



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Montenegro*

I. Introduction

1. The Committee considered the initial report of Montenegro (CRPD/C/MNE/1) at its 340th and 341st meetings (see CRPD/C/SR.340 and 341), held on 17 and 18 August 2017. It adopted the present concluding observations at its 353rd meeting, held on 28 August 2017.
2. The Committee welcomes the initial report of Montenegro, which was prepared in accordance with the Committee's reporting guidelines. It also appreciates the State party's written replies (CRPD/C/MNE/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/MNE/Q/1).
3. The Committee appreciates the constructive dialogue held during the consideration of the report and commends the State party for its high-level delegation, which included representatives from various ministries and from the Permanent Mission of Montenegro to the United Nations Office and other international organizations in Geneva.

II. Positive aspects

4. The Committee commends the State party for the adoption of:
 - (a) The Prohibition of Discrimination against Persons with Disabilities Act;
 - (b) The Spatial Planning and Construction Act;
 - (c) The Professional Rehabilitation and Employment of Persons with Disabilities Act;
 - (d) The Protector of Human Rights and Freedoms Act;
 - (e) The Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020;
 - (f) The Strategy for the Social Inclusion of Roma and Egyptians in Montenegro for the period 2016-2020;
 - (g) The Strategy for the Protection of Persons with Disabilities from Discrimination and for the Promotion of Equality for the period 2017-2021;
 - (h) The Strategy for Protection against Domestic Violence 2016-2020;
 - (i) The Strategy for Sustainable Development 2016-2020;

* Adopted by the Committee at its eighteenth session (14-31 August 2017).



(j) The Strategy for the Advancement of Female Entrepreneurship for the period 2015-2020.

5. The Committee welcomes the efforts to revise the current legislation of Montenegro based on the official analysis of 60 laws that was carried out in September 2016.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

6. The Committee is concerned that progress in bringing national legislation into full compliance with the Convention and replacing the current medical model of disability with a human rights-based approach has been largely insufficient. The Committee is also concerned that there are no clear and identifiable budget lines within the public budgets for the implementation of laws, policies and programmes for the implementation of the rights of persons with disabilities, particularly for the implementation of the Strategy for the Integration of Persons with Disabilities.

7. The Committee recommends that the State party adopt a human rights-based approach to disability in all its laws, policies and measures. It also recommends that the State party educate and raise the awareness of its policymakers, professionals and the public in general on the rights of persons with disabilities enshrined in the Convention and its Optional Protocol. It further recommends that the State party:

(a) **Continue its efforts to regularly review existing and draft legislation in regular and fully accessible consultation with persons with disabilities and their representative organizations and ensure that disability rights impact assessments form an integral part of the legislative process;**

(b) **Allocate identifiable, sufficient, coherent and continuous budget resources to the development and implementation of laws, policies and strategies that are relevant for the implementation of the Convention, including the Strategy for the Integration of Persons with Disabilities.**

8. The Committee is concerned about the lack of regular and sustainable financial support for organizations of persons with disabilities, particularly at the local level. It is also concerned about the lack of a transparent and efficiently structured mechanism for regular consultation of persons with disabilities and their representative organizations.

9. The Committee recommends that the State party provide adequate and sustainable financial resources to organizations of persons with disabilities. It also recommends that the State party ensure effective participation of and consultation with organizations of persons with disabilities, including those representing women with disabilities, children with disabilities, persons with hearing impairments and the deaf, and persons with psychosocial and/or intellectual disabilities at the national and local levels through transparent frameworks in relation to law and policymaking.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

10. The Committee notes with concern that certain anti-discrimination provisions on disability are themselves discriminatory as they apply to discrimination based only on certain types of impairments. It is concerned about:

(a) The very small number of complaints based on discrimination, which may point to insufficient knowledge among the population, particularly persons with disabilities, about the rights under the Convention and the available measures to complain about discrimination, as well as a lack of trust in the justice system;

(b) The lack of effective equal protection of persons with disabilities who may be subjected to intersectional discrimination, such as persons with disabilities who are

members of different ethnic groups, including Roma, Ashkali and Egyptians, and refugees, asylum seekers and internally displaced persons;

(c) The continued use of assessments of disability to access certain human rights and of different definitions of disability, including with derogatory terminology;

(d) The fact that the Prohibition of Discrimination against Persons with Disabilities Act does not define reasonable accommodation in accordance with the Convention.

11. The Committee recommends that the State party make the necessary legislative amendments to ensure that all persons with disabilities are equally and fully protected against all forms of discrimination, including intersectional discrimination, in accordance with the Convention. It also recommends that the State party:

(a) **Take awareness-raising measures to encourage persons with disabilities to report discrimination and ensure their access to accessible information on their rights under the Convention and on available measures to submit complaints;**

(b) **Train relevant professionals, particularly law enforcement personnel and members of the judiciary, on the Convention and on how to adequately handle complaints of discrimination based on disability;**

(c) **Strengthen its efforts to prevent and remedy intersectional discrimination experienced by persons with disabilities who belong to a minority group, particularly children, and ensure that they have equal access to all rights under the Convention;**

(d) **Ensure that any assessment procedures are in line with the Convention and do not lead to discriminatory treatment, abolish the use of different definitions for disability and derogatory terminology and apply a human-rights based approach to disability instead;**

(e) **Adopt and apply the concept of reasonable accommodation with effective sanctions in order to ensure that the denial of reasonable accommodation constitutes discrimination on the ground of disability.**

Women with disabilities (art. 6)

12. The Committee is concerned about ongoing discrimination and violence against women and girls with disabilities and the fact that the measures taken by the State party to prevent such discrimination and violence and provide redress when they do occur have been largely insufficient. It is also concerned about:

(a) The lack of specific data on the situation of women and girls with disabilities;

(b) The largely insufficient specific measures concerning women and girls with disabilities in legislation and policies on gender and disability, as well as the absence of any measures concerning women and girls with disabilities who are subjected to intersectional forms of discrimination;

(c) The fact that women and girls with disabilities are frequently victims of gender-based violence and sexual exploitation, which they are often reluctant to report, and that violence prevention measures are insufficiently accessible;

(d) The lack of information on adequate and transparent funding and affirmative employment-related measures tailored to the needs of women with disabilities.

13. With reference to its general comment No. 3 (2016) on women and girls with disabilities and in view of targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party, with the active involvement of women with disabilities through their representative organizations at all stages of the development of measures and decision-making processes:

(a) **Allocate sufficient resources to research and data collection on women and girls with disabilities, disaggregated by age, geographical area, type of impairment, family situation, and place of residence (institution or community care);**

(b) **Include a disability perspective in gender equality legislation, policies and programmes, as well as a gender perspective in disability legislation and policies, and develop specialized policies for women with disabilities;**

(c) **Prevent and combat the multiple and intersecting forms of discrimination that women and girls with disabilities face, with a particular focus on access to justice, protection against violence and abuse, education, health care and employment;**

(d) **Include a disability perspective in all laws, policies and programmes on protection from violence, abuse and exploitation, take awareness-raising measures to encourage women and girls with disabilities to report all forms of harassment and violence to which they have been subjected, ensure their access to accessible information and adequate victim support services, including at the local level, and adequately punish perpetrators.**

Children with disabilities (art. 7)

14. The Committee notes with concern that children with disabilities are not sufficiently included in decisions that affect their lives. It also notes with concern that:

(a) Discrimination and social exclusion of children with disabilities is prevalent;

(b) Data collected on the situation of children with disabilities is insufficient;

(c) Despite the prohibition against placing children with disabilities under 3 years of age in institutions, children with disabilities are frequently institutionalized, including in so-called day-care centres, and furthermore, the institutions are divided based on impairment;

(d) Early identification and intervention services are largely insufficient, particularly at the local level, and mostly follow the medical model;

(e) Support provided to parents of children with disabilities is insufficient.

15. **The Committee recommends that the State party step up its efforts to allocate all necessary resources to eliminate discrimination against and exclusion of children with disabilities, with a particular focus on children at risk of intersectional discrimination. It also recommends that the State party:**

(a) **Establish policies and programmes that will ensure the right of children with disabilities to express their views on all matters concerning them;**

(b) **Take swift measures aiming at the deinstitutionalization of children and allocate all necessary resources to ensure that they have access to all necessary services in the context of community care instead of in the context of day-care centres or any other segregated settings;**

(c) **Provide all children with disabilities, regardless of their impairment, with sufficient early childhood intervention and development services in cooperation with representative organizations of parents of children with disabilities, including at the local level, in compliance with the Convention;**

(d) **Develop effective quality community-based support services for parents caring for children with disabilities.**

Awareness-raising (art. 8)

16. The Committee is concerned about the lack of sufficient training programmes for public and private media personnel on the human rights-based approach to disability, as well as training for students of architecture and engineering on accessibility and universal design.

17. **The Committee recommends that the State party allocate all necessary human, technical and financial resources to:**

(a) **Providing training for public and private media on the Convention, with particular emphasis on the human rights-based approach to disability, and encouraging the portrayal of a positive image of persons with disabilities, their rights and their contributions to society, with a view to eliminating negative stereotypes and prejudices against persons with disabilities;**

(b) **Taking effective steps to include in the curricula for students of architecture and engineering mandatory elements on the rights of persons with disabilities, with a special focus on accessibility and universal design.**

Accessibility (art. 9)

18. The Committee is concerned about the absence of a comprehensive accessibility strategy or harmonized legislation. It notes with concern that most public services and buildings, electronic banking and automated teller machine services, the 112 hotline for emergency situations and public transport are reportedly not accessible or are insufficiently accessible for persons with disabilities.

19. **The Committee recommends that, in line with article 9 of the Convention, its general comment No. 2 (2014) on accessibility and targets 11.2 and 11.7 of the Sustainable Development Goals, the State party:**

(a) **Adopt an adequately resourced comprehensive accessibility strategy and an action plan with an efficient monitoring mechanism, benchmarks and reasonable timelines for the removal of barriers, with enforceable and effective sanctions for non-compliance;**

(b) **Take particularly swift measures to ensure the accessibility of the 112 hotline;**

(c) **Promote universal design for all buildings, public services and public transport with particular focus on applicable information and communications technology solutions, in consultation with persons with disabilities and their representative organizations, including at the local level.**

Right to life (art. 10)

20. The Committee is concerned about reported cases of death through suffocation in psychiatric hospitals and the fact that no specific prevention measures with safeguards have been taken since those reported deaths occurred. It notes with concern that hospitals lack specific protocols on how to proceed following allegations of abuse and that it is not mandatory to conduct an autopsy following the death of persons placed in institutions.

21. **The Committee recommends that the State party:**

(a) **Establish anonymous and accessible complaint mechanisms in all hospitals, particularly psychiatric hospitals and departments, and in institutions, and develop an obligatory protocol that all hospitals and institutions are required to follow upon any abuse allegations;**

(b) **Make autopsy mandatory in cases of death in hospitals and institutions;**

(c) **Introduce specific safeguards to avoid accidents such as suffocation in all hospital and institution settings.**

Situations of risk and humanitarian emergencies (art. 11)

22. The Committee is concerned about the lack of any comprehensive strategy, protocols or standards, and about the lack of regular training of relevant professionals and in public buildings to ensure that persons with disabilities have access to help in situations of risk and humanitarian emergencies. It is also concerned about the lack of equal access to information, such as accessible and adapted manuals, including guidelines in line with its general comment No. 2.

23. **The Committee recommends that the State party adopt an effective mechanism in accordance with the Sendai Framework for Disaster Risk Reduction 2015-2030 in**

order to have an accessible and comprehensive emergency strategy and protocols for situations of risk (including, for example, hotlines, a text message warning application, general manuals in sign language and Braille), and to require all public services to develop individual and local plans for the safe evacuation of persons with disabilities, in consultation with persons with disabilities through their representative organizations, including at the local level.

Equal recognition before the law (art. 12)

24. The Committee is concerned about the current substituted decision-making and guardianship regime, which restricts the exercise of various rights. It notes with concern that the number of persons with disabilities who are deprived of their full legal capacity continues to be high.

25. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee urges the State party to fully harmonize its legislation with the Convention, to replace the current guardianship and substituted decision-making regime with a system of supported decision-making that fully respects the autonomy, integrity, dignity, will and preferences of the person, and to establish transparent and effective remedies for persons with disabilities whose legal capacity has been removed.

Access to justice (art. 13)

26. The Committee is concerned that most court buildings in the country remain inaccessible for persons with physical impairments, and that:

(a) Persons working in the administration of justice are not sufficiently trained in the rights of persons with disabilities, including on procedural accessibility, particularly with regard to access to assistive technologies;

(b) Legal aid, registered and qualified sign-language interpretation and Braille service, as well as alternative modes of communication and other measures to provide persons with intellectual and psychosocial disabilities with access to judicial and administrative proceedings are insufficiently available.

27. The Committee recommends that the State party provide for barrier-free and non-discriminatory access to justice based on the free choice and preference of persons with disabilities, and for disability-related and age-appropriate accommodations in all legal proceedings. It recommends that the State party strengthen its efforts to ensure that:

(a) **Accessibility measures, such as Braille, the provision of sign language interpretation, alternative modes of communication and Easy Read formats are available in a non-discriminatory manner at all stages of judicial and administrative proceedings;**

(b) **Judicial, law enforcement and notary personnel are properly trained in the application of a human rights approach to disability.**

Liberty and security of the person (art. 14)

28. The Committee notes with concern that the current medical approach to disability permits the deprivation of liberty of persons with disabilities on the basis of impairment and provides for involuntary hospitalization and forced institutionalization of children and adults with intellectual and/or psychosocial disabilities. The Committee also notes with concern that, pursuant to article 33 of the Protection and Exercise of the Rights of the Mentally Ill Act, police officers are obliged to deprive a person of liberty based only on the suspicion of "mental illness". The Committee is concerned about the lack of information on any safeguards in this regard and the possibility of challenging such deprivation of liberty.

29. The Committee urges the State party to repeal laws and protocols permitting any form of deprivation of liberty based on impairment or perceived impairment and to provide effective safeguards and remedies to persons with disabilities who have been deprived of their liberty on the basis of impairment.

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

30. The Committee notes with concern that article 43 of the Protection and Exercise of the Rights of the Mentally Ill Act allows for force, restraining and isolation of persons with an intellectual and/or psychosocial disability. It is concerned about reports according to which force has been used against persons with disabilities who refuse to take medication in psychiatric hospitals.

31. The Committee recommends that the State party make the necessary legislative amendments and take effective measures to prohibit the practice of involuntary commitment or hospitalization, forced medical and/or forced psychiatric treatment, chemical or physical restraining, coercive measures and isolation, which amount to torture or cruel, inhuman or degrading treatment or punishment, and ensure that any use of these practices, treatments and methods by staff is adequately prosecuted and sanctioned. In this regard, the Committee also recommends that the State party carry out independent, regular and unannounced checks on institutions.

Freedom from exploitation, violence and abuse (art. 16)

32. The Committee notes with concern that violence against persons with disabilities, particularly women and children, is prevalent and that effective measures to prevent violence, including sexual violence, in all settings and to monitor violence prevention, is lacking. It notes with concern that:

(a) Relevant professional groups, such as social workers, teaching staff, medical staff and members of the judiciary, are insufficiently trained in the prevention of violence against persons with disabilities;

(b) The State party does not collect and publish any data on violence against persons with disabilities.

33. The Committee recommends that the State party ensure the availability of accessible, effective and independent monitoring of facilities and programmes designed to serve persons with disabilities, and of complaint mechanisms, in accordance with article 16 (3) of the Convention, to enable the authorities to identify, investigate and prosecute all cases of violence against persons with disabilities. It also recommends that the State party:

(a) **Establish accessible and anonymous services for persons with disabilities who are experiencing violence, whether inside or outside the home, such as shelters, victim support services, hotlines and complaint mechanisms, including at the local level, and include therein a gender and a child rights perspective;**

(b) **Provide training for all relevant professionals, particularly police officers, justice personnel, prison staff, social workers and health professionals, to ensure protection from and prevention of exploitation and abuse of and violence against persons with disabilities. The training should include effective reporting measures with a view to ensuring that persons who are exposed to violence are taken seriously and that investigation, prosecution and sanctioning of perpetrators are conducted effectively to prevent recurrence;**

(c) **Conduct research and set up a system of collection and publication of data and statistics on violence against persons with disabilities, disaggregated by age, sex, type of violence and the setting of the act of violence.**

Protecting the integrity of the person (art. 17)

34. The Committee notes with concern that, pursuant to article 24 of the Protection and Exercise of the Rights of the Mentally Ill Act, biomedical research may under certain circumstances be carried out on persons with intellectual and/or psychosocial disabilities without their prior, informed and fully voluntarily given consent.

35. The Committee urges the State party to expedite all necessary legal amendments to ensure that any form of medical or other scientific research may not

be carried out on persons with disabilities without their prior, informed and fully voluntarily given consent. The Committee reminds the State party that such consent cannot be given via substituted decision-making.

Living independently and being included in the community (art. 19)

36. The Committee is concerned about the continuation of institutional care and the lack of any comprehensive strategy of deinstitutionalization. It is also concerned about:

(a) The high number of persons with disabilities who are institutionalized, and the fact that the efforts made by the State party to develop individual support services remain insufficient;

(b) The fact that persons who are institutionalized are transferred to other institutions as a form of “holiday”;

(c) The allocation of resources to the creation of smaller, albeit still segregated settings, which constitute de facto institutions, instead of increasing resource allocation to community-based care.

37. The Committee urges the State party to adopt a comprehensive strategy with clear time-bound goals for effective deinstitutionalization and to allocate adequate resources to its implementation. It recommends that the State party:

(a) **Commit to not building new institutions or other forms of segregated settings, and instead develop a wide range of community-based services, including at the local level, that respond to the needs of persons with disabilities and respect their autonomy, choices, dignity and privacy and that include peer support and other alternatives to the medical model of mental health;**

(b) **Discontinue the concept of holidays in a different institution and ensure that persons with disabilities can spend holidays in a community care environment;**

(c) **Ensure the involvement of persons with disabilities and their representative organizations at all stages of the development of independent living strategies and schemes.**

Personal mobility (art. 20)

38. The Committee is concerned that the distribution of mobility aids is not universal and notes that there are insufficient measures to ensure personal mobility.

39. The Committee recommends that the State party improve transparent access to assistive devices and technologies and ensure accessible and fair reimbursement schemes in order to prevent any additional costs and/or administrative burden for persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

40. The Committee is concerned about the largely insufficient availability of public information and mass media for persons with disabilities in accessible and usable formats, such as Braille, deaf-blind interpretation, sign language, easy and plain language, audio description, captioning, subtitles and others. It is also concerned about:

(a) The non-recognition of Montenegrin sign language as an official language and the State party’s insufficient efforts to effectively promote and facilitate the use of sign language, as well as the use of all other alternative methods and accessible formats of communication, particularly when persons with disabilities are engaged in official interactions;

(b) The absence of information about the established and reliable procedures to apply for sign language interpretation in public proceedings and in public life events.

41. The Committee recommends that the State party develop and use accessible communication formats, as listed above, for mass media and public information, and allocate adequate funding for their development, promotion and use, in accordance

with articles 24 (3) and 29 (b) of the Convention, as well as general comment No. 2 (2014) on accessibility. In this regard, it also recommends that the State party provide for the full legal recognition of the sign language of the Montenegrin deaf community and of Braille.

Respect for home and the family (art. 23)

42. The Committee notes with grave concern that:

(a) Montenegrin legislation restricts the right of persons with disabilities under guardianship to marry and restricts their parental rights;

(b) Parents with disabilities, particularly women, lack sufficient measures of support from the State in their exercise of parental responsibility for their children and, when raising their children alone, may risk having them taken away from them.

43. **The Committee recommends that the State party speedily harmonize its legislation with the Convention and ensure that persons with disabilities can exercise their right to marry, their parental rights and their right to adopt on an equal basis with others, and that support services are provided in the community for parents with disabilities. In this regard, it also recommends that the State party take all necessary measures, including legislative measures, to ensure that women with disabilities under no circumstances lose custody of and/or contact with their children based on their disability or on the fact that they are raising their children on their own, and provide these mothers with community support if needed.**

Education (art. 24)

44. The Committee is concerned about the absence of any comprehensive legislation for quality, inclusive education. It is also concerned about:

(a) The lack of comparable and comprehensive data on children with disabilities in mainstream education;

(b) The prevalence of a system of assessment for children with disabilities at school enrolment that appears to be in conflict with the human rights model of disability enshrined in the Convention;

(c) The absence of information on affirmative and non-discriminatory measures for the enrolment of and reasonable accommodation provided to students with disabilities in mainstream education;

(d) The largely insufficient accessibility of higher education.

45. **Recalling its general comment No. 4 (2016) on the right to inclusive education and Sustainable Development Goal 4, especially targets 4.5 and 4.8, the Committee recommends that the State party increase its efforts towards inclusive education, especially that it:**

(a) **Adopt and implement a coherent strategy and action plan with clear time frames, indicators, monitoring and evaluation benchmarks on inclusive and quality education in the mainstream education system;**

(b) **Collect data on children with disabilities in mainstream schools and progressively improve the accessibility of mainstream schools and tertiary education with time-bound goals, including the provision of reasonable accommodation and individual support, accessible environments, accessible and adapted school material and inclusive curricula;**

(c) **Revise the system of assessment of children with disabilities for school enrolment and ensure the non-discriminatory access by all children with disabilities to inclusive education, in line with general comment No. 4;**

(d) **Ensure mandatory pre- and in-service training for all teachers and other education personnel on inclusive quality education, allocating all necessary human, technical and financial resources.**

Health (art. 25)

46. The Committee is concerned about the limited and unequal access to health services for persons with disabilities, especially persons in institutions. It is also concerned about:

(a) The unequal access to sexual and reproductive health services, particularly at the local level and especially for women, which is illustrated, inter alia, by the very small number of gynaecological chairs;

(b) The lack of adequate training of health professionals on the human rights of persons with disabilities;

(c) The lack of information on measures in place to ensure that health professionals act on the basis of individual, free and informed consent in all decision-making regarding the right to health for persons with disabilities;

(d) The lack of information on whether the sterilization of persons with disabilities without their consent is fully prohibited.

47. The Committee recommends that the State party adopt all necessary legislative and policy measures and action plans, and allocate adequate resources to their implementation in order to ensure that:

(a) **All persons with disabilities have access to timely and quality health-care services, including at the local level;**

(b) **Sexual and reproductive health services and information are fully accessible to persons with disabilities, including by increasing the number of accessible gynaecological chairs and ensuring that adequate information is provided in accessible formats and alternative methods of communication to all women and girls with disabilities concerning their sexual and reproductive rights;**

(c) **Forced sterilization is fully prohibited under all circumstances;**

(d) **Professionals in mainstream health services receive training on the rights enshrined in the Convention that includes training on the right to free and informed consent with particular regard to reasonable accommodation, and that such training be also provided by persons with disabilities and their representative organizations;**

(e) **All health care and services provided to persons with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, that third party consent is explicitly prohibited, and that any failure to act in line with the free and informed consent of the patient is punished.**

Work and employment (art. 27)

48. The Committee is concerned about the lack of information on the effective protection of employees with disabilities from dismissal. It is also concerned about:

(a) The fact that persons with disabilities, especially women, are particularly affected by unemployment;

(b) The lack of information on subsidies or any measures, beyond the obligation for employers who do not respect the minimum quota for the employment of persons with disabilities, to contribute to the Fund for the Professional Rehabilitation and Employment of Persons with Disabilities;

(c) The insufficient provision of reasonable accommodation in workplaces;

(d) The use of the medical model of disability to assess people's capacity for work, which is in conflict with the Convention;

(e) Insufficient comprehensive data on the situation of persons with disabilities in employment, particularly in the private sector.

49. The Committee recommends that the State party analyse and remedy any disincentives to employment for persons with disabilities, and further promote

employment in the open labour market in the public and private sectors, with particular emphasis on women, in close consultation with persons with disabilities and their representative organizations. It also recommends that the State party:

- (a) Introduce legislation providing for effective sanctions against employers who fail to provide reasonable accommodation in the workplace;**
- (b) Collect disaggregated statistical data on the employment rate and situation of persons with disabilities, disaggregated by sex, age, type of employment and salary;**
- (c) Reform the assessment procedures in the employment context in line with the human rights model of disability prescribed by the Convention.**

Adequate standard of living and social protection (art. 28)

50. The Committee notes with concern that the State party does not regularly and transparently monitor the increase in living costs of persons with disabilities. It is concerned that:

- (a) Women with disabilities are particularly exposed to poverty as they are particularly affected by unemployment and because their earnings and/or the benefits they receive are frequently shared or entirely used by their families;
- (b) Women with disabilities are sometimes abandoned by their husbands, which may further increase their poverty risk;
- (c) There is no available and transparent data at the local level about children with disabilities who do not have access to social protection.

51. **The Committee recommends that the State party:**

- (a) Regularly monitor the living costs of persons with disabilities and adjust disability benefits accordingly;**
- (b) In line with paragraph 41 (d) of the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/MNE/CO/2), raise awareness about the importance of economic autonomy for women with disabilities, establish appropriate procedures enabling women with disabilities to claim their earnings and/or benefits in case these are taken away from them by family members, and ensure that benefits are directly transferred to women with disabilities rather than to their family members;**
- (c) Take all necessary measures, including legislative measures, to ensure that the right to alimony of women with disabilities who are deserted by their husband is duly enforced and that, if these women are destitute, they receive adequate social benefits;**
- (d) Collect data on all children with disabilities at the local level and ensure that every child has access to disability benefits in order to have a standard of living above the subsistence level.**

Participation in political and public life (art. 29)

52. The Committee is concerned about the growing exclusion of persons with disabilities from public life due to the increasing number of persons with disabilities whose legal capacity is restricted. It notes with concern that:

- (a) Persons whose legal capacity is restricted are deprived of the rights to vote and to stand for election;
- (b) Several physical and informational barriers remain in the voting process.

53. **The Committee recommends that the State party amend the electoral law(s) and the rules of procedure in order to:**

- (a) Give all persons with disabilities the rights to vote and to stand for election;**

(b) **Ensure unhindered physical access to voting, secure mechanisms to ensure secrecy of the ballot regardless of the form of disability, and the availability of other electoral materials and information in accessible formats, in line with the Committee's general comment No. 2 (2014) on accessibility.**

Participation in cultural life, recreation, leisure and sport (art. 30)

54. The Committee is concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. The Committee is also concerned that sports centres do not sufficiently promote inclusive regular sports programmes.

55. **The Committee encourages the State party to adopt all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible. It recommends that the State party allocate the necessary resources to increase access to inclusive sports to persons with disabilities of all ages.**

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

56. The Committee notes with concern that the State party does not sufficiently systematically collect disaggregated data on persons with disabilities across all sectors and that data collection is scattered among various institutions.

57. **The Committee recommends that the State party establish a unified and comprehensive system to collect, analyse and disseminate data on the situation of persons with disabilities, disaggregated by sex, age, ethnicity, type of impairment, socioeconomic status, employment, place of residence, as well as on the barriers that persons with disabilities face in society. The Committee also recommends that the State rely on the methodology and questions of the Washington Group on Disability Statistics.**

International cooperation (art. 32)

58. The Committee is concerned that the State party does not sufficiently involve the Montenegrin representative organizations of persons with disabilities when engaging with international non-governmental organizations and other States parties in the field of international cooperation.

59. **The Committee calls on the State party to involve representative organizations of persons with disabilities in international cooperation and to ensure the inclusion of a disability rights-based perspective, in accordance with the provisions of the Convention, into all efforts aimed at achieving the Sustainable Development Goals.**

National implementation and monitoring (art. 33)

60. The Committee is concerned about the lack of an explicitly identified coordination mechanism, as outlined in article 33 (1) of the Convention. It notes with concern that the Ombudsman is not carrying out the duties of an independent mechanism, as outlined in article 33 (2).

61. **Taking into account the Committee's 2016 guidelines on independent monitoring frameworks and their participation in the work of the Committee, it recommends that the State party:**

(a) **Appoint a governmental body to be the focal point for the implementation of the Convention, and consider the appointment of a coordination mechanism under article 33 (1) of the Convention;**

(b) **Establish a national independent mechanism to monitor the implementation of the Convention and ensure its compliance with the principles**

relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) Ensure the full participation of persons with disabilities and their representative organizations in the monitoring process, including by providing the necessary funding.

IV. Follow-up

Dissemination of information

62. The Committee requests that the State party provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations contained in paragraphs 11 (equality and non-discrimination) and 19 (accessibility).

63. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

64. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

65. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

66. The Committee requests the State party to submit its combined second, third and fourth periodic reports by 2 December 2023 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.