



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Montenegro

ILO
TECHNICAL
NOTE

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The information and data contained in the Case Study is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Table 1. <u>MISSCEO (2015)</u>	
Social Security branch	Compensation rate
Sickness benefit	70% of the calculation basis (average earnings within the last three months prior to the month of temporary incapability for work occurred)
Unemployment benefit	40% of the minimum wage determined under General Collective Agreement
Old-age benefit	Personal points (PP) multiplied by the value of the pension for one PP (6.64181 EUR on 1.01.2015) as on the day of becoming entitled to it (PVPP)
Employment injury benefit	100% of the calculation basis (average earnings within the last three months prior to the injury at work or professional disease)
Family benefit	Flat rate benefits: child raising, child care, birth and adoption grants and other allowances
Maternity benefit	100% of the salary he/she would earn if he/she was at work
Invalidity benefit	Same level as the old-age pension
Survivor's benefit	70-100% of the pension of the deceased

Table 2. <u>National indicators of guaranteed minimum resources, MISSCEO (2015)</u>	
Beneficiary	Amount of cash benefit
Single-member family	63.73 €
Family of two members	76.54 €
Family of three members	91.85 €
Family of four members	108.45 €
Family of five members	121.16 €

Table 3. Government report (2016)

<i>Pension and Disability Insurance</i>	Bodily injury caused by injury at work or professional disease of at least 50%. Bodily injury shall be classified based on impediments in six degrees, as follows: 1) first degree -100% of bodily injury 2) second degree - 90% of bodily injury 3) third degree - 80% of bodily injury 4) fourth degree - 70% of bodily injury 5) fifth degree - 60% of bodily injury 6) sixth degree - 50% of bodily injury
<i>Compensation base</i>	The base for determining the financial compensation for bodily injury for the first half of 2004 amounted to € 114.61.
<i>Pension and Disability Benefit</i>	Subsidy for bodily injury is determined from the base and amounts to: 1. for 100% of bodily injury - 40% of the base 2. for 90% of bodily injury - 36% of the base 3. for 80% of bodily injury - 32% of the base 4. for 70% of bodily injury - 28% of the base 5. for 60% of bodily injury - 24% of the base 6. for 50% of bodily injury - 20% of the base
<i>Average Old-age pension (2015)</i>	€ 249.07
<i>Old-age pension replacement rate</i>	40.75%
<i>Survivor's benefit (family pension)</i>	For one user (70% of the pension of the deceased beneficiary) - € 249.07 x 70% = € 174.35. For two users (80% of the pension of the deceased beneficiary) - € 249.07 x 80% = € 199.26. For three users (90% of the pension of the deceased beneficiary) - € 249.07 x 90% = € 224.16. For four users (100% of the pension of the deceased beneficiary) -249.07 EUR x 100% = € 249.07.
<i>Survivor's benefit replacement rate</i>	Replacement rates of family pension for three users = 36.67%
<i>Average Employment Injury benefit (2015)</i>	€ 332.09
<i>Employment Injury pension replacement rate</i>	54.33%
<i>Family pension (Employment Injury deceased)</i>	For three users (90% of the pension of the deceased beneficiary) - € 322.09 x 90% = € 298.88. Replacement rates of family pension for three users = 48.90%
<i>Family benefit</i>	Allowance for care and assistance is 63 euros per month
<i>Average net wage (2015)</i>	€ 489.00

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

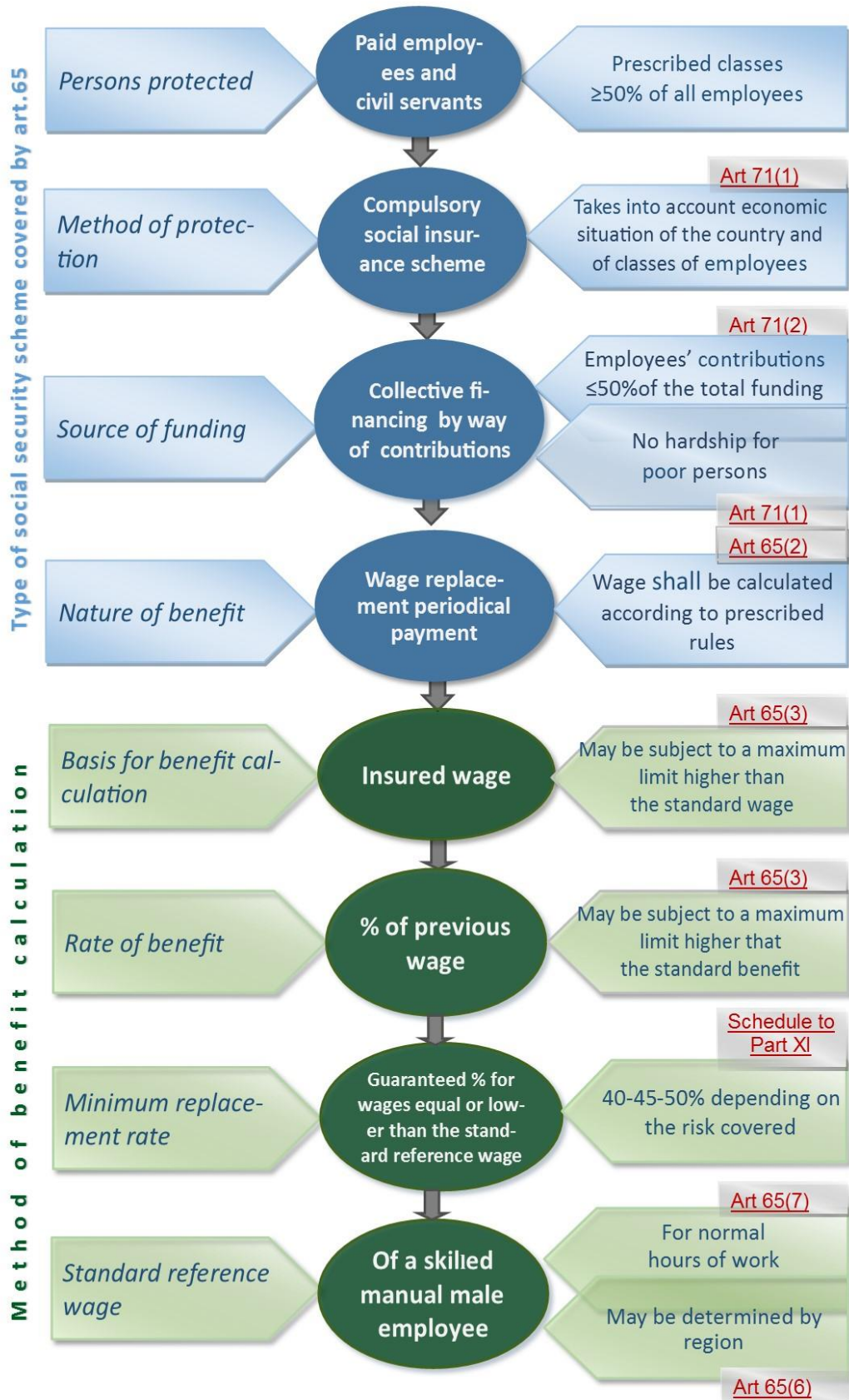


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

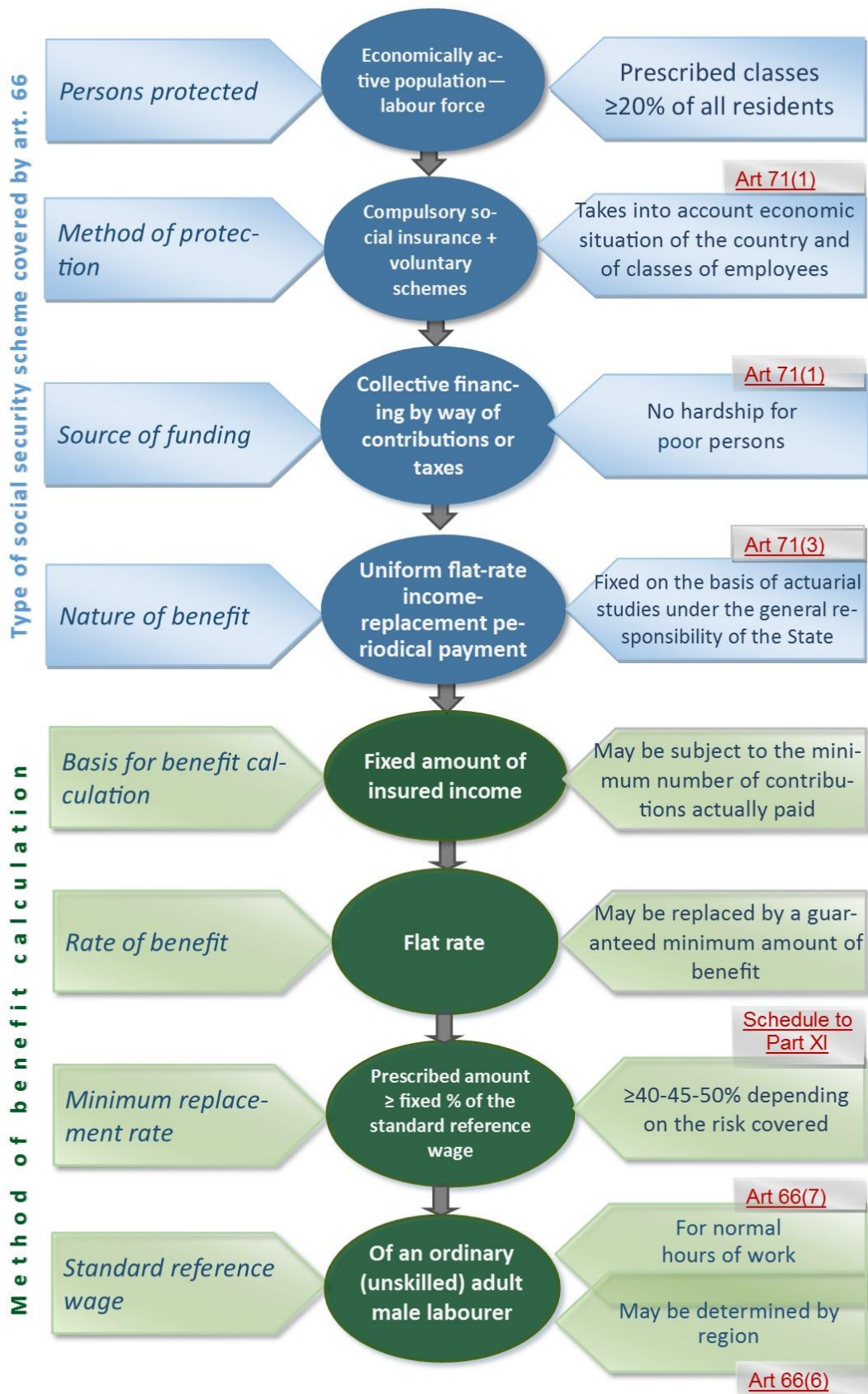


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

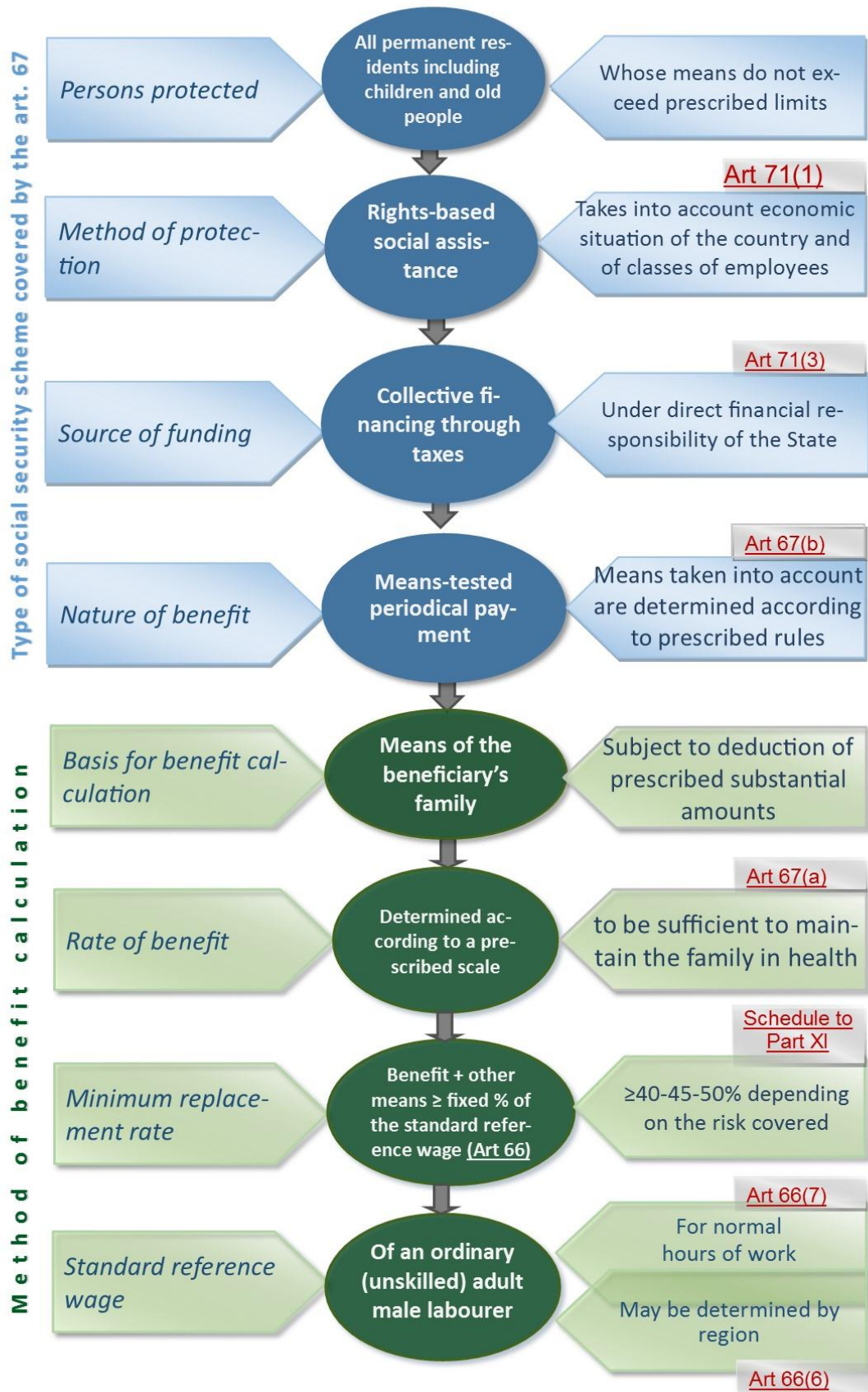


Table 4. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102	Comments	Reference wage: amount		
		ILO calculations ¹ -2010	Government ²	
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in wholesale	494 euros (total skilled+unskilled)	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	909 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in wholesale	N/A	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on ILOSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

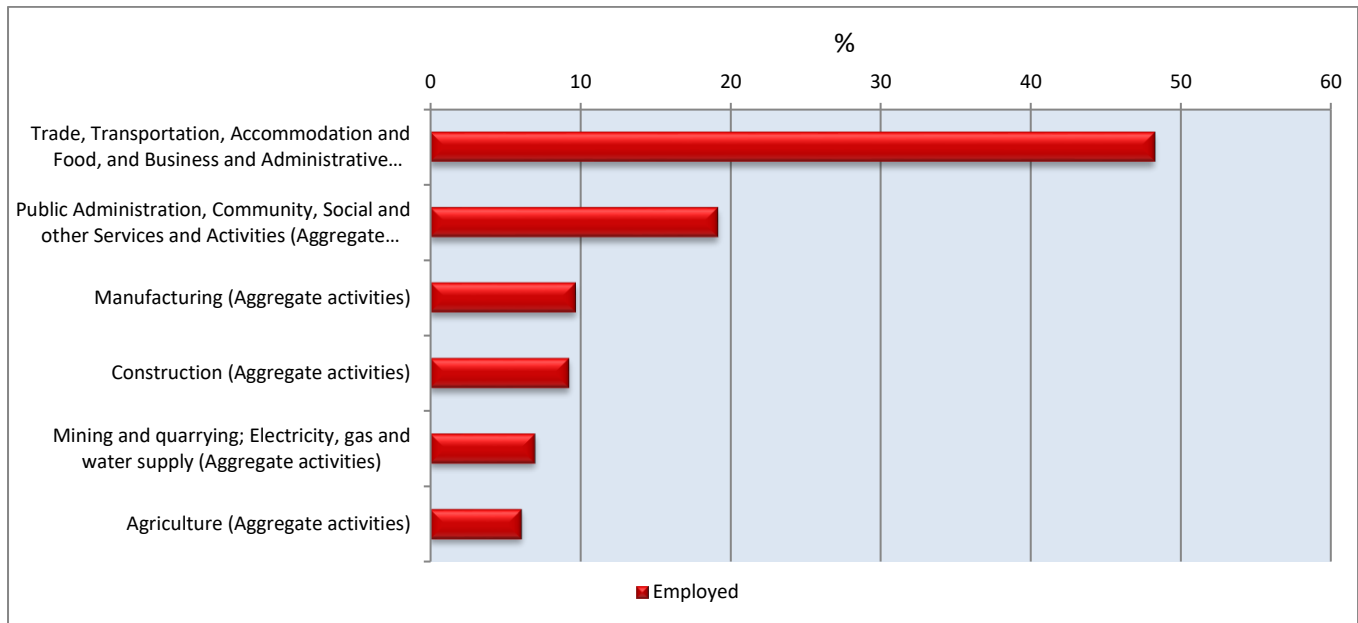
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008 <http://unstats.un.org/unsd/cr/registry/isic-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig. 4. Share of employed males by economic activity in total male employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)

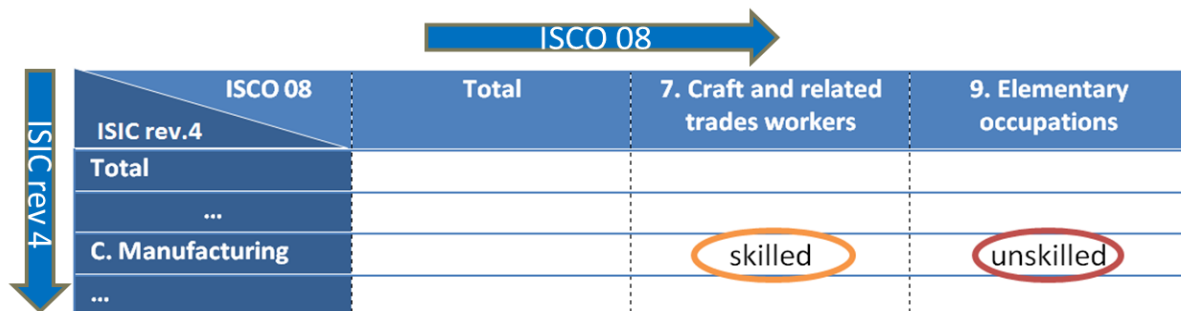


Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cq651v4_190

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008



ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

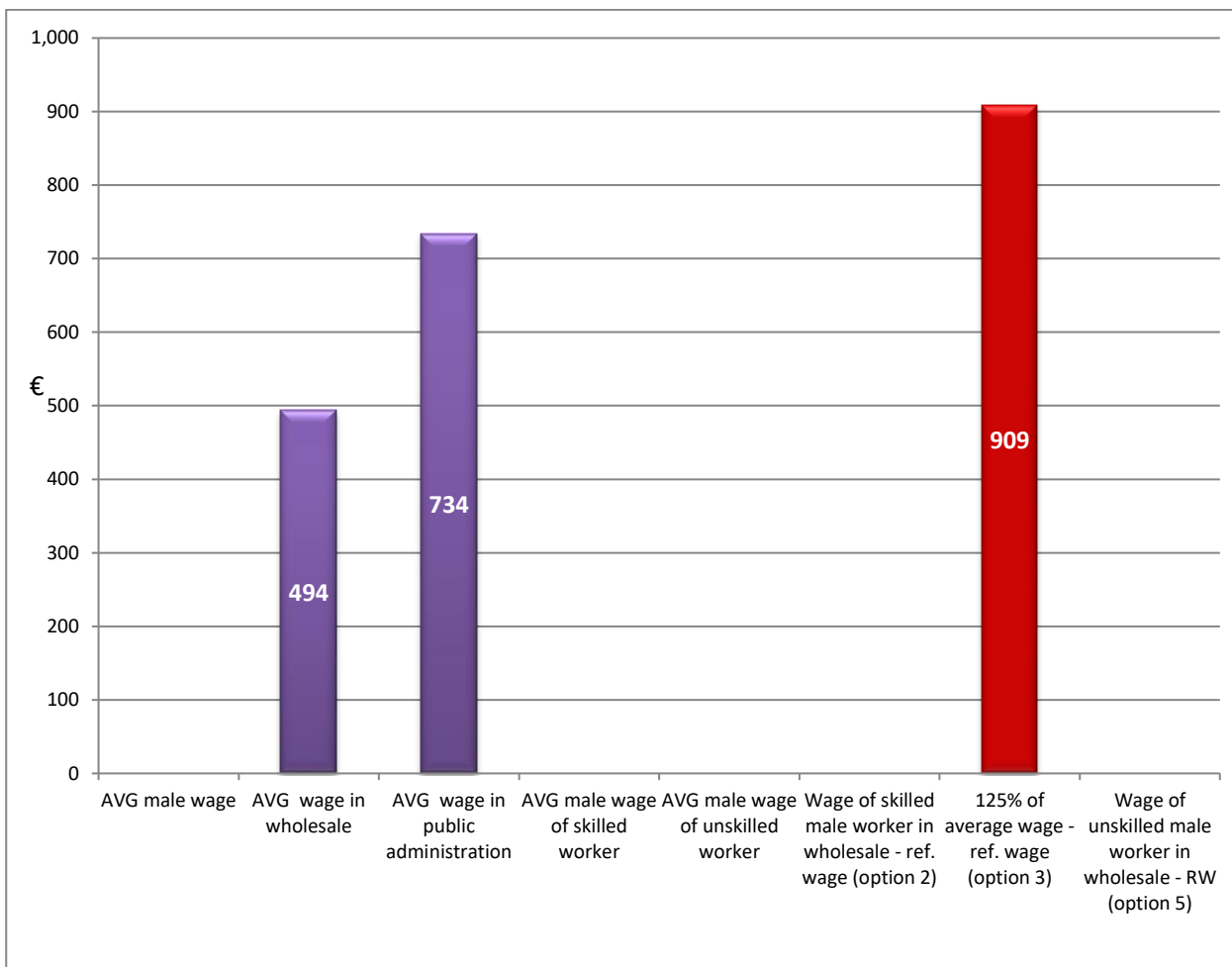
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Montenegro, 2010, euros



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql65ly4_190

CHAPTER II. Checklists of the main provisions of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and corresponding national legislation

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- [Table 3. Unemployment benefit \(Part IV\)](#)
- [Table 4. Old-Age benefit \(Part V\)](#)
- [Table 5. Survivors' benefit \(Part X\)](#)

Table 1. Medical Care (Part II)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Ye</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 7</i> State guarantees :	<ul style="list-style-type: none"> • Preventive medical care + • Curative medical care 			Section 16 of the Law on health insurance lists the medical care provided including: medical measures for improvement of health, prevention, fighting and early detection of diseases; medical examinations in order to establish, monitor and check-up health conditions; medical treatment in case of sickness and injury; medical treatment abroad; medical rehabilitation, dental care, medicines and medical technical devises (prosthesis).	
<i>Article 8</i> Risks covered	<p>Any morbid condition (sickness), whatever its cause?</p> <p>+ </p> <p>Pregnancy and confinement and their consequences?</p>			Special attention is paid to women during pregnancy, childbirth and motherhood according to section 17 of the above mentioned law.	
<i>Article 9</i> Persons protected => prescribed classes of:	<p>Employees in paid employment which represent 50% of all employees</p> <p>+ their wives and children?</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>+ their wives and children?</p> <p>OR</p> <p>Residents which represent 50% of all residents.</p>			<p>Protection of the persons classified in accordance with this article is not regulated.</p> <p>In accordance with section 17 of the Law on health insurance, special attention is paid to children, women, persons over 65, military and civil veterans, disabled persons (at least 70% incapacity), persons with infectious disease, diabetes, kidney insufficiency, coronary, cerebral and vascular disease, auto-immune disease, sclerosis, fibrosis, neuromuscular disease, cerebral paralysis, fixed hypertension, haemophilia.</p>	

<p>Article 10(1)</p> <p>Types of medical care to be provided:</p> <p>a) in case of sickness:</p> <p>b) in case of pregnancy and confinement and their consequences:</p>	<p>(i) general practitioner care, including domiciliary visiting;</p> <p>(ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;</p> <p>(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and</p> <p>(iv) hospitalisation where necessary; and</p> <p>(i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and</p> <p>(ii) hospitalisation where necessary.</p>		<p>Section 16 of the Law on health insurance lists the medical care provided including: medical measures for improvement of health, prevention, fighting and early detection of diseases; medical examinations in order to establish, monitor and check-up health conditions; medical treatment in case of sickness and injury; medical treatment abroad; medical rehabilitation, dental care, medicines and medical technical devises (prosthesis).</p> <p>Section 33 lists primary level health care to be provided. Section 35 is dedicated to secondary and tertiary level health care (specialized and highly specialized healthcare – outpatient rehabilitation).</p> <p>Urgent medical care provided for by sections 34 to 38.</p>	
<p>Article 10(2)</p> <p>Possibility of sharing in the cost of medical care received</p>	<p>By the beneficiary or his breadwinner in case of sickness?</p> <p>Are there any special rules aimed at avoiding hardship for poor persons?</p>		<p>Participation in the costs of treatment is foreseen except for the categories of persons listed in section 61 of the abovementioned law; essentially those benefiting from special attention according to section 17 (above)</p>	
<p>Article 10(3)</p> <p>Objectives of medical care</p>	<ul style="list-style-type: none"> ✓ Maintaining (preventive care) ✓ Restoring (curative care) ✓ Improving • the health of the person protected + • ability to work and to attend to their personal needs 		<p>Sections 16, 17 and 33 to 38 of the Law on health insurance</p>	

<p><i>Article 10(4)</i></p> <p>Promotion of general health services</p>	<p>What general health services are placed at the disposal of protected persons?</p>		<p>NO INFORMATION</p>	
<p><i>Article 11</i></p> <p>Maximum qualifying period</p>	<p>What period of contribution, employment or residence shall be completed to receive medical care?</p> <p>Is this period necessary to preclude abuse of health insurance?</p>		<p>NO INFORMATION</p>	
<p><i>Article 12</i></p> <p>Minimum duration of benefit</p>	<ul style="list-style-type: none"> • Is medical care provided until the end of sickness (risk covered)? • Is medical care provided for at least 26 weeks in each case of sickness? • What diseases are recognised as entailing longer care? 		<p>The right lasts as long as there is a need</p>	

Table 2. Sickness benefit (Part III)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 14</i> Risk covered =>	Incapacity for work for work due to any morbid condition + suspension of earnings			NO INFORMATION	
<i>Article 15</i> Persons protected => Prescribed classes of:	Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR All residents whose means are below a prescribed limit			Applicable legal regulation does not regulate the category of protected persons classified in accordance with this article of the convention.	
<i>Article 16(1) and (2)</i> Amount of cash benefit	The benefit is a periodical payment? <ul style="list-style-type: none"> Article 65 : Calculated as a percentage of previous earnings $\geq 45\%$ OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate $\geq 45\%$ of the reference wage of an unskilled male labourer OR <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			Sections 27 to 29 of the Law on health insurance stipulate the basis for calculation of the wage compensation, the amount of the compensation, the beginning of the right to wage compensation. Temporary incapacity: Basis = average net earnings during the last 3 months Amount = at least 70% of the compensation basis (100% in case of pregnancy, employment injury and occupational disease.	

		Table 2. Sickness benefit (Part III)			
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 17</i> Maximum qualifying period	Does the national legislation prescribe a qualifying period for entitlement to sickness benefit?			NO INFORMATION	
<i>Article 18</i> Minimum duration of benefit	Is sickness benefit paid until: <ul style="list-style-type: none"> • recovery of working capacity? • for at least 26 weeks in <u>each case of sickness?</u> 			The wage compensation is provided from the first day of temporary incapacity for work and throughout its duration, but only for the period of time during which the insured person would have worked and received wages if temporary incapacity had not occurred.	
<i>Article 18(1)</i> Waiting period of 3 days	Is there a waiting period before the start of payment of sickness benefit?			No waiting period	

Table 3. Unemployment benefit (Part IV)					
ILO C. 102	Main provisions	Yes	No	National legislation	Comments
Article 20 Risk covered = involuntary unemployment	Suspension of earnings due to inability to obtain <u>suitable</u> employment when: <ul style="list-style-type: none"> capable of, and available for, work? 			NO INFORMATION	
Article 21 Persons protected = Prescribed classes of:	Employees in paid employment which represent 50% of all employees OR Residents whose means are below a prescribed limit.			Persons aged 15 to 65 years who is a citizen of Montenegro and a foreigner with a working permit, registered in the registry of the Employment Office of Montenegro, with capacity or partial capacity to work, who is not employed and actively seeking employment	
Article 22 Calculation of the benefit	The benefit is a periodical payment? <ul style="list-style-type: none"> <u>Article 65</u>: Calculated as a percentage of previous earnings: $\geq 45\%$ <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			According to section 57 of the law on employment and exercise of unemployment benefits, cash benefit shall amount 40% of the minimum wage determined under the General Collective Agreement	
Article 23 Maximum qualifying period	What qualifying period of employment, contribution or residence a person has to complete for entitlement to unemployment benefits?			NO INFORMATION	

Table 3. Unemployment benefit (Part IV)					
ILO C. 102	Main provisions	Yes	No	National legislation	Comments
Article 24 Minimum duration of payment of unemployment benefit	<p>Is unemployment benefit limited to:</p> <ul style="list-style-type: none"> • For protected employees: 13 weeks within 12 months? • For protected residents: 26 weeks within 12 months ? <p>Does the duration of the benefit vary with the length of the contribution period and/or the benefit previously received?</p>			<p>Benefit shall be paid for a period depending on the unemployed person's insurance service duration:</p> <ul style="list-style-type: none"> - 3 months for 1-5 years of insurance; - 4 months for 5-10 years of insurance; - 6 months for 10-15 years of insurance; - 8 months for 15-20 years of insurance; - 10 months for 20-25 years of insurance; - 12 months for over 25 years of insurance; - until re-employment, or occurrence of a basis for termination of the entitlement to cash benefit, if he/she has accrued more than 30 years of insurance (women) or over 35 years (men); - an unemployed person has accrued over 25 years of insurance service and he/she is a parent of a person who is entitled to disability benefit shall be entitled to cash benefit until re-employment or until occurrence of a basis for termination of the entitlement to cash benefit 	
Article 24(3) Waiting period of 7 days	Is there a waiting period before the unemployment benefit becomes payable?	.		No waiting period. The benefit is due on the first day of unemployment.	

Table 4. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> Article 26 Risk covered = Old age	<ul style="list-style-type: none"> Pension age ≤ 65 years OR > 65 years if elderly persons maintain their working ability 			Section 17 of the Law on Pension and Disability Insurance of Montenegro. <ul style="list-style-type: none"> - 67 years and at least 15 years of contribution; - 55 years and at least 40 years of contribution; - 30 years of contribution with at least 20 years of effective work in working positions for which in mines the contribution period is calculated at accelerated rate 	
Article 27 Persons protected = Prescribed classes of:	<p>Employees in paid employment which represent 50% of all employees</p> <p>OR</p> <p>Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p> <p>All residents whose means are below a prescribed limit</p>			All persons who are officially employed (sections 10 to 15 of the abovementioned law list the persons concerned)	
Article 28 Amount of pension	The benefit is a periodical payment? <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: ≥ 40% OR Article 66: Calculated at a flat rate or guaranteed minimum rate: ≥ 			Calculation method is provided for by sections 20 to 28 of the Law on Pension and Disability Insurance of Montenegro. <p>NO PERCENTAGE MENTIONED</p> Further indication: average amount for old-age pension paid in January 2011 = 322.04 €	

Table 4. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	40% of the reference wage of an unskilled male labourer OR <ul style="list-style-type: none"> • <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 				
Article 29 Maximum qualifying period	<ul style="list-style-type: none"> • Employees and Economically active persons: 30 years of employment or contributions? • Residents: 20 years of residence? • Reduced benefit after 15 years of employment or contribution? 			Minimum period: 15 years of pension service	
Article 30 Minimum duration of benefit	Benefit granted until death?			NO INFORMATION	

Table 5. Survivors' benefit (Part X)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 60 Risk covered = Death of the breadwinner	Are widows and dependent children protected in case of loss of death of the breadwinner? In the case of a widow, is the right to conditional benefit on her being incapable of self-support?			Family members of a deceased insured person or a pension beneficiary may exercise the right to survivor's pension. (widow, widower, children)	
Article 61 Persons protected = Prescribed classes of:	Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR Residents whose means are below a prescribed limit			The regulation cover family members of all employees insured.	
Article 62 Type and Calculation of benefit	The benefit is a periodical payment? <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: $\geq 40\%$ OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: $\geq 40\%$ of the wage of an unskilled male labourer OR <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			Amount determined on the old-age or disability pension that the insured person would have been entitled to at the time of death, or on the basis of the pension the beneficiary was entitled to at the time of death, based on the number of family members entitled to that pension: - 70% for 1 (+ 20% for 1 orphan) - 80% for 2 (+ 40% for 2 orphans) - 90% for 3 (+ 60% for 3 orphans) - 100% for 4 (+ 100% for 4 or more orphans)	
Article 63	<ul style="list-style-type: none"> 15 years of contribution or employment 			NO INFORMATION	

Table 5. Survivors' benefit (Part X)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Qualifying period	OR <ul style="list-style-type: none"> • 10 years of residence of the breadwinner • Reduced benefit for survivors after 5 years of contribution or employment of the breadwinner 				
Article 64 Duration of benefit	When does the benefit stop for: <ul style="list-style-type: none"> • The widow? • The children? 			NO INFORMATION	

CHAPTER III. Integrated Management of compliance and reporting obligations of Montenegro under social security provisions of the ratified international treaties on social rights

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- [Table 5. Up-to-date standards on which reports are due in 2019](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Time management of the 5 years reporting cycle \(2011-2016/17\) on international and European social security standards](#)
- [Fig. 2. Time management for reporting on social security standards in 2016](#)

Table 1. Up-to-date social security standards in force

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3	Art.13§1§2§3		
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Montenegro



Social Security Standards not in force



Denounced standards

C003 - Denounced on 11 Sep 2012

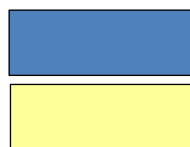
C103 - Automatic Denunciation on 19 Apr 2013 by C183

C056 - Automatic Denunciation on 03 Feb 2016 by MLC, 2006

C102 - Part VI is no longer applicable as a result of the ratification of C121

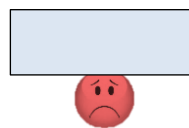
Table 2. Pending comments of the supervisory bodies

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, Art.13§1		Art.1§1§3	Art.23	Art. 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing & Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26 C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Montenegro

Pending comments of the supervisory bodies



Social Security Standards not in force

Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2016

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC*	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3	Art.13§1§2§3		
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26 C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14



Social Security Standards in force for Montenegro



Social Security Standards not in force



Report in 2016

* CRC report was expected in 2015, not yet submitted

Table 4. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3	Art.13§1§2§3		
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26 C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14



Social Security Standards in force for Montenegro



Social Security Standards not in force



Report in 2018

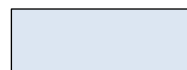
Table 5. Up-to-date standards on which reports are due in 2019

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.15§2	Art.16	Art.8§1	Art.15§1		Art.4§1,14,30	
					Art.3	Art.27§1b,c		Art.15§3		Art.13§1§2§3	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025	C044	C035 C036	C012 C017 C018		C003	C037 C038	C039 C040		C24 Art.6-8, C25 Art.6-8, C44 Art.10, C35 Art.8-11, C37 Art.11-12, C39, Art.13-14
		C056			C042		C103				



Social Security Standards in force for Montenegro

Report in 2019



Social Security Standards not in force

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

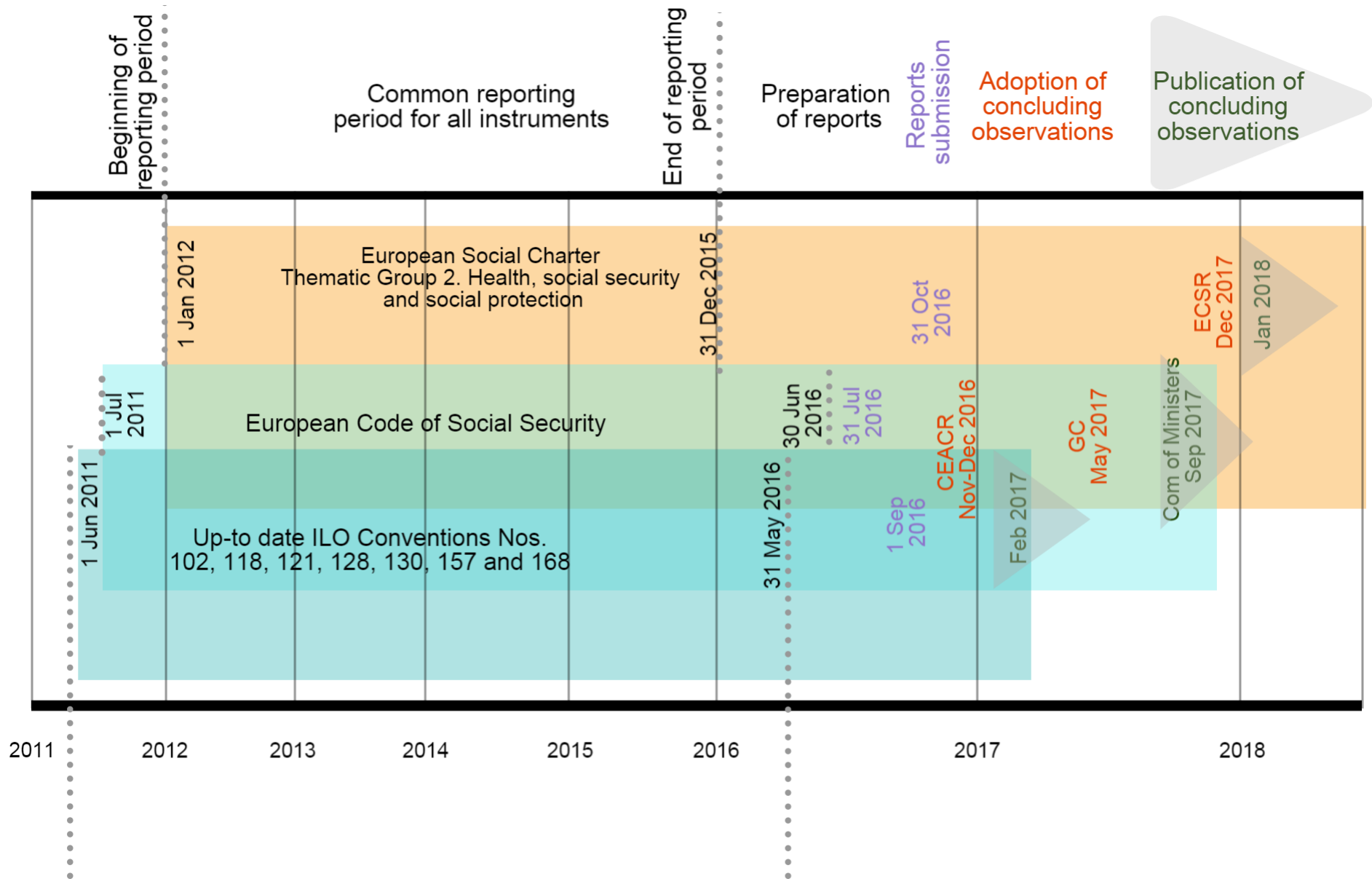
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



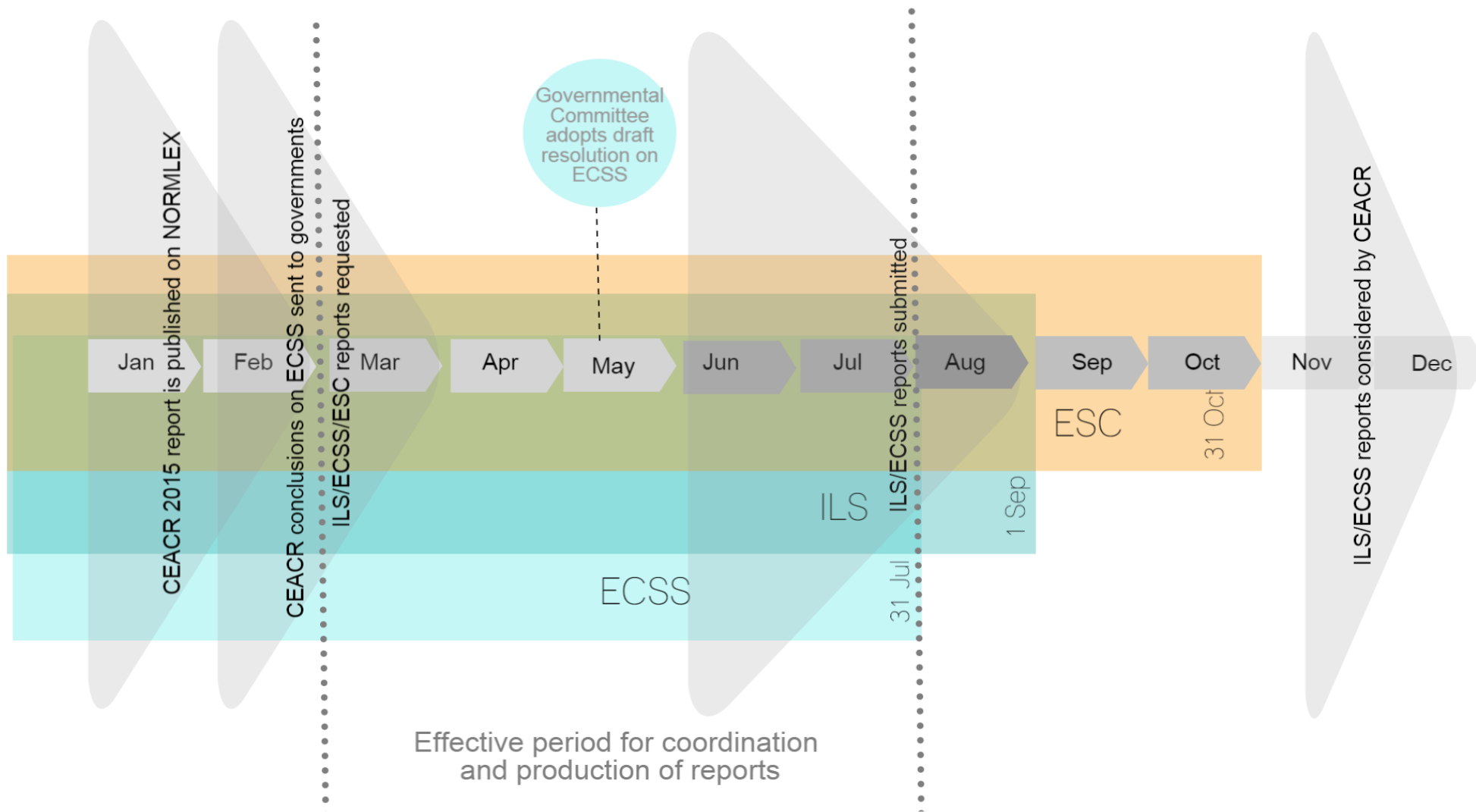


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Montenegro](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. [United Nations](#)

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. [Council of Europe](#)

- [European Social Charter](#)

3. [International Labour Organization](#)

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
- [Employment Injury Benefits Convention, 1964 \(No.121\)](#)
- [Maternity Protection Convention, 2000 \(No. 183\)](#)

Table 1. In force international treaties on social rights ratified by Montenegro

Body	International Treaty	Entry into force for Montenegro	Next report due on
United Nations	ICESCR	23 Oct 2006	30 Nov 2019
	Convention on the Rights of the Child	23 Oct 2006	Last due date 01 Oct 2015
	Convention on the Elimination of All Forms of Discrimination against Women	23 Oct 2006	Submitted on 13 Jun 2016
	Convention on the Rights of People with Disabilities	2 Nov 2009	Submitted on 13 Mar 2014
Council of Europe	European Code of Social Security		
	European Social Charter	03 Mar 2010	31 Oct 2016
International Labour Organization	Convention 102	03 Jun 2006	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121	03 Jun 2006	1 Jun - 1 Sep 2016
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183	19 Apr 2012	1 Jun - 1 Sep 2018
	Convention 012	03 Jun 2006	1 Jun - 1 Sep 2016
	Convention 017	03 Jun 2006	
	Convention 018	03 Jun 2006	
	Convention 024	03 Jun 2006	1 Jun - 1 Sep 2016
	Convention 025	03 Jun 2006	1 Jun - 1 Sep 2016
Convention 056	03 Jun 2006 (denounced in 2016)	1 Jun - 1 Sep 2016	

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

UN Covenant on Economic, Social and Cultural Rights – Concluding observations 2014

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

Data collection

The Committee expresses concern that the State party has not provided sufficient disaggregated and detailed data in its report or its replies to the list of issues to allow the Committee to assess the impact of the measures taken by the State party to give full effect to the provisions of the Covenant or to measure the enjoyment of economic, social and cultural rights in the State party (art. 2).

The Committee recommends that the State party:

(a) Set up a system to collect statistical data on the implementation of economic, social and cultural rights set forth in the Covenant, disaggregated by year, sex, age, urban/rural population, ethnic origin on the basis of anonymity and voluntary self-identification, disadvantaged and marginalized groups, and other relevant criteria, and include such statistical data in its next periodic report;

(b) Undertake regular and systematic assessments, against a clear set of indicators, of the level of enjoyment of all economic, social and cultural rights by various segments of the population, taking into account the conceptual and methodological framework for human rights indicators developed by the Office of the High Commissioner for Human Rights (HRI/MC/2008/3);

(c) Apply human rights indicators, particularly those related to economic, social and cultural rights, as part of its national development strategies.

Non-discrimination

The Committee regrets the lack of comprehensive statistical data available to identify discrimination in the enjoyment of the Covenant rights on the basis of the different grounds outlined in article 2, paragraph 2, of the Covenant. In addition, while noting the adoption of amendments to the Law on Amendments to the Law on the Prohibition of Discrimination, in March 2014, the Committee is concerned that members of national and ethnic minorities, refugees, displaced persons, Roma, persons with disabilities, and members of other marginalized groups continue to face discrimination with regard to the enjoyment of their economic, social and cultural rights (art. 2, para. 2).

The Committee recommends that the State party intensify its efforts to promote equality and combat discrimination against members of national and ethnic minorities, refugees and displaced persons, including persons of Roma, Ashkali and Egyptian origin, persons with disabilities, and other marginalized persons and groups, particularly in relation to their access to employment, social security, housing, health care and education. It also recommends that the State party ensure the systematic application of anti-discrimination legislation, taking due account of all prohibited grounds for discrimination as contained in article 2, paragraph 2, of the Covenant and elaborated in the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Equality between men and women

While noting the adoption of the Plan of Action for Gender Equality 2013–2017, the Committee is concerned at the lack of adequate financial and human resources to implement gender equality policies effectively, the underrepresentation of women in senior and decision-making positions, and the persistence of stereotypes concerning gender roles (art. 3).

The Committee recommends that the State party :

(a) Ensure the allocation of adequate financial and human resources to implement gender equality policies and strategies effectively ;

(b) Establish an effective monitoring and evaluation mechanism to ensure that its gender equality policies and strategies are assessed against a clear set of indicators and have the desired impact;

(c) Analyse the underlying causes of the underrepresentation of women in senior and decision-making positions and take appropriate measures to eliminate the social perceptions of traditional gender roles and stereotypes , including those concerning employment, while raising awareness of both men and women about harmonizing work and family responsibilities .

Minimum wage

The Committee is concerned at the low level of the minimum wage, which is manifestly inadequate to provide a decent living for the persons concerned and their families (art. 7).

The Committee recommends that the State party increase the amount of the national minimum wage, and that it be periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living.

Just and favourable conditions of work

The Committee is concerned at reports of violations of the right of workers to remuneration and regular payment of their social and health contributions in the private sector, as well as at the practice of non-conversion of fixed-term contracts to indefinite contracts in spite of the requirements of the Labour Act in this regard. It also expresses concern at the inadequate capacity of the Directorate for Inspection Affairs, including the Labour Inspectorate, to regularize the informal economy, to sanction employers who violate the Labour Act, and to prevent occupational accidents and diseases (arts. 6 and 7).

The Committee urges the State party to take effective measures to ensure that private companies respect their obligations to guarantee the right of workers to remuneration and regular payment of their social and health contributions, as well as the ir right to an indefinite contract as stipulated in the Labour Act. The State p arty should also increase the resources and the capacity of the Directorate for Inspection Affairs, including the Labour Inspectorate, to regularize the informal economy and to effectively ensure just and favourable conditions at work through the implementation of both preventive and punitive measures.

Social security

While welcoming the adoption in May 2013 of the Law on Social and Child Protection, the Committee is concerned at the lack of capacity of State institutions to implement the law effectively. It also notes with concern that social assistance benefits, including for unemployed

persons, older persons and persons with disabilities, are insufficient to ensure an adequate standard of living for the persons concerned and their families (art. 9).

The Committee calls upon the State party to:

- (a) Ensure the effective implementation of the Law on Social and Child Protection in practice, including by increasing the capacity of and coordination among State institutions;**
- (b) Increase social assistance benefits, taking into account the Committee's general comment No. 19 (2007) on the right to social security, in order to ensure that all individuals and families throughout the State party, including unemployed persons, older persons and persons with disabilities, enjoy an adequate standard of living;**
- (c) Provide, in its next periodic report, information on the extent of social security coverage, disaggregated inter alia by sex, urban/rural population, residency status and national or ethnic origin.**

Poverty

The Committee is concerned at the increasing percentage of the population that lives under the national absolute poverty line, as well as at the prevalence of regional disparities in the enjoyment of economic, social and cultural rights (arts. 2 and 11).

The Committee calls upon the State party to:

- (a) Strengthen efforts to combat poverty and social exclusion, particularly in the northern region, and allocate sufficient resources for their implementation, taking into account the Committee's 2001 statement on poverty and the International Covenant on Economic, Social and Cultural Rights;**
- (b) Develop an evaluation mechanism to assess the impact of measures taken and to identify any shortcomings;**
- (c) Include, in its next periodic report, disaggregated and comparative data and indicators on the number of persons living in poverty and extreme poverty, and on concrete progress made in reducing poverty.**

Housing

The Committee is concerned at the lack of information available on the number of persons who are homeless or inadequately housed, as well as at the lack of shelters for homeless persons. Additionally, while noting the adoption of the Law on Social Housing and a project to identify durable solutions for residents in the Konik camp, the Committee is seriously concerned that Roma communities continue to live in the camp and other informal settlements in environmentally polluted areas with deplorable conditions, without access to basic utilities and services such as electricity, running water and sewage (art. 11).

The Committee recommends that the State party:

- (a) Collect data on the number of persons who are homeless or inadequately housed and periodically evaluate the effectiveness of housing policies;**
- (b) Take policy and financial measures to expand the availability and quality of social housing for homeless persons and low-income families;**
- (c) Accelerate the implementation of the project to identify durable solutions for residents in the Konik camp and ensure that all displaced persons have access to adequate and affordable housing with, inter alia, legal security of tenure, safe drinking water, adequate sanitation, and electricity, including by improving the conditions of existing settlements or by constructing new social housing units.**

Right to health

The Committee expresses concern at reports of the low quality of public health-care services, of informal payments being provided by patients to health-care practitioners, of insufficient oversight of public procurement in the health-care sector, and of obstacles being faced by persons of Roma, Ashkali and Egyptian origin who do not have regulated legal status to effectively access health-care services. It is also concerned that persons in need of mental health care but not requiring hospitalization are nevertheless placed in psychiatric hospitals due to an absence of alternatives (art. 12).

The Committee recommends that the State party:

(a) Increase its budgetary allocations to the health sector to improve the quality of public health-care services, and take effective measures to counter corruption in the health-care sector;

(b) Ensure that all individuals have access to health-care services, including by ensuring that those who do not have regulated legal status are in possession of the necessary documents;

(c) Increase the availability of adequate alternatives to psychiatric hospitals and ensure that persons who do not require further treatment are placed in more appropriate settings.

Sexual and reproductive health

The Committee is concerned at the disproportionate ratio of male to female births, which may indicate a practice of sex-selective abortions due to discrimination against women. While welcoming the information provided by the State party that sexual and reproductive health and rights are now taught as a mandatory subject in primary, secondary and vocational schools, it is concerned at the lack of information available on measures taken to increase access to contraceptives and to reproductive health services and information, particularly in relation to marginalized communities (arts. 3 and 12).

The Committee recommends that the State party:

(a) Conduct a comprehensive study on the prevalence of sex-selective abortions and take appropriate measures to address practices and social norms fuelling a preference for sons, with a view to eliminating such a practice ;

(b) Make contraceptives widely available, accessible and affordable to all women and men of reproductive age, including adolescents;

(c) Ensure that individuals from marginalized groups, including refugees, displaced persons and persons with disabilities , also have access to education and information on sexual and reproductive health and rights that is comprehensive and age-appropriate .

D. Other recommendations

The Committee recommends that all future national plans, programmes and strategies addressing a wide range of economic, social and cultural rights provide for built-in monitoring and assessment mechanisms with a view to ensuring that interim results are available at any stage of their implementation in practice and that such plans, programmes and strategies be adjusted according to the needs .

Convention on the Rights of the Child – Concluding observations 2010

[*UN OHCHR website link, Treaty bodies database*](#)

Allocation of resources

13. The Committee is concerned at the inadequately low proportion of State annual budget allocated to health care, family support and other areas of direct relevance to children, and the decrease in allocations for education.

14. The Committee recommends the prioritization of children's rights and welfare in the State party's budget policy. In this regard, the Committee recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the rights recognized in the Convention and especially for education, health care and family support. In this regard the Committee urges the State party to pay particular attention to economically disadvantaged, marginalized and neglected children, including Roma, Ashkali and Egyptian children and children with disabilities, with a view to alleviating disparities, deficits and inequalities. Furthermore, the Committee recommends that the State party strengthen the skills of the personnel of the administration of the child protection system as well as local Governments in planning and management of budgets that address the needs of children and families.

Data collection

15. The Committee is deeply concerned at the lack of a systematic mechanism for collecting and analyzing data, disaggregated inter alia by age, sex, ethnic or social origin and urban/rural areas, to provide systematic and comprehensive quantitative and qualitative data for all areas covered by the Convention and its Optional Protocols in relation to all children, in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

16. The Committee recommends that the State establish, with the support of all relevant partners including UNICEF, a consolidated system for the comprehensive collection and analysis of data , in order to effectively analyze, monitor and assess the impact of laws, policies and programmes for all the areas covered by the Convention and the two Optional Protocols . Data should include all children up to the age of 18 years, be disaggregated by, inter alia, age, sex, ethnic or social origin, urban/rural areas, with particular attention to children who have the right to special protection measures.

Training

19. While welcoming that training on child rights is provided to all judges of Montenegro and to other professionals working for and with children, the Committee regrets that such training does not reach all professionals working with or for children.

20. The Committee recommends to continue and further strengthen adequate and systematic training of all professional groups working for and with children, including, all law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education, and in training activities.

Non-discrimination

25. While noting the efforts undertaken by the State party to counter discrimination especially against minorities through a variety of laws, strategies, plan of actions and projects, the Committee is concerned at the persistent de facto discrimination against *inter alia* children belonging to minority groups, refugee children, and children with disabilities, in particular with regard to access to education, health care and housing.

26. The Committee recommends that the State party:

(a) Effectively ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention by implementing the existing laws; and

(b) Continue to undertake comprehensive public education campaigns to prevent and combat negative societal attitudes and behavior based on sex, age, race, nationality, ethnicity, religion and disability.

27. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and at the Durban Review Conference in April 2009, also taking into account the Committee's general comment No. 1 (2001) on the aims of education.

5. Family environment and alternative care (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)

Family environment

39. The Committee notes that several reforms in the child care system have been undertaken and that some family support services have been provided. However, the Committee is concerned that the support provided to families with children and especially to families in a crisis situation due to poverty, families caring for children with disabilities and to single-parent households remains insufficient and sporadic. In that regard the Committee is also concerned at the insufficient availability of family counseling services and parental education programmes as well as professional staff trained to identify and address family problems.

40. The Committee recommends that the State party:

(a) Increase support to families in carrying out their parental responsibilities, inter alia, by creating a social network of child protection at community level and strengthening the family structure;

(b) Provide economic and social assistance programmes for families with special attention to most vulnerable families, such as Roma, Ashkali and Egyptian families, the families caring for children with disabilities and single-parent families;

(c) Develop and financially support community-based and family-focused services; and

(d) Strengthen social services providing family counseling and parenting education and train professionals, including social workers providing assistance to parents in the upbringing of their children and provide them with continuous, gender sensitive and targeted training.

6. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3, of the Convention)

Children with disabilities

47. While welcoming the adoption of a number of strategies for the social integration of children with disabilities the Committee is deeply concerned at the societal discriminatory attitudes faced by these children.. Furthermore, the Committee is concerned at the lack of statistical data on

children with disabilities. While noting that the situation in the institution “Komanski Most” has been addressed to a certain degree, through the State party’s efforts to provide services for children in separate buildings, the Committee is concerned that children with disabilities are still placed in the institution for adults. The Committee is also concerned at the persisting shortage of resources for the development of educational, social and health services for children with disabilities and their families and at the shortage of early intervention services for these children.

48. The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s general comment No. 9 (CRC/C/GC/9) on the rights of children with disabilities, take all necessary measures to:

(a) Undertake long-term awareness raising programmes in order to change and combat negative societal attitudes prevailing against children with disabilities;

(b) Collect adequate statistical data on children with disabilities;

(c) Develop a comprehensive national policy on disability, which promotes the full enjoyment of all human rights and fundamental freedoms by all children with disabilities, with special focus on deinstitutionalization and the right to live in their families and communities;

(d) Provide children with disabilities and their families with adequate support, including access to social protection to allow them to remain within their families;

(e) Expand, as indicated by the State party, the network of Day Care Centers for Children with Disabilities who cannot be integrated into the regular educational system;

(f) Establish a monitoring system for residential care institutions which closely examines the rights of children with disabilities, as well as ensure that monitoring incorporates concrete steps to follow up recommended actions, and favours the participation of civil society organizations;

(g) Provide training for professional staff working with children with disabilities, such as teachers, social workers and medical, paramedical and related personnel;

(h) Continue its efforts to include children with disabilities in the general school system, provide the needed personnel and material resources to the schools in which these children are enrolled and reduce the number of schools for children with special educational needs to the unavoidable minimum; and

(i) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based early intervention and rehabilitation programmes, including parent support groups.

Health and health services

49. While noting the health reform underway since 2003, the Committee is concerned at the overall insufficient quality of health services, including the low quality of care in health facilities. Furthermore, the Committee is concerned at limited and inequitable access to adequate health-care services outside the capital and that this especially affects Roma, refugee children and children with disabilities.

50. The Committee recommends that the State party:

(a) Increase efforts to improve sanitation and quality of care in health facilities;

(b) Address inequalities in access to health services through, inter alia further development of primary health care services and by implementing a coordinated approach across all government departments, including better coordination between health policies and those aimed at reducing poverty and social exclusion;

(c) Develop a comprehensive programme to improve mother and child health, including through basic health care services for the most vulnerable children, in particular for Roma children, children living in rural areas and refugee children; and

(d) Continue to seek cooperation from UNICEF and WHO in its efforts to improve the health situation of children.

Breastfeeding

51. The Committee is concerned about the low rate of exclusive breastfeeding in the State party, and that the State party has not incorporated the International Code of Marketing of Breast-milk Substitutes into national legislation.

52 . The Committee recommends that the State party enhance its efforts to promote exclusive breastfeeding practices and enact legislation implementing the provisions of the International Code of Marketing of Breast-milk Substitutes.

Adolescent health

53. The Committee is concerned at the high number of teenage pregnancies and abortions, the lack of information provided on child and adolescent mental health services and the increasing incidence of drug, tobacco and alcohol use among children. Furthermore, the Committee is concerned at the lack of training provided to health professionals on health promotion and involvement of NGOs in that regard.

54. The Committee recommends that the State party, by taking into account the general comment No. 4 on adolescent health and development (CRC/GC/2003/4) of 2003:

(a) Adopt standards for adolescent friendly health services and a comprehensive strategy for the implementation and monitoring of these services;

(b) Provide adolescents with appropriate reproductive health services, including reproductive health education, in school in order to reduce the number of teenage pregnancies, and develop adolescent-friendly programmes to assist teenage mothers and their children;

(c) Strengthen training, in collaboration with NGOs, of general practitioners, nurses, social workers and other primary-care workers in the field of health promotion, including healthy lifestyles and emotional well-being of adolescents, with a view to improving the capacity and quality of health professionals in the country;

(d) Develop a comprehensive mental health policy, including mental health promotion outpatient and inpatient services for adolescents with mental health disorders, as well as programmes to support families with children at risk; and

(e) Address the incidence of drug, tobacco and alcohol use among children by, inter alia, providing children with accurate and objective information about substance use, including tobacco use and improve access to rehabilitation services.

HIV/AIDS

55. The Committee is concerned that the general knowledge about HIV/AIDS, particularly among Roma girls, is very low.

56 . The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (CRC/GC/2003/3) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, strengthen its preventive efforts by conducting campaigns and educational programmes, particularly

within schools, in order to raise awareness on STIs, including HIV/AIDS, as well as on prevention methods.

Standard of living

57. While welcoming the plans and strategies in place to reduce poverty, the Committee is deeply concerned at the low standard of living of a large percentage of children and their families, affecting in particular Roma, Ashkali and Egyptian children, who are living in poverty and social isolation and are deprived of equal opportunities and access to essential services.

58. The Committee recommends that the State party:

(a) Pay particular attention to children when drafting plans and strategies to reduce poverty;

(b) Take steps to improve the standard of living of families with children, in particular of those living below the poverty line and take all necessary measures to make adequate housing, sanitation and infrastructure available for all families including for low-income and large families and Roma, Ashkali and Egyptian ; and

(c) Reinforce its efforts to alleviate poverty and ensure support and material assistance, with particular focus on the most marginalized and disadvantaged children and to guarantee the right of children to an adequate standard of living.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2011

[*UN OHCHR website link, Treaty bodies database*](#)

Employment

28. The Committee notes with concern that women are disproportionately affected by unemployment, most commonly working in low-paid jobs, often on fixed-term contracts that can be easily terminated in circumvention of their rights to paid maternity leave and to return to work following childbirth, and underrepresented in high-level positions in the public and private sectors. It is also concerned that Roma, Ashkali and Egyptian women are to a large extent excluded from the formal labour market. The Committee is further concerned that the lack of flexible work arrangements, childcare facilities, and special non-transferrable paternity leave forces women into part-time and low-paid work and reinforces the unequal division of family responsibilities between women and men.

29. The Committee recommends that the State party:

(a) Ensure that the Law on Changes to the Labour Law expressly provides for equal remuneration of women and men for work of equal value, protects the rights of women employed on fixed-term contracts to paid maternity leave and to return to work after childbirth and introduces special non-transferable paternity leave to promote the active participation of fathers in child-raising;

(b) Sensitize employers and employees on flexible work arrangements for women and men and encourage men to make use of such arrangements, further raise awareness about responsible fatherhood, and increase the number and capacity of affordable childcare facilities in all parts of the State party;

(c) Collect sex-disaggregated data on the situation of women and men in the labour market and on the number and outcome of labour inspections, court cases and administrative complaints related to sex-based labour discrimination and sexual harassment, and include such data in its next periodic report; and

(d) Effectively implement existing and adopt additional policies and targeted measures with time-bound targets and indicators to achieve substantive equality of men and women in the labour market, promote employment of women, including Roma, Ashkali and Egyptian women, eliminate occupational segregation, and close the gender wage gap.

Health

30. The Committee is concerned about the low prevalence of contraceptives and inadequate access to sexual and reproductive health services and information, especially for disabled, Roma, Ashkali and Egyptian and displaced/refugee women, in particular in rural areas. It also notes with concern that education on sexual and reproductive health and rights at the secondary level is only optional.

31. By reference to its general recommendation No. 24 (1999) on article 12 (women and health), the Committee calls on the State party to:

(a) Ensure that all women and girls, including women with disabilities, Roma, Ashkali and Egyptian and displaced/refugee women, have free and adequate access to contraceptives, sexual and reproductive health services and information in accessible formats, including in rural areas;

(b) Raise awareness, through education campaigns, enhanced counselling services and the media, about the importance of using contraceptives for family planning and the prevention of sexually transmitted diseases, including HIV/AIDS; and

(c) Include mandatory education on sexual and reproductive health and rights in the regular school curricula at the secondary level.

Family benefits

32. The Committee is concerned about the low levels of family benefits and the lack of support programmes for single mothers and their children, who are specifically vulnerable to discrimination and abuse.

33. The Committee calls on the State party to:

(a) Increase, regularly review and adjust the levels of family benefits for single mothers to ensure an adequate standard of living for them and their children; and

(b) Adopt targeted measures and programmes to economically empower single mothers and ensure that they and their children have adequate and affordable access to housing, education, professional training, health care and cultural life, and protect them against discrimination and abuse.

Disadvantaged groups of women

34. The Committee is concerned about multiple forms of discrimination against Roma, Ashkali and Egyptian women, the lack of birth registration or proof of such registration of many local and displaced/refugee Roma, Ashkali and Egyptian women placing them and their children at a risk of statelessness, and the lack of basic services and infrastructure in the Roma, Ashkali and Egyptian refugee camps in Konik. It also notes with concern that displaced/refugee women, including many Roma, Ashkali and Egyptian women, face difficulties in accessing the procedure for obtaining permanent residence status under the amended Law on Foreigners and the Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro (2011–2015) when they are unable to access certain documents needed to process such status.

35. The Committee recommends that the State party:

(a) Adopt temporary special measures to eliminate the multiple forms of discrimination against Roma, Ashkali and Egyptian women, including in education, employment and health care, collect disaggregated data on the situation of Roma, Ashkali and Egyptian women, and include such information in its next periodic report;

(b) Effectively implement the Strategy for the Improvement of the Status of the Roma, Ashkali and Egyptian Community in Montenegro (2008–2012) and intensify efforts to improve women's and girls' access to basic services in the Roma, Ashkali and Egyptian refugee camps in Konik;

(c) Strengthen the assistance provided to displaced/refugee women, including Roma, Ashkali and Egyptian women, in civil registration in Montenegro and cooperate with their countries of habitual residence to facilitate access to passports or other documents required for the status of foreigners with permanent residence in the State party; and

(d) Consider ratifying the Convention on the Reduction of Statelessness.

Convention on the Right of Persons with Disabilities

No conclusions observations available yet. First State Party report submitted on 13 March 2014.

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter, link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from the Statistical Office of Montenegro that the unemployment rate showed a very moderate increase between 2007 (19.4%) and 2010 (19.8%). As regards the youth unemployment rate, it reached 45.5% in 2010, whereas the long-term unemployment rate (as a percentage of all unemployed persons) amounted to 13.8% that same year. The Committee notes that there was an economic slowdown towards the end of the reference period. The employment rate continued to be low, combined with high levels of unemployment.

Employment policy

In terms of spending on active measures, Montenegro's spending as a percentage of GDP was 0,34% in 2010. The Committee notes that this percentage is rather low by comparison to other States Parties.

Given the high rate of youth unemployment, the Committee asks if there are any measures targeted specifically at this group (how many young persons received activation offers, what were the effects, etc.).

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion

Paragraph 3 - Free placement services

The Committee asks how many persons within the Employment Office and agencies are dealing with employment mediation and placement matters, as well as the ratio of placement staff to registered jobseekers.

The Committee notes that in 2010 the Employment Office made efforts to intensify collaboration with employers. Finally, it asks whether trade union and employers' organisations participate in organising and the running of the Employment Office.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

In view of the generality of this information, the Committee is not in a position to examine the conformity of Montenegro's policy framework on occupational health and safety under Article 3§1 of the Charter. It asks that the next report provide information on general objective of the policy: content of applicable laws, policies, strategies, and programmes, as well as the competencies of relevant public institutions, etc.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Safety and health regulations

The Committee is not in a position to examine the conformity of Montenegro's laws and regulations on occupational health and safety under Article 3§2 of the Charter. It asks that the next report provide information on the following points: risks covered by the regulations, levels of prevention and protection, workers and sectors covered by the regulations, consultation with employers' and workers' organisations.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Montenegro. This is the first time the Committee examines Montenegro's provisions for the enforcement of the laws and regulations on occupational health and safety.

The report provides no information on this point. According to the Industrial Relations Profile (pp. 7-8) the Labour Inspectorate mostly acts on workers' initiative, but is sorely understaffed (38 inspectors in 2010). In view of the generality of this information, the Committee is not in a position to examine the conformity of Montenegro's provisions for the enforcement of the laws and regulations on occupational health under Article 3§3 of the Charter. It asks that the next report provide information on the following points:

Occupational injuries and diseases

- statistic data on the number of occupational accidents; the average incidence rate per 100 000 workers for occupational accidents; the number of fatal accidents; the average incidence rate per 100 000 workers for fatal accidents;
- statistic data on the number of cases of occupational diseases; the average incidence rate per 100 000 workers for cases of occupational disease; the number of fatal cases of occupational disease; the average incidence rate per 100 000 workers for fatal cases of occupational disease;

Activities of the Labour Inspectorate

- framework and functioning of the Labour Inspectorate (relevant bodies, competence, means of investigation, enforcement powers);
- activities of the Labour Inspectorate (number of labour inspectors, frequency of inspection visits, proportion of workers covered by inspection related to the labour force);
- measures taken and sanctions adopted by the Labour Inspectorate (number of infringements, types of notices and measures, number and volume of fines, number of suspension of activity, number of cases prosecuted).

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 4 - Occupational health services

The Committee is not in a position to examine the conformity of Montenegro's framework on occupational health services under Article 3§4 of the Charter. It asks that the next report provide information on the following points:

- framework on occupational health services (legislation, mission, organization, programmes, strategies, action plans);
- whether, if not all undertakings provide occupational health services, a strategy is set up, in consultation with the social partners, to provide access to occupational health services;
- what, if access to occupational health services is not mandatory, are the consequences whenever employers choose not to provide such access;
- number of workers under care with occupational health services;
- proportion of undertakings which provide or share occupational health services with other undertakings.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

[Paragraph 1 - Maternity leave](#)

Right to maternity leave

Article 111a of the Labour Code provides for 45 days maternity leave before childbirth (upon submission of a medical certificate indicating the expected date of delivery), including a mandatory leave of 28 days before childbirth. Women are also entitled to a mandatory leave of 45 days after childbirth. After the expiry of this period, either parent is entitled to parental leave to be used during the year following the birth. The Committee asks the next report to clarify whether the same rules apply to women employed in the public sector.

Right to maternity benefits

The report indicates that, according to Article 111b of the Labour Code, workers on maternity or parental leave are entitled to wage compensation corresponding to their regular salary. The Committee asks what are the requirements for entitlement to maternity benefits, in particular whether the right to maternity benefits is subject to a qualifying period (period of employment or contribution to the social security scheme) and, in such case, whether the qualifying period takes into account interruptions in the employment record. With reference to its Statement of Interpretation on Article 8§1 (Conclusions 2015), the Committee also asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

It furthermore asks whether the same rules apply to women employed in the public sector.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Montenegro is in conformity with Article 8§1 of the Charter

Article 11 Right to protection of health – Conclusions 2013

[Paragraph 1 - Removal of the causes of ill-health](#)

The Committee recalls that the right of access to health care also requires that arrangements for access to care must not lead to unnecessary delays in its provision. It therefore asks the next report to provide information about the rules that apply to the management of waiting lists, as well as statistics on average waiting times in health care. The report acknowledges that by international comparison, there is an insufficiency of healthcare professionals in Montenegro,

especially doctors. The Committee asks if any measures are being taken in this respect, and whether the actual needs for health workers are being assessed/monitored. In the last examination of Article 11, the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. The Committee requests that information on this also be included in the next report.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Advisory and educational facilities

Education and awareness raising

The Committee asks the next report to indicate whether providing health education at schools is a statutory obligation, how it is included in school curricula (as a separate subject or integrated into other subjects), and the content of health education.

Counseling and screening

The Committee recalls that under Article 11§2, States Parties should provide free and regular consultation and screening for pregnant women and children throughout the country. Moreover, free medical checks for children must be carried out throughout the period of schooling. The Committee asks that information on these matters be included in the next report.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

The Committee asks the next report to provide information on the laws, regulations and measures taken for the reduction of environmental risks, in particular in the field of air quality, water management, waste management, environmental noise, ionising radiation, asbestos and food safety, as well as on the institutional structures for the proper implementation of environmental legislation.

The Committee asks the next report to provide information on any measures or initiatives taken to prevent accidents, as well as on trends in the matter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

The Committee observes that the system of social security of Montenegro covers most of the branches and is based on the principles of collective funding

The Committee asks what is the minimum level of sickness benefits is.

According to MISSCEO the lowest pension paid in January 2012 was € 100.40.¹⁹ In the absence of the at-risk-of-poverty threshold value defined as 50% of the median equivalised income, the Committee notes from another source¹ that in 2011 the national absolute poverty line stood at €175.25 and at €170 in 2010. The Committee notes that the minimum level of pension is manifestly inadequate and therefore, the situation is not in conformity with the Charter.

As regards unemployment benefits, according to MISSCEO, they amounted to 40% of the minimum wage determined under General Collective Agreement. They are paid on monthly basis.

The Committee notes from another source that the monthly minimum wage in 2010 amounted to €141. The Committee notes that the level of the unemployment benefit is inadequate and therefore, the situation is not in conformity with the Charter.

The Committee further notes from MISSCEO that unemployment benefit is granted to an unemployed person for three months if he/she has insurance service from one to five years; four months if he/she has insurance service from five to 10 years; six months if he/she has insurance service from 10 to 15 years; eight months if he/she has insurance service from 15 to 20 years etc. The Committee recalls that under Article 12 of the Charter, unemployment benefits must be paid for a reasonable duration. The Committee considers that three or four months are not reasonable and therefore the situation is not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 12§1 of the Charter on the grounds that:

- the minimum levels of pension and unemployment benefits are manifestly inadequate.
- the duration of unemployment benefit is too short.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Committee notes that the ILO Committee of experts on the application of conventions and recommendations (CEACR) has raised several direct requests published in 2013 (102nd session of the International Labour Conference) concerning the different branches of ILO Convention No. 102. It asks the next report to provide the replies given to these requests.

The Committee recalls that, for it to examine whether the social security system stands at a level at least equal to that necessary for the ratification of the Code, it has to be provided with a thorough information regarding the branches covered, the personal scope and the level of benefits offered.

The Committee therefore asks the next report to provide this information and in the meantime it reserves its position as to whether Montenegro maintains a social security system at a level at least equal to that necessary for the ratification of the European Code of Social Security.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Development of the social security system

The Committee takes note of the results already obtained in the reform process and the challenges that are in the way. It also takes note of the setting up of voluntary pension funds (pillar III). It asks how the reform affects the number of persons insured and the level of minimum pensions paid. The Committee notes that the report does not provide any information regarding the measures taken to raise the system of social security to a higher level as regards the other branches of the social security system. It asks the next report to provide information on the reforms within the healthcare, unemployment, sickness and maternity branches.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

To assess the situation during the reference period, the Committee takes account of the following information:

- Basic benefit: according to MISSCEO and the report, the amount of cash benefits for a family without any income was payable at the monthly rate of €63.50 for a single person, €76.20 for a family of two members, up to €120.70 for a family of five or more members. The amount of the cash benefit payable to a family that has earned an income, is set at an amount equal to the difference between the above mentioned amount and the average monthly income of the family earned in the previous quarter. According to the report, as of April 2012 (outside the reference period), there were 14 451 beneficiary families, including 43 954 people.
- Additional benefits: the Law on Social and Child Welfare provides for coverage of exceptional expenses in the form of a lump sum cash benefit. The report indicates that, in order to protect the most vulnerable groups, the Government adopted a new program for subsidies of the electricity bills in April 2012 (outside the reference period). The Committee asks the next report to specify the level of the supplementary benefits available to people without resources.
- Medical assistance: according to the report, recipients of a cash benefit are entitled to healthcare.
- Poverty threshold (defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value): in the absence of this indicator, the Committee takes the national poverty threshold into account. It notes from an official statistical source that in 2011 the national absolute poverty line stood at €175.25.

The Committee recalls that, according to Article 13§1, the assistance is appropriate when the monthly amount of assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold. In light of the above data, the basic benefit stood much below the poverty threshold and the report does not indicate that regular non-contributory supplementary benefits are available to a single person living alone without resources. The Committee considers, in light of the above data, that the levels of social assistance paid to a single person without resources are manifestly inadequate.

Personal scope

The Committee asks the next report to clarify what forms of social and medical assistance apply, and to what extent, to foreign nationals, in particular as regards nationals from States Parties, with a residence status in Montenegro. In particular, as regards medical assistance, it asks the next report to indicate whether foreign legal residents from States Parties have access to medical assistance, beyond emergency assistance, on an equal footing with nationals of Montenegro. In the meanwhile, it reserves its position on this issue.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 13§1 of the Charter on the ground that the level of social assistance is manifestly inadequate.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee asks the next report to confirm that beneficiaries of social and medical assistance do not suffer for that reason, in practice, from any restriction of their political and social rights.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Montenegro is in conformity with Article 13§2 of the Charter.

[Paragraph 3 - Prevention, abolition or alleviation of need](#)

The Committee takes note of the information contained in the report submitted by Montenegro as well as of the additional information provided in an addendum to the report, which however do not provide any element relevant to Article 13§3 of the Charter.

The Committee asks the next report to provide comprehensive information on the services offering advice and personal assistance to people without resources, with a view to preventing, removing or alleviating personal or family want. It furthermore asks to indicate whether these services are only available to nationals or also to foreign nationals from States Parties who are legally resident in Montenegro. Meanwhile it reserves its position on this issue.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion

Article 14 - Right to benefit from social services – Conclusions 2013

[Paragraph 1 - Promotion or provision of social services](#)

Quality of services

The Committee recalls that the social services must have resources matching their responsibilities and changing needs of users. This implies that:

- staff shall be qualified and in sufficient numbers;
- decision-making shall be as close to users as possible;
- there must be mechanisms for supervising the adequacy of services, public as well as private.

Given that the report contains no information on the quality of services, the Committee asks the next report to give details and figures on the three elements mentioned above.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

[Paragraph 2 - Public participation in the establishment and maintenance of social services](#)

The Committee points out that a supervisory machinery must be put in place to monitor the quality of services provided by individuals and voluntary or other organisations, while safeguarding users' rights and ensuring the respect for human dignity and fundamental freedoms. It wishes the next report to clarify the situation in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

[Paragraph 1 - Vocational training for persons with disabilities](#)

Anti-discrimination legislation

The report mentions briefly the Law against discrimination adopted in 2011. This Law prohibits discrimination, notably in education. The Committee asks the next report to provide further details on such legislation in relation to education.

Vocational training

To better assess the effectiveness of the access to vocational training, including higher education, the Committee asks the next report to provide further information.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Employment of persons with disabilities

In order to better assess the employment of persons with disabilities on the open labour market the Committee asks the next report to contain the following figures:

- the number of persons with disabilities in working age;
- the number of persons with disabilities in ordinary employment;
- the number of persons with disabilities in sheltered employment;
- the number of persons with disabilities unemployed.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Integration and participation of persons with disabilities in the life of the community

The Committee asks the next report to indicate whether all the said areas, including transport, and effective remedies pertaining to them are covered by an anti-discrimination legislation. The Committee underlines also that should the next report not provide the requested information, nothing will demonstrate that the situation is in conformity with Article 15§3.

Housing

The report being silent on the issue of housing, the Committee asks for the next report to contain information on grants available to individual people with disabilities for home renovation work, lift installation and the removal of barriers to mobility, the number of beneficiaries of such grants and the general progress made on improving access to housing.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 16 - Right of the family to social, legal and economic protection - Conclusions 2015

Economic protection of families

Family benefits

The Committee recalls that States are required to ensure the economic protection of the family by appropriate means. The primary means should be family or child benefits provided as part of social security, available either universally or subject to a means-test (Conclusions 2006, Statement of Interpretation on Article 16). It also recalls that child benefit must constitute an adequate income supplement, which is the case when it represents a significant percentage of median equivalised income, for a significant number of families (Conclusions 2006, Statement of Interpretation on Article 16).

The Committee notes from MISSCEO that the scheme of child benefit is based on social assistance, i.e. entitlement upon need. The Committee therefore considers that the situation is not in

conformity with the Charter on the ground that family benefits do not cover a significant number of families.

Vulnerable families

States' positive obligations under Article 16 include implementing means to ensure the economic protection of various categories of vulnerable families, such as single-parent families and Roma families. The Committee consequently asks what measures are taken to ensure the economic protection of these vulnerable families.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

The Committee recalls that States Parties must ensure equal treatment of foreign nationals of other States Parties who are lawfully resident or regularly working in their territory and stateless persons with respect to family benefits. The Committee asks the next report to indicate whether foreign nationals, stateless persons and refugees are treated equally with regard to family benefits.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 16 of the Charter on the ground that family benefits do not cover a significant number of families.

Article 23 - Right of the elderly to social protection – Conclusions 2013

Adequate resources

The amount of the pension depends on the length of the insurance service period and the wage. According to the Pension and Disability Insurance Law, the Participant has a right to the lowest pension, if his/her earnings related pension according to his/her personal coefficient is lower than the lowest pension guaranteed by the Law. According to the report, the lowest pension paid on 1 January 2012 equalled € 100.40 (€ 97.86 in January 2011, according to MISSCEO). The Committee notes from the report that apart from the lowest pension, the pensioners are not entitled to additional benefits in the field of pension and disability insurance. However, elderly persons with grave physical, mental or sensory impediment, in need of permanent home care and assistance may pursuant to section 24 of the Law on Social and Child Care, regardless of their financial situation, be entitled to a special additional benefit. The amount of the relevant benefit is € 63.00 per month.

In the absence of data on the at-risk-of-poverty threshold value defined as 50% of the median equivalised income, the Committee refers to its conclusion under Article 13§1, which states that the national absolute poverty line for 2011 stood at €175,25. The Committee refers to its conclusion under Article 12§1 and, having regard to the information on pension levels quoted above, it finds that the minimum level of pension is inadequate. Consequently, the situation is not in conformity with the Charter.

With a view to assessing the situation in the next reference period, the Committee asks the next report to explain whether the minimum contributory and non-contributory pensions, together with available cash benefits and supplements, ensure a level of income that is above the poverty threshold in the country. The Committee also asks for information on the at-risk-of-poverty rate for persons aged 65 and over.

Services and facilities

The Committee asks whether in general the supply of home help services for the elderly matches the demand for them, how their quality is monitored, and if there is a possibility to complain about services. Furthermore, it wishes to know whether the extent of their provision differs from

one municipality to another, and whether there is a charge for any of these services. The Committee also asks for information on any services or facilities (such as respite care) for families caring for elderly persons, in particular highly dependent persons, as well as on any particular services for those suffering from dementia or the Alzheimer's disease. Finally, it also enquires on the cultural, leisure and educational facilities available to elderly persons.

Housing

The report provides no information on the housing situation of elderly persons.

Health care

The report provides no information on these questions. The Committee therefore asks for information on these matters in the next report. Information should also be provided on any measures taken on improving accessibility and quality of geriatric and long term care, or on the coordination of social and healthcare services in respect of the elderly.

Conclusion

The Committee concludes that the situation in Montenegro is not in conformity with Article 23 of the Charter on the ground that the minimum level of old-age pension is inadequate.

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) Montenegro (Ratification: 2006) – due in 2016

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Part II (Medical care) of the Convention. Article 10(2). Participation of insured persons in the cost of health care. Please specify the rules for the participation of the insured persons in the cost of medical treatment as well as the existing arrangements to avoid hardship for persons of small means.

Part XI (Standards to be complied with by periodical payments). Article 65. Level of old-age and survivors' benefits (Parts V and X of the Convention). The Committee notes that according to the calculations provided in the report the replacement rate of the old-age pension of the standard beneficiary after 30 years of contributions represents 40.39 per cent of the reference wage whereas the survivors' benefit of the standard beneficiary represents only 36.35 per cent of the reference wage where the insured breadwinner had 30 years of insurance history. The Committee recalls in this respect that the replacement rate required by *Articles 63(1)(a) and 65* of the Convention on the case of survivors' benefit is 40 per cent of the reference wage and that this percentage should be reached already when the breadwinner had completed 15 years of contributions. ***The Committee therefore asks the Government to provide an updated calculation of the survivors' benefit replacement rate according to the requirements of the report form (see under Article 65, Titles I, IV and V), taking into account any family and child allowances received by the standard beneficiary.***

Part XI (Standards to be complied with by periodical payments). Articles 65 or 66. Levels of sickness benefit, unemployment benefit and maternity benefit. ***The Committee notes that the Government's report does not contain the calculations required by the report form under Parts III, IV and VIII of the Convention with respect to the levels of sickness benefit, unemployment benefit and maternity benefit and hopes that the Government will provide the necessary information in its next report.***

Part XIII (Common provisions). Article 69. Suspension of unemployment benefit. Section 49 of the Law on Employment and Exercising Rights with respect to Unemployment Insurance (*Official Gazette* of Montenegro, No. 14/2010 of 17 March 2010) establishes the grounds for the suspension of unemployment benefit. ***The Committee asks the Government to compare these grounds with the cases of suspension of benefits permitted by Article 69 of the Convention.***

Part XIII. Article 71(2). Financing of the social security system. ***The Committee asks the Government to supply the statistical information required by the report form under Article 71 of the Convention, establishing the share borne by employees in the total of financial resources allocated to the protection of employees and their wives and children.***

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) - Montenegro (Ratification: 2006) – due in 2016

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 14(3) of the Convention. Benefits in case of substantial partial loss of earning capacity likely to be permanent. The Committee notes from the Government's report that, in accordance with section 30(2) of the Law on Pension and Disability Insurance, an insured person is entitled to a disability pension when that person suffers a partial loss of working capacity of 75 per cent due to health changes that cannot be eliminated by treatment or medical rehabilitation. Section 52 further states that an insured persons with physical impairment caused by an injury at work or professional disease of at least 50 per cent are entitled to a subsidy without prejudice to pension rights stemming from section 30(2) mentioned above. ***The Committee asks the Government to indicate the benefit to which would be entitled a standard beneficiary who loses between 25 and 75 per cent of his/her faculty or earning capacity.*** It recalls that Article 14(2) of the Convention, read in conjunction with paragraph 10(1) of Recommendation No. 121, provides for benefits in the form of periodical payments in case of substantial partial loss of earning capacity or corresponding loss of faculty which is in excess of 25 per cent.

Article 14, read in conjunction with Article 19. Level of periodical payments. The Committee notes that, as regards the level of cash benefits, the Government's report contains the calculations in respect of the skilled manual male employee defined as a person whose earnings are equal to 125 per cent of the average wage of all the persons protected. According to these calculations, the replacement rate of the pension in case of total loss of earning capacity or corresponding loss of faculty (75 per cent incapacity under the national legislation) corresponds to 53.86 per cent as opposed to 60 per cent required by the Convention. In case of death of the breadwinner, the replacement rate of the pension served to a widow with two dependant children represents 48.38 per cent as opposed to 50 per cent required by the Convention. The Committee notes however that, in order to obtain the percentage of replacement, the Government has not included the amount of subsidy for physical impairment granted and has not added to the benefit and the reference wage the amount of family allowances payable to a person protected with the same family responsibilities as the standard beneficiary. ***The Government is therefore asked to recalculate the replacement rates taking these two elements into consideration.***

Article 13. Benefit in respect of temporary or initial incapacity. Please provide the information required by the reform form under this provision of the Convention.

Article 10. Medical care. Please state the legal provisions guaranteeing the provision at the place of work of emergency treatment of persons sustaining a serious accident as well as follow-up treatment of workers whose injury is slight and does not entail discontinuance of work.

Article 16. Constant attendance of another person. The Government indicates that the entry into force of the Law on Pension and Disability Insurance repealed the previously existing benefit granted to persons in need of attendance by another person. ***The Committee asks the Government to indicate the manner in which the special needs of victims of occupational injuries who need the constant help of another person are satisfied so as to avoid hardship on the part of the beneficiary or their families.***

Article 17. Reassessment of the degree of loss of earning capacity or corresponding loss of faculty. *Please state the legal provisions governing the manner in which the degree of loss of earning capacity or corresponding loss of faculty could be reassessed in case of change.*

Article 21. Review of the rates of cash benefits. *The Committee asks the Government to supply with its future reports the information required by the report form under Article 21 of the Convention with respect to the evolution of the level of benefits and the cost of living and earnings indices.*

Maternity Protection Convention, 2000 (No. 183) - Montenegro (Ratification: 2012) - due in 2018

Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 6(6). Adequate benefits out of social assistance funds. The Committee takes note of section 31 of the Law on Social and Child Protection which defines the monthly amount of financial support, as well as of section 44 which defines the monthly amount of child allowance to be paid to families (taking into account the composition of the family). *The Committee requests the Government to indicate whether these amounts are sufficient to ensure the maintenance of the mother and her child in proper conditions of health and with a suitable standard of living.*

Article 6(7). Medical benefits. *The Committee requests the Government to confirm that medical benefits provided for in the 2004 law on health insurance are free of charge.*