



# COUNTRY STUDY




## MONTENEGRO

# Assessing social progress in the Western Balkans 2016

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This country report provides policy recommendations on how to strengthen social inclusion and protection of minorities in the Western Balkan region and how to enable the environment for CSOs to provide social services. It focuses on recent developments that have taken place since January 2016.



This country report is based on inputs provided by members of the IRIS Network, a regional network that brings together CSOs providing social services in the Western Balkans. The IRIS network has been founded in the framework of the EU-funded project “Improving the provision of Social Service Delivery in South Eastern Europe through the empowerment of national and regional CSOs”, implemented by the consortium of LIR CD BiH, OGI Croatia, EDC Serbia, SOS TELEPHONE Montenegro, CLARD Kosovo, ARSIS Albania, ASYD FYROM, and SOLIDAR - led by ASB Germany.

The inputs provided by our partners in the Western Balkans are focused on the following sections:

1. Social inclusion, human rights and protection of minorities;
2. The situation of civil society organizations as service providers;



## MONTENEGRO

### Social inclusion and the protection of minorities

#### *Roma and Egyptians*

The Government of Montenegro has introduced special benefits for employers who employ vulnerable groups (including the disabled, Roma and Egyptians) in accordance with Montenegrin Employment Law. This means that the state budget provides for insurance, so the employer is not required to pay. The Montenegrin government has also provided scholarships for high school students of Roma and Egyptian origin, and it has reduced the entrance criteria for enrolment for the Roma and the Egyptian populations in schools and universities

In addition, children whose parents do not receive government assistance are given free access to public kindergartens. Flats are provided in Nikšić, Podgorica, Bijelo Polje and Berane for internally displaced persons from Kosovo and Bosnia and Herzegovina. In Nikšić, six residential units are available for Roma and Egyptians who live in Montenegro. The units are available to single mothers and large families, but they are not integrated as they live in segregated settlements. Although schools are implementing inclusive education and all children have equal rights, problems still remain for minorities in schools. It is difficult for these children to be fully engaged as they face a variety of obstacles. These include a poor grasp of the language of the majority population, irregular attendance which is not properly followed up, and the schools have no assistants. Transport is a major problem as the immigrant settlements are up to four kilometres away from the school, there is no pavement on the side of the roads the children have to walk down, and the streets are not lit.

Measures to be taken include:

- The provision of school transport for pupils of Roma and Egyptian origin.
- The introduction of assistants in schools.
- The introduction of additional language classes.
- The construction of residential buildings without segregation.
- A reduction in the criteria required for stateless people ('apatrides') getting personal documents.
- A reduction in the requirements for medical checks for people without identity documents.
- More work on the economic empowerment of the Roma and Egyptian populations, especially women.

#### *Displaced persons and migrants*

The government of Montenegro is committed to solving the problems of domicile and displaced Roma and Egyptian ('RE') people in Montenegro. It has already adopted two strategies. The first strategy is for permanently resolving the issue of displaced and internally displaced persons in Montenegro and there is a special emphasis on the Konik area. The second is for the social inclusion of the RE in Montenegro. The Red Cross of Montenegro is involved in their implementation. Through concrete activities, such as the promotion of RE culture, bringing together communities, the promotion of healthy lifestyles and full access to health care, the Montenegrin Red Cross is working on decreasing prejudice and discrimination. Education and acquiring qualifications are essential prerequisites for fighting prejudice and discrimination. By providing support to pre-school children and organising other educational activities, the Red Cross has made a valuable contribution. These objectives are achieved through the implementation of sports and extra-curricular activities among young people from the RE community. In the future, it will be necessary to strongly support activities which lead to positive



affirmation of the value of the RE community, and to better and more harmonious relations with the 'host' community.

In terms of provision for older people, the Government of Montenegro had earlier taken some significant measures which aimed to provide institutional support which includes the construction of homes for older people. Furthermore, support services have also been set up including day care centres, laundry, and home care carried out by home helps through social welfare centres. In addition, licensing and accreditation regulations as preconditions for the provision of social services were created, although their applicability is questionable. In the future, there will be a need to work on the social inclusion of older people, and the promotion of ideas such as healthy ageing and intergenerational solidarity. Activities which involve these concepts can decrease social isolation, discrimination and the existing prejudices towards the elderly. The Red Cross of Montenegro, seeks to highlight the needs and problems of the population through a number of activities in this area, but it also seeks to activate older people and to include them in social events. It should be noted that in Montenegro there are a small number of organisations that deal with these issues, and it is necessary both to support existing ones and start new services that will respond to the growing challenge that society is facing as a result of demographic changes.

#### *Victims of human trafficking*

The Government of Montenegro has developed legal instruments to enhance human rights and freedoms and to provide protection against discrimination. One example lies in national rules and institutions relating to the exercise and protection of human rights in the Montenegrin Constitution. However, the situation in practice shows that it is necessary to conduct monitoring of the implementation of adopted

laws when it comes to human rights and freedoms of vulnerable groups. The reason for this is the large number of examples of discrimination based on sex, sexual orientation and gender identity, as well as the disabled.

In our opinion, anti-discrimination measures should include the education and training of children and women of Roma origin, children in conflict with the law, children without parental care, and unemployed adults.

#### *The elderly*

The aim is to strengthen social inclusion for the elderly. Helping the ageing population requires a multi-sector approach, which includes seeing the issue from a political, educational, social, cultural, economic and a medical point of view. In order to give adequate answers, all areas need to be included. The first step should be to change the perspective and the stereotype that sees the elderly as a burden, and instead they should be seen as a resource, and a 'treasure of knowledge, experience and even existence.'

The following steps are being taken:

- Pensions have been increased overall by 3%, and the lowest pensions by as much as 20%.
- The state has organised for 'cards' to be introduced into nursing homes so that all data about each elderly person is gathered in one place.
- From this year, the mothers of three or more children who have worked for 25 years can retire and receive a lifetime monthly pension of 70% of the average net salary in Montenegro.
- Those who have 15 years of service are entitled to a pension of 40% of the average net salary; and unemployed women with three or more children who have been registered as unemployed at the Montenegrin Employment Agency for at least 15 years are also entitled to a 40% pension.



The law was adopted even though the number of potential recipients for the pension was not known. Consequently, the necessary amount of money for funding was unknown, so now there is a lack of money to implement the law in the state budget.

Future initiatives required include:

- Criteria for the standardisation and licencing of nursing homes, especially for private ones, must be developed and adopted as soon as possible. Currently, "private" nursing homes have to be registered as 'catering facilities' or they have to work illegally.
- Local communities should organise services for the elderly. There is no single service for local organisations.
- There are only a few day centres for the elderly in Montenegro though the original plan was for every local community to have one.
- Violence against the elderly is still a taboo subject, and there is no information at the national level about the number of elderly who suffer this every year, or even the number who report violence.
- The list of medication that can be taken through free prescriptions is too short. More free drugs should be made available.

### *Victims of domestic violence*

Domestic violence is a major problem in Montenegrin society. It remains the most common form of gender-based violence, and it is a direct violation of various aspects of the European Convention on Human Rights (the right to life, the prohibition of torture and the prohibition of discrimination). The Government of Montenegro have made efforts to create a legal framework and a policy framework through the adoption of laws and policies that would provide an adequate response to the situation. However, the legislation and the policy documents that address violence have been difficult to apply in practice. The legislation should have been followed by measures including a secured infrastructure as a prerequisite for the implementation of the law, providing the

necessary resources, staff training, and networking of relevant subjects for the application of the legislation.

The Government of Montenegro passed the Law on Protection against Domestic Violence in 2010. In July 2011, it developed a strategy for protection against domestic violence, and in December 2011 it agreed a protocol for the treatment, prevention and protection from domestic violence. Domestic violence is also defined through a national and local gender equality strategy and a Montenegrin Action Plan for negotiating Chapter 23, covering the judiciary and fundamental rights. The Council of Europe Convention on preventing and combating domestic violence and violence against women, known as the Istanbul Convention, was signed by the government of Montenegro on 11th May 2011. The Law on the Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence was adopted in 2013.

Despite this solid legislative framework and policy, the victims, and indeed the relevant authorities, face a number of problems that prevent the victims of violence from receiving adequate protection. There are very many challenges that impede the implementation process. They include a lack of awareness and sensitivity in the relevant authorities, a lack of information both for the employees of the relevant institutions and for the victims themselves about the existing protection mechanisms, the lack of a victim assistance service and the lack of coordination and networking of victims to the relevant law enforcement bodies. Judicial authorities are unaware of the need for urgent action to be undertaken, and the absence of positive case law is unhelpful. The soft penalties handed down by the courts border on impunity. Lack of awareness among general public about the problems of domestic violence is also a serious problem that prevents the creation of a safe and supportive environment for victims of violence.



## Civil Society Organisations (CSOs) as providers of social services

### *Roma and Egyptians*

Civil Society Organisations provide social services for the Roma and Egyptian communities. This includes legal advice, psychological support, translation services, the provision of services as a confidant, administrative services (printing, copying, writing various letters, petitions, requests, etc.), acting as intermediaries with institutions, and various types of education (through seminars, workshops, campaigns, debates, theatrical events, street actions, etc.) They also help with women's economic empowerment and the provision of assistance to victims of domestic violence and arranged marriages for children.

In general, the government does not provide enough support for the provision of these services, and almost all the work is financed by international donors. One of the biggest problems is the lack of space for the provision of services, and the need for funds to pay for them. A further issue is giving staff permanent contracts to provide continuity.

### *Displaced persons and migrants*

The Montenegrin Red Cross has wide experience as a provider of social services in Montenegro. It provides services for some 2,000 RE people in camp Konik 1. Special care is provided to the most vulnerable among them - women, children, older people and socially vulnerable persons. Given the problems these people experience in getting work, their needs are numerous. The existing services should be improved and then made sustainable. This is one of the main challenges that civil society organisations face. It is necessary to provide continuous support to properly help the beneficiaries. However, this is difficult to accomplish with limited resources and insufficient opportunities for the provision of social services. At the same time, the government institutions should become more sensitive to the problems of the most

vulnerable groups and work actively to resolve them. Also, the Government should recognize civil society organisations as quality service providers and support them accordingly.

From its foundation until the present day, the Red Cross of Montenegro has paid special attention to older people suffering from material problems and bad health. In the beginning, this was mainly distribution of humanitarian aid, but in 2002 the Red Cross started a home care programme, which is currently implemented in 12 municipalities in Montenegro and benefits some 700 people. Support includes home visits by volunteers, the provision of psycho-social support, running errands and administrative tasks, clubs for the elderly, phone support and the distribution of humanitarian aid. The Red Cross receives financial support from its international donors for these activities. In the future, the sustainability of these services should be ensured as they are much appreciated by the beneficiaries. In addition, it is important that Government recognises the importance of voluntary work in this area, and that it implements the licensing and accreditation processes it has announced. The biggest challenge is that the number of beneficiaries is increasing on a daily level. All this leads to major financial challenges, so the Government should recognize the important role of Civil Society Organisations, and it should provide adequate support for them. Another challenge is not recognizing these issues as priorities at the local level (the elderly are 'invisible' in the society), as well as the general public's perception that the situation does not require further action.

### *Victims of human trafficking*

Civil Society Organisations (CSOs), in cooperation with the government office for combating human trafficking, provide direct support and assistance to victims of trafficking through two services:

1. Shelter for victims of trafficking.
2. SOS line for victims of human trafficking for 12



years.

“In our opinion, the help we receive from the state for the realisation of these two services is insufficient.”

Civil society also contributes to the development of anti-discrimination policy in general, and it implements education programmes for the wider community with a special focus on groups at risk. It also runs a media campaign.

In order to improve the quality of services for our clients, we need financial support to increase the number of trained activists. Programmes for the reintegration of the victims, especially in finding work, are not at the level they should be.

#### *Victims of domestic violence*

The state “is behind with activities on the effective protection of victims of domestic violence.” Support services for victims (including legal, psychological and counselling support) only exist in the form of female service provider organisations such as an SOS telephone. The implementation of the Law on Protection from Domestic Violence required the formation of a large number of support services, but the fact that the Government did not foresee this, and create a budget for its implementation, clearly indicates the extent to which the implementation of this law depended on the involvement of women’s NGOs.

The first “SOS telephone service for Women and Children Victims of Violence” was set up in 1997 and was operated by volunteer services. SOS telephones in Podgorica, Nikšić, Bijelo Polje, Berane, Plav and Ulcinj are provided by NGOs. On 1st September, the Government signed a contract with one of these NGOs (SOS Nikšić) and allocated financial resources for them to lead a “National SOS telephone service for victims of domestic violence”.

Unlike the national helpline, the kind of service coordinated by SOS Nikšić in other cities is still based

on a voluntary contribution from activists, which is why the work of these services is only available from 5pm to 9pm. All the voluntary organisations aim to cooperate with the state institutions including the centres for social work, the police, the courts and the health centres.

At the local level, 16 municipalities have adopted ‘Local plans for the improvement of social inclusion - the development of social welfare services.’ These local plans are focused on vulnerable groups in society, which includes the victims of domestic violence. Unfortunately, both local and national governments have not allocated regular and transparent funding for the implementation of these action plans, and the specific measures that follow from them.

Domestic violence was also included as a priority issue in the ‘Local Action Plans for achieving gender equality’ that have so far have been adopted in 11 Montenegrin municipalities. In these strategic plans, support for SOS telephones is planned for victims of domestic violence. Unfortunately, since the adoption of the first plan in 2012, no financial support has been provided for SOS service helplines.

For different organisations to provide social services, both a regulatory regime and the necessary mechanisms for the maintenance and improvement of a quality system are required.

These mechanisms are:

- Minimum standards for social services.
- The licensing of organisations which provide social services.
- The licensing of professionals who provide social services.
- The accreditation of training programmes.
- Programmes that provide social protection.

After appropriate adjustments to the legislation, the reform of the social protection system must create the



right conditions for consistent practice in enforcement. It should be emphasised that the level of involvement of CSOs in providing social services depends not simply on the characteristics and quality of the CSOs, but also on the willingness and ability of the state to support these processes. A number of preconditions must be met so that the CSOs would take their place in social protection.

The most important preconditions are:

- Change in the financing of social protection and developing CSOs.
- The introduction of standards, accreditation and licensing for service providers.
- Improving the function of monitoring and evaluation.
- Empowering beneficiaries.
- Providing continuing education.

The standardisation of social services is necessary to ensure equal quality of service provision by different service providers, and it is a major systemic project in the area of social protection. Developing a system of services is closely connected to questions on the standardisation of services in social protection.

The inclusion of NGOs in the sphere of social protection services can significantly contribute to the introduction of a number of different social programmes, with a reduction of costs and an improvement in service quality. However, for the non-governmental sector to take its rightful place in the sphere of social protection, it is necessary to fulfil a number of preconditions.

The key preconditions are changes in the field of funding social protection services, and the development of the NGO sector. This essentially determines the direction of the development of social policy, the role of the state, the role of Non-Governmental Organisations and the position of beneficiaries in the social welfare system. At the same time, for reform to be successful, an improvement in the quality of service support from the state to CSOs is

of crucial importance including introducing standards, accreditation and licensing for service providers.

### Reccomendations

- Increase the level of cooperation and coordination between the CSO service providers and the Ministry of Labour and Social Welfare.
- Establish a fund for social services within the Ministry of Labour and Social Welfare.
- Establish a council or a coordinating body for the development of social services at the Ministry level and within local government.
- Provide financial support for CSOs to create conditions for achieving standards of service from existing funds.
- Provide expert support for CSOs in the process of licensing and accreditation.
- Adapt the licensing systems so that the CSOs are supported.
- Develop a guide for CSOs on “Standards of social services in the community and licensing procedures”.
- Improve cooperation between CSOs and local government units to develop new services and assist social protection; and also organise meetings with CSOs, the providers of social services, and representatives of local government units to exchange experiences.
- Raise awareness among local government representatives about the importance and role of CSOs in the social security system, specifically in supporting services at the local level.
- Ensure that social policy in the local community is implemented through cooperation and the partnership of all stakeholders.
- Further training for NGOs in the field of technical (organisational) and specific skills is required for the provision of social services, as well as training to the required standards.
- Local and national governments should provide logistical support such as technical equipment and office space in the right location.



<b>Recommendations on gender-based violence and protection services:</b>	
National Context	<ul style="list-style-type: none"> <li>• There is still space for improvement in the legal framework regarding specific forms of violence against women (child marriage etc.).</li> <li>• All stakeholders need to improve their knowledge of the legislation around Violence Against Women (VAW) such as the penal code. Most of them only recognize domestic violence and victims of domestic violence as a target group needing special protection.</li> <li>• The level of knowledge of staff employed as general service providers of the requirements and standards of the Istanbul Convention needs to be improved through information and capacity-building activities.</li> <li>• The content of the GREVIO (the Group of Experts on Violence against Women and Domestic Violence monitoring the Istanbul Convention) Questionnaire needs to be translated and made available to all relevant stakeholders.</li> </ul>
Approaches to Violence Against Women	<ul style="list-style-type: none"> <li>• Promote a culture of “zero tolerance to violence”</li> <li>• Supervise staff working directly with the victims of VAW, and ensure continuous training for them so they can respond to the victims’ needs with an appropriate approach, without putting her into a position where she may be re-victimised.</li> <li>• Ensure that the service providers do not support the culture of the stigmatisation of the victims of sexual violence.</li> </ul>
Rights and Equalities	<ul style="list-style-type: none"> <li>• Additional training for staff in general services on discrimination and equalities is needed, while trying to the same people attending all the training.</li> <li>• Ensure that all service providers develop monitoring and evaluation systems that take into account the opinion of their beneficiaries (i.e. the female victims of violence).</li> <li>• Ensure that all service providers inform the victim about her rights and the network of available support services, in a timely fashion.</li> <li>• Make services available and accessible to all women victims of violence (specifically including women with disabilities, women with mental health disorders, Roma or Egyptian women, women infected with HIV/ AIDS, women working in prostitution, women addicted to psychoactive substances, LBT women and others).</li> </ul>





Gender Perspectives	<ul style="list-style-type: none"> <li>• More training about gender dimension in relation to violence should be organised for all stakeholders, especially staff from general services.</li> </ul>
Funding	<ul style="list-style-type: none"> <li>• Governmental and municipal financial support of specialist services is only 20% of their costs (two services are exceptional). The rest are funded by donors, but mainly it relies on voluntary work from members of women's organisations. If the requirements of the Istanbul Convention are to be met, this percentage needs to increase. There are 15 NGOs in total actively working in the area of protection for VAW, providing a number of services from the Istanbul Convention, so the financial investment need not be too major.</li> <li>• Gender-based budgeting of all national policies, including the planning of regular annual budget allocations for the implementation of strategy for protection from domestic violence, and other relevant national and local strategic documents, needs to be carried out.</li> </ul>
Training	<ul style="list-style-type: none"> <li>• Continuous training and supervision of staff working with victims of VAW is necessary.</li> </ul>
Safety and Confidentiality	<ul style="list-style-type: none"> <li>• Ensure the existence of safe spaces for victims of VAW, especially in 'general services centres' such as social services offices and the police.</li> <li>• Victims' confidentiality is often not protected by general services, sometimes even specialist services, and data are often published in media. Control in this area must be improved.</li> </ul>
Multi-Agency Collaboration	<ul style="list-style-type: none"> <li>• Promote the Protocol on the prevention of, and protection against, family violence. Procedures and institutional cooperation regarding family violence and violence against women should be spread out to staff employed in all institutions that are signatories to the Protocol. This includes the Ministry of Justice, the Supreme Court, the Supreme State Prosecutor, the Ministry of Education and Sports, the Ministry of Health, and the Misdemeanour Council of Montenegro. Besides the Ministry of Labour and Social Welfare, the Police Directorate is the only place that is actively working on regular education of their staff about this topic.</li> <li>• Develop national and local inter-agency conferences to enable all relevant stakeholders (governmental and non-governmental organisations) to meet regularly and exchange information on the protection of women victims of violence.</li> <li>• Intensive cooperation of all services within the judicial authorities and the education system.</li> </ul>



Provision of Information	<ul style="list-style-type: none"> <li>• Information about the legal framework, and available services for the victims of VAW must be provided electronically, and also in hard copy, on places that are visible and easily accessible for women.</li> <li>• Information material needs to be written in an understandable way, without using over-complicated language. It should be available in minority languages, and in other formats to meet the needs of women with various sensory, physical, learning and other disabilities (e.g. Braille, large print, audio or digital text).</li> </ul>
Other important measures	<ul style="list-style-type: none"> <li>• Providing support for as yet unfunded areas, or work in specialist services:             <ol style="list-style-type: none"> <li>1. Contributing to state consultations on VAW or related issues</li> <li>2. Contributing to alternative/shadow reports to UN bodies (e.g. CEDAW, CRC)</li> <li>3. Collecting data on VAW</li> <li>4. Lobbying etc.</li> </ol> </li> </ul>





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Part of SOLIDAR's work is dedicated to the promotion of democratic transitions in Central and Eastern Europe and the Western Balkans, and to ensure the social dimension in the EU Enlargement process. Together with local partners, SOLIDAR works to contribute to the promotion of social progress and prosperity in the Western Balkans.

SOLIDAR is a European network of membership based Civil Society Organisations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organisations to the EU and international institutions across the three main policy sectors; social affairs, lifelong learning and international cooperation.



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