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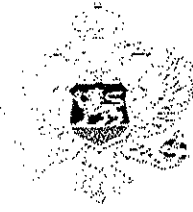
The Permanent Mission of Montenegro to the United Nations presents its compliments to the Secretariat of the United Nations and, with reference to the latter's Note No. Ageing/2011/CM/JS/is dated 23 March 2011, has the honour to forward the information on the implementation of the General Assembly resolution A/RES/65/182 entitled "Follow-up to the Second World Assembly on Ageing" prepared by the Government of Montenegro.

The Permanent Mission of Montenegro to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration. *MH*

New York, 7 July 2011



Secretariat
of the United Nations
New York



Government of Montenegro

Report on the situation of the rights of older persons pursuant General Assembly resolution 65/182 /contributions to Secretary - General Report/

Answer 1

Human rights of older persons in the area of health care and health insurance are achieved by the implementation of law provisions and with that regard there is no challenge and threats that can be obstacle for the full realizations of these rights, having in mind that the laws are fully implemented.

Answer 2

In the area of health care and health insurance, set of documents about protection and improvement of human rights of older persons are adopted. These documents are: Law on Health Protection (Official Gazette of Montenegro, nr. 39/04 and 14/2010), Law on Health Insurance (Official Gazette of Montenegro, nr. 39/04), Law on Rights of Patients (Official Gazette of Montenegro, nr. 40/2010), and Strategy of development of health sector 2003-2020.

Beside rights defined by Laws of Health Protection, Law on Health Insurance, and Law on Rights of Patients, Strategy of development of health sector 2003-2020, Montenegro has joined to the comprehensive international process of implementation of documents of World Health Organization "Health for all in 21 century" and "Twenty one goal for 21 century".

The strategy defined by these documents is based on the improvement of health of citizens, with adjustments and improvements of health system in line with the financial circumstances.

A health policy in Montenegro till 2020 presents a basis for the legislative and program activities, and has the aim that health protection is more efficient and has a better quality, and that the health system of the country participates in European and global process of a health development.

The primary aim of health policy in Montenegro is prevention of early deaths and consequently life prolongation. The aim is achieved by implementation of the measures

of the prevention and treatment of ill persons, and consequently improvement of quality of life.

In the area of the social protection, several documents about protection and improvement of life of older persons are adopted. These documents are: Law on the Social and Child Protection (2005), Law on the benefit for traveling of persons with disabilities (2008), Law on ratification of the United Nations Convention on rights of persons with disabilities with Optional Protocol (2009), Poverty and social exclusion strategy (2007-2011), Strategy for development of system of social and child protection (2008-2012), Strategy of development of social protection of old persons in Montenegro (2008-2012).

Beside rights defined by Law on Social and Child Protection, Government of Montenegro implements the Program of providing subventions for the consumers of the electric energy starting at December 1, 2008 for old people, and holders of socially protected rights.

Based on the Strategy of development of social protection of old persons in Montenegro (2008-2012), municipalities adopt actions plans in which activities for protection of old persons are defined.

Answer 3.

Article 4 of the Law on Health Protection stipulates that in exercising their right to health care, all citizens are equal regardless of nationality, race, gender, age, language, religion, education, social origin, property status and other personal characteristics.

The provision of Article 6 of the same Law stipulates that health care is conducted on principles of comprehensiveness, continuity, availability and complete access to primary health care, and specialized approaches in the specialistic hospital treatment.

Health care priority measures – Article 10 of the quoted Law envisages the provision of health care to the most vulnerable population groups, for example protection of mother and child, health care of the most jeopardized social groups, protection of old and infirm, etc.

In addition to Article 61 of the Law on Health Insurance, people older than 65 years are exempt from personal participation in health care costs.

In the field of health care, there have been no objections, which would indicate the existence of discrimination against the elderly in terms of age or gender, as well as on other characteristics.

According to Article 5 of the Law on Social and Child Welfare, all citizens are equal in exercising their right to social and child welfare, regardless of their nationality, race, sex, language, religion, social background or other personal characteristics.

In the field of social protection, there have been no objections, which would indicate the existence of discrimination against the elderly in terms of age or gender, as well as on other characteristic.

Article 2, paragraph 2 of the Law Against Discrimination (Ministry for Human and Minority Rights) prescribes that the term discrimination is any unjustified, legal or factual, direct or indirect distinction or unequal treatment, or treatment failure to one person or group of persons in relation to other persons, as well as exclusion, restriction or preference to any person in relation to other persons, based on race, color, national origin, social or ethnic origin, affiliation to minority people and minority ethnic community, language, religion or belief, political or other opinion, gender, gender identity, sexual orientation, health, disability, age, financial status, marital or family status, membership in a group or assumed membership in the group, political party or other organization, as well as other personal properties.

Article 13 of the said Act proscribes that disabling or limiting exercise of rights, or any other unjustified distinction or unequal treatment of a person or group of persons on the he basis of age, is discriminatory.

Also, in accordance with Article 20 of this Act multiple discrimination is considered more severe form of discrimination. The law proscribes jurisdiction of the authorities, judicial proceedings and penalties related to protection against discrimination.

Answer 4

The Law on Protection from Domestic Violence entered into force on August 14, 2010.

This Law inter alia prescribes provisons on protection from domestic violence, protective measures, procedure for enforcement of protective measures, as well as other provisions important for protection from domestic violence; this Law establishes definition of domestic violence, definition of the member of the family, authorities engaged in protection from domestic violence, as well as the right of victims to psychosocial, legal, and social protection. The principle of urgency is established as

priority in all domestic violence proceedings, especially when child is the the victim of domestic violence.

The Law on Protection from Domestic Violence prescribes adoption of the Strategy for protection from domestic violence which should contain situation assesment and identification of key problems in social and any other protection, as well as measures and aims for promotion of social and any other protection, especially one with regard to raising awarness about the violence and building of attitude about unacceptance of violence, development of the programmes for the prevention of violence, family support in prevention of violence, improvement of system for collection and analysis of information and reports about events of violence. Activities for the enforcement of measures and aims shall be defined by Action plan for implementation of Strategy.

Answer 5

The Law on Social and Child Protection prescribes the basic rights from social protection, which under certain condition prescribed by the law are reserved for older persons, such as: family allowance (monthly social allowance), personal disability allowance, assistance of another person, accomodation in institution, accomodation in third family, costs of funeral and one time based allowances. New Law on Social and Child Protection, which is due to be adopted during 2011. will further improve social care system for older persons.

Centres for Social Work are respansable for the realisation of these rights. There is 10 Centers for Social Work on the teritory of Montenegro, and thus cover the whole teritory of Montenegro in such a manner that its protection is available for all older persons. Nevertheless, it is prescribed by the law that in order to ensure social and child care, Center for Social Work will provide evidence for ignorant and invalid person, and in all other cases, when it found as more economic and expedient.

Besides legally prescribed rights, Government of Montenegro carries out the Program on Subsidizing Electric Energy Consumers, beginning form December 1st, 2008. The Program encompasses the group of consumers with socially protected rights, and for this consumers group the subvention amounts 40% for spent electric energy. The Program also encompasses those older people who are consumers of socially protected rights.

In November 2007, Government of Montenegro adopted the Strategy for the Development of Social Protection of Older Persons for the period 2008.- 2012. The Strategy for the Development of Social Protection of Older Persons aims to achieve the

higher level of older persons protection in all area, paying respect for principles and norms laid down by the European Union in combating social exclusion.

The Strategy among the rest prescribes that municipalities shall elaborate by their Action Planes activities regarding older person's protection in the municipality areas. The local government organs in more Montenegrin municipalities conduct activities concerning housing capacities for older persons, in order to create conditions for housing and nursing of older people for which it is not possible to provide any other protection form.

In Montenegro two residential homes, in Risan and Bijelo Polje, have been established, both with 300-users-capacity. For older mentally disabled persons for whom it is not possible to provide family housing, the housing in social institution Public Institution "Komanski Most" in Podgorica, has been provided.

Ministry of Labor and Social Welfare in cooperation with Employment Agency of Montenegro as well as local government realizes the Project "Help at home". Under this project 170 caretakers in 16 municipalities have been employed to care about over 1.200 older persons. It is a help at home to older people model, previously intended at physical care and social and psychological support to older people, all towards rising life quality in old age.

The Law on Social and Child Protection made possible not only state, but municipality as well as other legal and physical persons to deal with these protection forms.

Answer 6

The answer to this question is connected with answers given to questions 2 and 5. In the area of pension system, the Law on Pension and Disability Insurance prescribes that an old-age pension beneficiary, as well as the early old-age pension beneficiary, who gets employed or self-employed, is entitled, upon termination of employment, or self-employment, to re-determination of a pension, if he/she was insured according to the Law on Pension and Disability Insurance for at least one year. During the period of employment or self employment, contributions for compulsory pension and disability insurance were paid, upon which he/she gets right to re-determination of pension after the termination of employment or self employment lasted for at least a year.

The old-age or early-age retirement beneficiary, in case of re-employment or re-self-employment, shall not be suspended from the payment of pensions, but he/she shall be

entitled during the new employment or new self employment to receive earned retirement.

Answer 7

There are no special records

Answer 8

Retirement beneficiaries conduct their social, cultural and political activities through the Union of Associations of pensioners of Montenegro. Funds for implementation of these activities are provided within the process of candidacy of projects and programs in accordance with the competitions launched by the Commission for the allocation of funds from gaming, the Assembly of Montenegro and the local government. Abovementioned organization was established in accordance with the Law on NGOs.

Answer 9

The right to access to the court is set up as international legal standard and means that one have right to address court in order to implement and protect her/his rights as well as obligation of the court to act within its jurisdiction, set up by the law. Access to the courts and equal treatment of the parties are the principles of the fair trial, with the common aim that is providing legal equality which is the base for the rule of law.

The Parliament of Montenegro on its session from April 6, 2011 adopted the Law on Free Legal Aid. Free legal aid imply that needed expenses for court proceedings shall be provided as well as the exemption of payment for legal proceedings. The Law defines terms for using the legal free aid, format of legal free aid, who is eligible for offering legal free aid, procedure for approving legal free aid as well other issues needed for realization of this right. The endorsement of this Law is postponed for January 1, 2012 in which time it is needed to adopt bylaws and create technical and working conditions, as well as provide Budget resources for 2012. needed for viable system of free legal aid.

The concept of the Law on Free Legal aid is based on model of free legal aid provided by the court. The Law prescribes that in every Basic court in Montenegro the special office for evaluation of the requests free legal aid will be established. The results of this evaluation depends on claims provided by the Law. The Law prescribes following formats of free legal aid: legal counselling, formulation of the writing, legal representation. Legal counselling can be provided by the legal free aid office while the engagement of the lawyers is needed for other formats of free legal aid. Engagement of lawyers is needed in order to provide high quality level of free legal aid.