grounds for healthcare and thereby becomes entitled to full extent of healthcare for the period of time he has been granted stay, and so do members of his family if they are not insured on another grounds.**

Article 55 paragraph 1 item 4 of the **Law on Foreigners** provides inter alia for the right of **foreigners with permanent residence in Montenegro** to healthcare in accordance with the Law on Health Insurance and **thus ensures their equal treatment with citizens of Montenegro,**

Article 8 of the Law on Insurance sets out who are the insured persons of the Health Insurance Fund and other types of insurance providers. This provision includes the unemployed among the insured persons, as well as beneficiaries of social welfare rights. By being recognised the right to healthcare, foreigners with permanent residence in Montenegro enjoy the same status as citizens of Montenegro and each ground of insurance relating to citizen applies to foreigners – including those who are employed, unemployed or beneficiaries or social welfare. The right to healthcare also covers members of their families if they are not insured on another grounds.

An analysis of legislative framework in the area of healthcare and health insurance suggests that the right to emergency care is not conditioned on the length of presence in Montenegro but rather on the need. Emergency medical care, as defined by the Law on Emergency Medical Care (**Official Gazette of Montenegro 49/08**), is provided to all non-resident foreigner nationals regardless of whether they are legally present in Montenegro or are in an irregular situation.

The adoption of the new Bill on Healthcare is particularly important with regards to defining the specifics of this right. Article 16 provides that the state secures measures of priority healthcare aimed at maintenance and improvement of health of citizens that are available to all citizens. Priority measure listed under item **14 of this** Article is emergency treatment and placement of a person whose life is under direct threat due to an illness or injuries. This measure is financed from the budget if the persons concerned have no health insurance. Therefore, the use of the term **person** instead of **citizen** contributes to the clarity of the provision regarding emergency medical assistance for citizens and foreigners alike. It should be noted however that even thus far there was no dilemma as to the meaning of this provision as it was applied with the aim that was behind it.