

UN CRC	Succession	Care-Related Concluding Observations
	Date	
	23 Oct 2006	CRC/C/MNE/CO/2-3
		22 June 2018
		https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%
		2fMNE%2fCO%2f2-3⟪=en
		II. Follow-up measures taken and progress achieved by the State party
		3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2013. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, including the revision of the Family Law and the reforms of the social welfare and child protection system.
		III. Main areas of concern and recommendations
		D. Civil rights and freedoms (arts. 7, 8 and 13–17)
		Birth registration
		27. The Committee welcomes the progress made in achieving nearly universal birth registration and in preventing statelessness, but remains concerned that some groups of children, such as Roma, Ashkali and Egyptian children, children abandoned after birth, and children born to refugees, face difficulty in having their birth registered.



28. The Committee recommends that the State party ensure that all children are registered at birth, with a special focus on Roma, Ashkali and Egyptian children, children who were abandoned after birth and children born to refugees, including by addressing any possible obstacles to the implementation of related legislation.
F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20–21, 25 and 27 (4))
Children deprived of a family environment
<ul> <li>39. The Committee welcomes the efforts made by the State party to reform the social and child protection system, to strengthen the legal framework for alternative care and to promote deinstitutionalization, which have led to a considerable decrease in the number of children living in institutional care, the elimination of children under the age of 3 years living in institutions, and an increase in the number of children entering family-type foster care. Nonetheless, it remains concerned about: <ul> <li>(a) The number of children still living in institutional care and the fact that children from the most disadvantaged and marginalized groups remain at a high risk of family separation and institutionalization;</li> <li>(b) The limited capacity to implement deinstitutionalization reforms, to monitor and oversee the status and conditions of children placed in alternative care, and to ensure the sustainability of progress achieved in deinstitutionalization;</li> <li>(c) The lack of a functioning system for licensing service providers and accrediting programmes in the area of social and child protection, and the insufficient support and training given to social workers and staff at alternative care institutions;</li> <li>(d) The inadequate financial and psychological support for foster families, which in some cases has led to foster care breakdown;</li> <li>(e) The insufficient data on children's outcomes, including with regard to education, health and wellbeing, while in care and after they leave it;</li> </ul></li></ul>
(f) Provisions in the Law on Social and Child Protection that still allow for the institutionalization of children under the age of 3 years.



<ul> <li>40. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for placing a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party: <ul> <li>(a) Adopt a comprehensive policy or action plan, replacing the Strategy for Development of Foster Care (2012–2016), to further promote family-based care for children deprived of a family environment, including its foster care programme, and further reduce the institutionalization of children, and to ensure sufficient financial resources for its implementation; CRC/C/MNE/C0/2-3 9</li> <li>(b) Provide continuous capacity-building and training for staff at the Ministry of Labour and Social Welfare, social workers, staff working in alternative care institutions and foster families on children's rights and the particular needs of children deprived of a family environment;</li> <li>(c) Ensure the registration, certification and licensing of existing alternative care centres for children, and put in place adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care;</li> <li>(d) Strengthen support for children and young people leaving care, including those with disabilities, to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services and educational and vocational training opportunities;</li> <li>(e) Collect data on and periodically review the placement of children in foster care and institutions, and monitor the quality of the care, including by allocating adequate human, technical and financial resources to child protection services and alternative care centres;</li> <li>(f) Amend the Law o</li></ul></li></ul>
G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33) Children with disabilities



41. The Committee welcomes the adoption of the Law on Prohibition of Discrimination against Persons with Disabilities in 2014 and the Strategies for Integration of Persons of Disability covering the period 2006 to 2016, the launch of regional mobile teams to support the implementation of inclusive education and the closure of the Komanski Most institution. However, while recalling the concerns of the Committee on the Rights of Persons with Disabilities (see CRPD/C/MNE/CO/1, para. 14), the Committee also notes with concern:
 (b) The disproportionately high number of children with disabilities still living in institutions compared to the very small number of children with disabilities who are in foster care; 
42. The Committee, in accordance with the recommendations of the Committee on the Rights of Persons with Disabilities (see CRPD/C/MNE/CO/1, para. 15), urges the State party to fully assume its primary responsibility to ensure the rights of all children with disabilities by applying a human rights-based approach to disability, and:
 (b) To support and facilitate family-based care for children with disabilities, to accelerate the deinstitutionalization process, and to encourage foster care for children who cannot stay with their families; 
Standard of living
47. While noting as positive the efforts made by the State party to address poverty and the social exclusion of children, the Committee is deeply concerned about: (a) Children in disadvantaged and vulnerable situations, including Roma, Ashkali and Egyptian children, children in rural areas, children with disabilities and children in street situations, who continue to be disproportionately affected by poverty;
48. The Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 58), and recommends that the State party:



<ul> <li>(a) Hold targeted consultations with families and children, including those in disadvantaged or vulnerable situations and with children's rights civil society organizations, with a view to strengthening strategies and measures for reducing child poverty and social exclusion;</li> <li>(b) Intensify efforts to provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular those living in poverty and female-headed households, including by strengthening the system of family benefits, child allowances and other services.</li> </ul>
I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)
Asylum-seeking and refugee children
51. The Committee welcomes the State party's continued cooperation with the Office of the United Nations High Commissioner for Refugees and the measures taken to provide decent housing to refugee families, but is concerned about the limited access of asylumseeking and refugee children to education and health services.
<ul> <li>52. Taking into consideration its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families No.</li> <li>22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party: <ul> <li>(a) Ensure the effective implementation of the Law on Foreigners, including by ensuring that asylum procedures are fair, efficient and child-sensitive and are used systematically to identify and refer unaccompanied or separated children to appropriate protection and support services;</li> <li></li> </ul> </li> </ul>
Children in street situations



		<ul> <li>53. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 66) and urges the State party to:         <ul> <li>(a) Assess the number of children in street situations, and update studies on the root causes of their situations;</li> <li>(b) Develop a comprehensive strategy to address the root causes of the large number of street children with the aim of reducing and preventing this phenomenon, including by implementing the recommendations outlined in the special report on child begging in Montenegro prepared by the Protector for Human Rights and Freedom, with the active involvement of children in street situations;</li> <li>(c) Ensure that support, particularly reintegration with family or placement in alternative care, are provided with full respect for the child's best interests and give due weight to their autonomous views in accordance with their age and maturity.</li> </ul> </li> <li>CRC/MINE/2-3     <ul> <li>https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fM</li> </ul> </li> </ul>
OPSC to CRC	Succession Date 23 Oct 2006	Care-Related Concluding Observations
OPAC to CRC	Succession Date 2 May 2007	Care-Related Concluding Observations
ICCPR	Succession Date 23 Oct 2006	Care-Related Concluding Observations

Better Care Network www.bettercarenetwork.org



ICESCR	Succession	Care-Related Concluding Observations
	Date	
	23 Oct 2006	
CEDAW	Succession	Care-Related Concluding Observations
	Date	
	23 Oct 2006	
CRPD	Ratification	Care-Related Concluding Observations
	Date	
CRPD/C/MNE/CO/1	2 Nov 2009	22 September 2017
		http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC %2fMNE%2fCO%2f1⟪=en
		III.Principal areas of concern and recommendations
		B.Specific rights (arts. 5-30)
		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;



(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;
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);
(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;
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.
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.



		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.
UPR	Date of Consideration	Link to Page
	22 January 2018	http://www.ohchr.org/EN/HRBodies/UPR/Pages/MEIndex.aspx
Hague Intercountry	Accession	Link to Country Profile
Adoption	Date	
	9 March 2012	https://www.hcch.net/en/states/hcch-members/details1/?sid=219



## Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCRP	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review