



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fifth session

### Summary record of the 1558th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Monday, 20 September 2010, at 10 a.m.

*Chairperson:* Ms. Lee

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports of States parties** (*continued*)

*Initial report of Montenegro (CRC/C/MNE/1, CRC/C/MNE/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Montenegro took places at the Committee table.*
2. **Mr. Numanovic** (Montenegro), summarizing the State party's report (CRC/C/MNE/1), said that Montenegro had been an independent, sovereign State since 2006, with a constitution that recognized the supremacy of international law. Further to its adoption of the Convention on the Rights of the Child and its Protocols, the State party had submitted its initial report to the Committee in November 2008, while the reports on the Optional Protocols had been submitted in June 2009. The reports had been produced by an inter-agency working group and were based on information received from the various institutions in Montenegro that held responsibility for the rights of the child, child protection and the promotion of children's issues. The reports detailed Montenegro's legal system in the field of child protection and how children's development needs were met in line with the principles of the Convention.
3. The Constitution of Montenegro protected the rights and freedoms of individuals, including children; it guaranteed the right to private and family life and gave special protection to the family. The Constitution stipulated that parents should care for their children and that children should care for parents in need of assistance. Children born out of wedlock had the same rights and responsibilities as children born in wedlock. Children were expected to enjoy the rights and freedoms appropriate to their age and maturity and they were guaranteed special protection from psychological, physical and economic exploitation or abuse. Education was a right and was open to all on an equal basis, and primary education was compulsory and free of charge. Children were entitled to publicly funded health care.
4. Under the Constitution, no one was obliged to fulfil a military duty or to take up arms if that was contrary to their religion or beliefs. Members of minority groups enjoyed the right to use their own language and alphabet for private, public and official use and to have their history and culture included in education curricula. Their name could be used and written in official documents in their own language and alphabet.
5. The Convention had served as a basis for Montenegro's legal reform and new legislation had been developed including the Family Act of 1 January 2007, which contained a section devoted to the rights of the child and the exercise of those rights before the courts. The Protection against Family Violence Act had been implemented and the Administration was currently drafting a juvenile justice act as well as an act amending the Protector of Human Rights and Freedoms Act, which would set out procedural rules to be applied by the Protector for the Rights of the Child.
6. The principles underlying the Convention were disseminated to adults and children: workshops and seminars had been organized for educational and social services staff and books and brochures on the topic had been especially written for children. Non-governmental organizations (NGOs) made a substantial contribution to implementation of the Convention in Montenegro.
7. The Government had established a Development and Poverty Reduction Strategy (2003–2007); the National Plan of Action for Children (2004–2010); and other programmes and strategies affecting the rights of the child in such areas as prevention of unacceptable behaviour in children and adults; the status of refugees and internally displaced persons; Roma inclusion; social and child protection systems; integration of persons with disabilities; inclusive education; and a national strategic response to substance abuse. The

National Plan of Action for Children was a framework document that set out the activities, programmes and strategies to be undertaken by the State and civil society to achieve the following objectives: to protect children from inequality; to provide equal access to education for boys and girls; and to provide children with a healthy life and environment. The Ministry of Labour and Social Care and the United Nations Children's Fund (UNICEF) office in Podgorica had agreed to conduct an analysis of the current National Plan and to develop a new one.

8. Children's rights were protected and exercised through the courts, guardianship authorities, the Council for the Rights of the Child, the Protector of Human Rights and Freedoms and various ministries, including the Ministry of Health, Labour and Social Care, the Ministry of Education and Science and the Ministry of Justice. Judges, prosecutors, defence counsel and representatives of the police involved in family law and criminal law cases underwent special training in children's rights.

9. The guardianship authority was an expert social care service that was authorized to provide family legal protection through social work centres to families and children in the area of family law and to address criminal, social, civil and administrative law issues. The authority could be a party to court proceedings; it could provide advice and issue protective measures. In discharging its duties, the authority relied on social, health-care and educational services.

10. In 2007, the Government of Montenegro had set up a Council for the Rights of the Child in order to implement the National Plan of Action, promote children's rights and monitor implementation of the Convention. The Office of the Protector of Human Rights and Freedoms (Ombudsman) had been set up in 2003. Deputy Protectors were elected by Parliament to take responsibility for specific areas of human rights. Following the adoption of a new Protector of Human Rights and Freedoms Act, the following areas would be covered: protection from discrimination; prevention of torture; the rights of the child; minority rights and general issues.

11. National legislation in the State party did not provide a definition of the child, the term "juvenile" being most often used to refer to a person under the age of 18. Individual laws set out the age limits for the exercise of certain rights with respect to: property; the right to participate in legal proceedings; the acknowledgement of paternity; and labour law. Under the Family Act, the age of majority was 18 years. The Constitution prohibited capital punishment and guaranteed the inviolability of physical and mental integrity. The State also put in place conditions for free and responsible parenthood through a range of social, educational and tax measures.

12. The principle and obligation to be guided by the best interests of the child were incorporated in activities related to children and enshrined in national laws. The Prohibition of Discrimination Act, adopted in July 2010, provided protection from all forms of discrimination including on grounds of race, nationality, sex, gender identity and disability. The Constitution guaranteed the right to freedom of thought and of expression and the Family Act guaranteed the right of the child to free expression of their views in different situations. Children of 10 years or older could express their views in all procedures affecting them and request the assistance of a court in exercising that right. In addition, a court must give the child the opportunity to express his or her views and give due consideration to them.

13. Special importance was attached to ensuring the protection of vulnerable categories of children and the rights of those without parental care were provided for by the Family Act and the Social and Child Care Act. Children without parental care were assigned guardians and placed either with a family or in a social care institution. Most were placed with family members and placement in social and childcare institutions was less frequent.

Under the Family Act, children had the right to know that they were adopted by the age of 7 or immediately upon adoption where the child was more than 7 years old at the time of the adoption. Adoptions by foreign nationals were prohibited except in the exceptional case that an adoptive parent could not be found in Montenegro. Inter-state adoption required the approval of the Ministry of Social Care. The State party had initiated the procedure for ratification of the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

14. Measures to protect children from abuse and neglect had been introduced under both criminal and family law. A newly adopted Protection against Domestic Violence Act would ensure a greater level of protection for child victims of violence and the provision of social care, legal assistance and victim safety measures. Ongoing training was being provided to professional staff implementing the new Act and the evaluation by UNICEF indicated that the project had been a success. Various laws and strategies had been designed to protect the rights of children with disabilities and a network of day-care centres had been provided for children with developmental problems.

15. Persons who were members of national minorities were guaranteed certain rights and freedoms including the right to exercise and publicly express ethnic, cultural and religious particularities and the right to use their own language and alphabet. The new curricula reflected the language, history and culture of minorities living in Montenegro. Bosnians, Muslims and Croats were educated under the unified system. Minority communities had the right to suggest and create an additional 20 per cent of the overall curriculum content. There were still significant concerns about learning Romani as a mother tongue since it was not a standardized language and Roma in Montenegro spoke in different Romani dialects. A number of measures had been undertaken in order to integrate Roma children into the education system, such as providing free textbooks and giving social support to Roma families. Further details concerning child protection measures could be found in the State party's report.

16. **The Chairperson** invited the Country Rapporteur to put questions relating to the first four clusters of Convention provisions, namely: general measures of implementation; definition of the child; general principles; and civil rights and freedoms.

17. **Mr. Puras** (Country Rapporteur) said that the statement of the representative of Montenegro demonstrated the State party's high level of enthusiasm and political will which could be used to pursue implementation of the Convention. During its evaluation of the State party's report, the Committee had been given the unique opportunity to meet a group of children from Montenegro who had shared their thoughts and feelings and their vision on how the situation could be improved. Children were the subjects and not the objects of the rights enshrined in the Convention and the participation of children in all decisions affecting them was a basic condition for successful implementation of the Convention. The goal of the present dialogue with the State party and of the concluding observations to be issued at the end of the session was to assist the Government and other stakeholders in transforming the system of child protection and putting into practice new laws, strategies and plans.

18. Concerning general measures of implementation, the Committee had been concerned to learn that the National Plan of Action for Children which expired in 2010 had not been adequately budgeted for nor fully implemented. He acknowledged that a new plan of action would be developed following an evaluation of the present plan by the State party and UNICEF, but wished to know what lessons had been learned from the current plan, in particular with regard to the coordination of the various agencies. He sought the comments of the State party on the Council for the Rights of the Child which, it appeared, was far from functioning effectively. He wished to learn about the degree of trust and transparency

present in the State party's relations with the non-governmental sector and whether the social capital offered by civil society was used to the full.

19. He asked whether there were plans to draft a comprehensive children's act or establish a parliamentary committee or subcommittee to deal effectively with children's issues.

20. Referring to article 12 of the Convention, on the rights of children to be heard and to form and express views, he asked to what extent children were involved in decision-making in schools.

21. He asked whether adolescents in Montenegro were guaranteed, *de jure* and *de facto*, the rights to privacy, confidentiality and to seek information or services, even without parental consent. What steps was the Government taking to promote child and adolescent-friendly support services, such as health, education and social welfare and to challenge overly paternalistic traditional attitudes?

22. Lastly, he asked whether Montenegro intended to impose a total prohibition on the corporal punishment of children, including in the home environment. He wished to know what measures had been taken to raise awareness on the issue in Montenegrin society, especially among parents, children and teachers, and to promote non-violent forms of discipline.

23. **Mr. Citarella** requested clarification on whether legislation on children's rights in force prior to independence had been repealed or incorporated in newly enacted legislation. He asked whether *de facto* discrimination took place, especially against Roma children living in border areas. Regarding article 12 of the Convention, he wished to know whether Montenegrin legislation guaranteed the right of children to be heard and express their views in civil, criminal and other procedures?

24. **Ms. Aidoo** said that the Committee was concerned about the allocation of resources. She asked whether budget allocations for children's rights, development and welfare were protected in times of crisis, whatever the circumstances. Were they protected against the impact of the current international economic crisis and how were budget allocations monitored to ensure that they reached all children? She expressed concern at the particularly low allocation of resources for health. What steps were being taken to ensure that vital health services were provided to children and disadvantaged families? She reminded the State party that article 4 of the Convention encouraged States parties to allocate a maximum amount of their available resources to guarantee children's rights and that they could, if necessary, request international cooperation.

25. She commended Montenegro on the many strategies and plans of action it had established to provide a framework to protect children's rights but, as always, the effectiveness of their implementation depended on the availability of human, technical and financial resources. She asked whether the current National Plan of Action for Children 2004–2010 was adequately funded and if sufficient funds had been set aside for the new plan envisaged for the end of 2010.

26. **Mr. Gurán** asked for further information on the structure of the Council for the Rights of the Child and expressed concern that it had only one member from civil society. He requested clarification of the discrepancy between the agreed allocation of resources for children's rights under the National Plan of Action and actual funding, which was considerably less, and of the expected level of funding for the new plan of action envisaged for the end of 2010.

27. Turning to independent monitoring, he requested an update on the status of the new office of the Deputy Ombudsman responsible for children's rights and asked whether its personnel would be specialized and experienced in all aspects of children's rights. He

wished to know why paragraph 34 of the State party's report (CRC/C/MNE/1) used the term "juveniles" rather than children.

28. He expressed concern at disturbing data on children from ethnic minorities, in particular Roma children, including a high incidence of extreme poverty, illiteracy and placements in special schools. He requested clarification of data collection methods and indicators used and asked whether there was any possibility of error in data evaluation.

29. **Ms. Al-Asmar** asked for further information about the Council for the Rights of the Child, who headed it, how it operated, where it met, its budget and whether an executive directorate reported to its high-level ministerial members. She requested clarification as to how the State party intended to prohibit non-discrimination. Referring to article 12 of the Convention, she asked what steps were being taken to ensure that children were consulted and guaranteed their right to express a view on matters that affected their lives. On the right to survival and development, she requested clarification on why only one family had actually been deprived of parental rights for abuse and neglect in 2007, as mentioned in paragraph 139 of the State party's report (CRC/C/MNE/1), when it was also reported in paragraph 57 that 206 children had been victims of violence, the majority in the family environment. Turning to birth registration, she asked what steps Montenegro was taking to raise awareness and encourage parents to register the births of their children. She also asked what measures were being taken to clear the backlog of applications for citizenship from refugees.

30. **Ms. Ortiz** asked what steps the State party was taking to disseminate children's rights and how the concept of the child as the subject of rights was being implemented in Montenegro. She asked whether a mechanism was in place to raise awareness of the concept, which took into consideration the country's rich cultural, religious and linguistic diversity, and whether it was achieving results. Was the State party working with the media to ensure that it played a role in disseminating the new concept? She asked for further information on training provided to staff who worked with children at home, in substitute care and in schools and on cooperation with civil society organizations to encourage them to disseminate the new concept.

31. **The Chairperson** asked how many times the Council for the Rights of the Child had met in the past year. She wished to know whether the State party intended to enact legislation on non-discrimination in the near future. She asked for further information on the Roma, Ashkelia and Egyptian (RAE) population, including accurate information on birth registrations, access to adequate health services and reports of marriages taking place under the age of 18. She asked whether the State party report (CRC/C/MNE/1) had been prepared in open consultation with civil society. Lastly, referring to paragraphs 10 and 11 of the State party's replies to the list of issues (CRC/C/MNE/Q/1/Add.1), she asked for further information on working groups, such as their number, purpose, transparent procedure for selecting members and whether NGOs were sufficiently represented.

*The meeting was suspended at 11.15 a.m. and resumed at 11.40 a.m.*

32. **Mr. Numanovic** (Montenegro) said that the Council for the Rights of the Child met approximately every two months and five meetings had been held in 2009. It had sat three times so far in 2010 and another two or three meetings were planned before the end of the year. The Council was composed of seven ministers from various government ministries and a representative from civil society, who was selected independently by NGOs. The ministers were responsible for implementing their relevant policy areas and monitoring budget expenditure. There was no executive directorate reporting to the Council, as it was deemed sufficient to have the Council as the sole advisory body for implementation of the National Plan of Action for Children, given the country's small size. The Council did not have its own, separate budget but was funded through the budgets of the ministries

involved. It would be making an official decision in the near future on whether to draft a new National Plan of Action for Children or to amend the existing one, but the general consensus was that a new Plan was needed.

33. **Ms. Mijuskovic** (Montenegro) said that the National Plan of Action for Children had been adopted in 2004 and drafted in cooperation with UNICEF and with the active participation of representatives of various Montenegrin institutions, NGOs and children themselves. In accordance with the Convention on the Rights of the Child, Montenegro had also adopted the instruments of the World Summit for Children, specifying in its National Plan of Action for Children that all children had the right to protection from discrimination, access to quality education and health care, a good environment in which to live and to be equal citizens before the law. A series of strategic documents had been developed and adopted on the basis of the National Plan of Action. Her Government was aware of the problems in the allocation of resources, but she explained that they had been caused by a lack of knowledge of budget planning when the National Plan of Action had been drafted.

34. When formulating the National Plan of Action for Children, as well as other plans, the Government was faced with a choice between including as many measures as were needed to comply with its international treaty obligations and limiting the measures included in plans to only those for which funds were available. The Government recognized the need to carefully re-examine its National Plan of Action so that its budget for the next period was based on more realistic expectations.

35. In response to a question concerning how Montenegro monitored the implementation and disbursement of funds for children's programmes to ensure that they had been used as intended, she pointed out that public budgets were based on the public programmes they supported. Thus, all programme activities specified in a particular budget were funded directly and the corresponding funds disbursed accordingly. As to whether, during times of crisis, Government budgets continued to provide for children, she indicated that all budget funds were allocated appropriately and there were no restrictions that applied during crises. She noted that the National Plan of Action for Children provided for local communities to adopt local action plans for children.

36. **Ms. Aidoo** asked whether the Ministry of Finance or another ministry responsible for economic planning took part in discussions concerning the budget and planning of the National Plan of Action for Children. She wished to know what role was played by the Ministry and whether it was characterized by a child-sensitive rights-based approach.

37. **Ms. Mijuskovic** (Montenegro) said that the participation of representatives of the Ministry of Finance was indispensable: they were active participants in all budget-related activities and working groups, ex-officio members of the council that reviewed official documents prior to their submission for Government approval and full partners in all activities related to the promotion of children's rights.

38. The Government's relationship with the NGO sector had for many years been one of excellent cooperation. As a means of further improving that cooperation, in 2009 the Government, in consultation with the NGO sector and relevant government institutions, had formulated a strategic document on cooperation with NGOs that highlighted a number of the principles underlying effective cooperation. Those included partnership, equal opportunity, transparency, accountability, information sharing and NGO independence. Cooperation could take the form of consulting with NGOs in connection with the drafting or adoption of legislation or strategic documents, organizing joint seminars, setting priorities, designing programmes or establishing rules for NGO-sector activities. A detailed selection procedure had been set up to determine which NGO representatives would participate in the various working groups routinely convened by Government committees. The selection procedure required Government departments to place an advertisement

inviting applications in a public newspaper with an indication of the criteria to be met. Successful candidates were selected on the basis of a voting system and were subsequently appointed to the relevant working group. The results of the selection procedure were always published in the press.

39. There were several sources of public financial support for NGOs. Parliament's budget specifically earmarked funds for NGO programmes, local authorities set aside funds for NGOs and a large share of lottery earnings was allocated to NGO activities. In addition, the State provided direct financial support to NGOs out of the general budget.

40. The Government had prepared a large number of strategic documents, whose aim was to identify priorities for introducing the standards set out in international instruments to which Montenegro was a party. In drafting such documents, emphasis had been placed on bringing the relevant domestic legislation into conformity with international standards and on coordinating requests from Montenegro's international partners. A recent project to enhance cooperation between all the United Nations agencies with a presence in Montenegro had proved to be a great success. When there was full agreement on the priorities, it was much easier to allocate project resources efficiently. Because the current financial crises affected the budgets of all countries, including Montenegro, the Government was fully aware of the need to improve resource allocation and planning in order to meet its objectives.

41. **Mr. Numanovic** (Montenegro) said that, although Montenegro had only recently become an independent State, it had a centuries-old legal system.

42. **Ms. Lakocevic** (Montenegro) said that, when it had been part of the former Yugoslavia, Montenegro had performed certain functions independently, in much the same way as it currently did as an independent State. Consequently, when it had gained independence, rather than starting from scratch, it had been able to upgrade and further develop an existing legal structure, and it had adopted the Declaration on Independence, which provided for a comprehensive process of succession to the international treaties to which it had been a party as a constituent republic, first of the former Yugoslavia and subsequently of the State Union of Serbia and Montenegro. All international legal instruments ratified by Montenegro took precedence over domestic law.

43. With regard to the right of the child to be heard, every child in Montenegro was entitled to express his or her views freely and to receive the information necessary to do so. Due weight had to be given to children's views, in accordance with their age and level of maturity, in all matters affecting their rights. Children could have recourse to an institution and request the exercise of their rights through an institution or a designated representative. As far as court proceedings were concerned, children's views and opinions had to be heard in an appropriate setting and judges were required to give due consideration to the best interests of the child and to take children's views into account. In proceedings relating to parental or material rights, if the child was not represented, the court was required to appoint a special guardian.

44. **Mr. Citarella** said he was concerned that the legislation that had been in force in Montenegro prior to independence was outdated and was not consistent with the provisions of the Convention and the Optional Protocols. He urged the Government to undertake a review of existing legislation in order to bring it into conformity with those instruments.

45. **Ms. Lakocevic** (Montenegro) said that the Government regularly analysed Montenegro's legislation to ensure that it was consistent with international instruments, especially prior to drafting new legislation. Specific declarations attested to the fact that all newly adopted and amended laws had been harmonized with Montenegro's international treaty obligations.

46. At the time of the establishment of the Office of the Protector of Human Rights and Freedoms – Ombudsman, it had not been considered necessary, given the small size of the country, to provide for a Deputy Protector of Human Rights and Freedoms for the rights of the child. However, advisers within the Ombudsman’s Office who were specially trained in children’s rights had, in fact, functioned as children’s ombudsmen. Because of the view within the Government that particular emphasis should be given to the protection of children’s rights, a Deputy Protector of Human Rights and Freedoms for the rights of the child had been elected by Parliament in 2009. No distinction was made in domestic legislation between the terms “child”, “minor” and “juvenile”, which referred in each case to persons under the age of 18.

47. **Mr. Gurán** pointed out that persons responsible for protecting children’s rights should receive specialized professional training. He would appreciate knowing what kind of training had been given to the person appointed in 2009 as Deputy Protector for children’s rights. He asked whether the Deputy Protector had received any complaints from children, as it was important for children to be informed that they had the possibility of lodging a complaint. The Government should consider organizing an information and awareness-raising campaign to that effect.

48. **Mr. Puras** (Country Rapporteur) asked when the juvenile justice bill was expected to be submitted to Parliament for adoption. The delegation should comment on certain provisions of domestic law, which, in the Committee’s view, should be amended. In Montenegro’s social and child protection legislation, for example, placement in an institution was considered to be a right of the child, whereas the Committee held that it was the child’s right to remain in his or her family. Under Montenegrin family law, placement in an institution was considered an option; the Committee, on the other hand, believed that it should be considered a last resort.

49. **Mr. Sahmanovic** (Montenegro) said that the process of amending the Protector of Human Rights and Freedoms Law had begun in 2009 and the amended law had been adopted in July 2010. Children’s rights had not been affected by the lack of a designated ombudsman for children since protection against discrimination had been assured by the Ombudsman’s Office. The new Protector of Human Rights and Freedoms Law provided for the establishment of a department for children’s rights.

50. With regard to Montenegro’s Roma population, as a result of findings that a large number of Roma children were illiterate, the Ministry of Human and Minority Rights had organized a campaign to encourage Roma parents to enrol their children in school. Some 1,600 Roma children were currently enrolled in primary school, 53 in secondary school and 8 in university.

51. In 2009, €600,000 had been allocated to the budget of the governmental commission charged with implementing the Strategy for Improvement of the Status of the RAE population in Montenegro (2008–2012), portions of which had gone towards such areas as housing, education, political participation and others. Progress had also been made in efforts aimed at the integration of the Roma population in Montenegrin society. A governmental commission had been charged with monitoring the implementation of the integration strategy, and a number of NGOs had been commissioned to help carry out a census of the Roma population. The overall aim of the strategy had been to integrate the Roma in mainstream life, strengthen their representation in various activities, increase their visibility in the media and secure funds for other areas of concern to the Roma.

52. The new anti-discrimination legislation was intended to include an exhaustive list of acts considered to be discriminatory, including new forms of discrimination not previously covered. Anti-discrimination protection had also been provided in various other pieces of legislation, relating inter alia to labour and housing. It should be noted that the Protector of

Human Rights and Freedoms was required to report to Parliament on the commission of acts of discrimination. The Government considered that method to be the best way of monitoring compliance with anti-discrimination legislation and the proper discharge of the duties of authorities charged with ensuring protection against discrimination. The Government was generally satisfied with its anti-discrimination law. It was noteworthy that the remit of the Protector of Human Rights and Freedoms had been broadened to include the initiation of legal action against private persons or companies on grounds of discrimination.

53. **Ms. Lakocevic** (Montenegro) said that, with a view to reforming the childcare system, the Government had analysed the existing legislation and the level of its compliance with international instruments, with assistance from the Council of Europe. It was a huge project, carried out with support from UNICEF and funded by the European Union, which it was hoped to complete by the end of November 2010. She wished to draw the Committee's attention to the fact that all judges, prosecutors and police officers would be required to have a knowledge of children's rights under the new legislation and, indeed, seminars to that end had already been held.

54. **Ms. Ortiz** asked whether the Convention was on the curriculum of universities, law schools or medical schools.

55. **Mr. Citarella** noted that there were no specialized juvenile judges and that juvenile justice, as such, appeared not to exist in Montenegro.

56. **Ms. Lakocevic** (Montenegro) said that there were only 260 judges in the country, including 100 criminal judges. Given the paucity of juvenile justice cases that came before the courts, specialization was not warranted.

57. **Ms. Vucurovic** (Montenegro) said that no courses were devoted to the Convention, but school curricula dealt with children's rights in various forms. Children's rights were enshrined in Montenegrin legislation and at the start of the school year every child received instructions on their rights and duties within their schools. There were classes at which they could express their views and programmes under which they could comment on their teachers, complain about their marks or contribute to the organization of extracurricular activities. Such programmes were run by teachers who had undergone special training, and had proved most successful. The UNICEF office in Montenegro had distributed the Convention in all educational institutions. Much progress had been made, particularly since the start of the reform process in 2004: teachers were trained, often with NGO help, to adopt new methodologies.

58. **Mr. Gurán** said that, in many countries, the right to a children's parliament was enshrined in law and he wondered whether that was the case in Montenegro or whether it was up to individual schools to decide whether to establish one.

59. **Ms. Vucurovic** (Montenegro) said that it was not compulsory by law, but it had become traditional for schools to have their own parliament.

60. **Mr. Numanovic** (Montenegro) added that the Ministry of Education and Science, together with NGOs, had distributed the Convention in all schools. The tradition of children's parliaments had developed gradually and, in 2009, the anniversary of the adoption of the Convention had been marked by Parliament's receiving a delegation of children, who had questioned ministers.

61. **Ms. Vucurovic** (Montenegro), replying to another question, said that corporal punishment had been abolished; any teacher using such punishment would be dismissed immediately. With regard to the high percentage of Roma pupils attending some special schools, she said that, whereas some special schools enrolled children from all ethnic backgrounds, there was one Roma settlement in Konik, where all 250 children in the

special school were Roma. The Ministry of Education and Science was working with NGOs and the International Committee of the Red Cross in an effort to relocate and integrate those children into other schools. Despite the difficult historical background, every effort would be made to end the de facto segregation as soon as possible.

62. **Mr. Puras** (Country Rapporteur) said that health care was part and parcel of the general transformation of the childcare system under way. The main challenge would be to manage the change from an emphasis on institutional care to the community-based and family-focused approach. Given that the institutional approach had failed in most Eastern European countries, Montenegro was in a good position to act as a model for change, since it had only 350 children in institutions. That would give it the opportunity to rethink its early childhood development policies. He asked what measures had been taken to improve primary health-care services, especially for families at risk and minority families. The situation of refugees and internally displaced persons was so complicated that the best course of action would be to overhaul the system in such a way as to eliminate the discrimination suffered by the children of such families in all the social services. He requested further information about the public institution Komanski most. He understood that children were still held in the institution with adults, although in different sections. The Committee would like to see changes in the institution as part of the Government's overall policies.

63. The report contained little information on breastfeeding, to which the Committee attached great importance. He requested further information on that and also on mental health, in terms of both treatment services for children and prevention, for example in such areas as bullying. Lastly, he asked how the Government planned to integrate the multidisciplinary and multisectoral approach of its reforms into the mainstream social protection system.

64. **Ms. Al-Asmar** said that she understood that children who dropped out were given the opportunity to return to primary school. She asked whether that option was available for pregnant girls or for children who had already started work and whether the quality of education provided was good. Secondly, according to paragraph 18 of the initial report (CRC/C/MNE/1), children could be taught in their own language and she wondered whether such teaching was sensitive not only to their language but to their culture and traditions. Lastly, she understood that textbooks and materials were expensive and, while most children received them free, she wondered whether the hidden costs were a deterrent to school attendance for some categories of children, such as non-citizens, who might not be eligible for free books.

65. **Ms. Aidoo** commended Montenegro's efforts to develop a poverty reduction strategy, particularly among the Roma. The data showed that the poverty level was relatively high, at 11.3 per cent, but five times as high among the Roma. She asked whether child poverty was defined as such under the law and whether child poverty was a priority. She wondered what indicators were used: often, misleadingly, the focus was on incomes rather than other indicators. She also asked whether the Government was using data to analyse trends so that it could target the disadvantaged sections of the population effectively.

66. With regard to adolescent health, it appeared that Montenegro had developed standards but not adopted them. As for adolescent reproductive health, she noted that not only had the number of adolescent pregnancies increased significantly, but abortion seemed to be used as a form of family planning. She requested further information on that issue. She also wondered whether confidential counselling was provided for young people, without referral from a doctor or without the parents or family members being present. She noted further, in that context, that no data on sexually transmitted infections were kept. She understood that about half of 15–16 year-olds smoked as many as 20 cigarettes a day, while

alcohol and drug use was also high. She asked whether the Government had any strategy to deal with that growing phenomenon, what preventive measures, including objective information, were in place and whether rehabilitation services were provided for those who needed them. She wondered what programmes existed to promote healthy lifestyles in and out of school.

67. **Mr. Gurán** asked what was the preferred model of family-based childcare in Montenegro. Was it fostering or some other method? He also wondered whether Montenegro would ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Some countries were reluctant to ratify that Convention, on the grounds that they might seem to be promoting intercountry adoption, but the point of ratification was also to put national adoptions on a sound footing.

68. **The Chairperson**, referring to the centre for children with behavioural disorders, at which children stayed for between six months and two years, asked whether detention in the centre was a criminal sanction. She requested clarification of two of the reasons given for such detention, as set out in paragraph 76 of the State party's written replies to the list of issues (CRC/C/MNE/Q/1/Add.1), namely "charity asking and running" and "violations".

69. She noted that there had been a decrease in education expenditure in Montenegro. The Committee had been informed that some schools operated with five shifts, not the two or three shifts that had previously been common, and children had found it difficult to adjust. The Committee would welcome a clearer idea, also, of how many children were dropping out of school. It appeared that not all children were entitled to attend secondary school and she asked for further explanations of what the matura examination was.

70. Another question related to reports that some children were subjected to lengthy periods of pretrial detention and were thus required to share open spaces with adults. She asked what safeguards were in place to protect such children. Lastly, she asked whether child asylum-seekers had full access to education, given that many lacked documentation and were thus forced into begging or other forms of exploitation. She trusted that the asylum law operated in the child's best interests. More information was needed on the action plan for internally displaced persons from the former Yugoslav republics. While the goals of the plan were commendable, it appeared that it was not fully implemented and did not give guarantees to all refugees.

*The meeting rose at 1.05 p.m.*