



# Convention on the Rights of the Child

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

### Summary record of the 1560th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Monday, 20 September 2010, at 3 p.m.

*Chairperson:* Ms. Lee

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*The meeting was called to order at 3 p.m.*

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

*Initial report of Montenegro under the Convention on the Rights of the Child (CRC/C/MNE/1; CRC/C/MNE/Q/1 and CRC/C/MNE/Q/1/Add.1) (continued)*

1. *At the invitation of the Chairperson, the delegation of Montenegro resumed places at the Committee table.*

2. **Ms. Mijuskovic** (Montenegro) said that the Social and Child Protection Act was the foundation of the social care system. The ultimate goal of that system was to ensure that proper assistance was provided to all who needed it. The National Strategy for the development of social and child protection 2008–2012 was also a key element of that system, the main aim of which was the development of services at the local government level to provide protection for children in their own family environment, or in the care of a foster family, rather than in institutions. Montenegro had abandoned the socialist system it had inherited from Yugoslavia, which had focused on institutional childcare. Only one home for children without parental care, one home for the elderly, one institution for children with behavioural difficulties and one for children and adults with developmental challenges remained from the old system. The Government of Montenegro hoped to provide protection ultimately for all children who needed it through alternative forms of care and to eliminate large institutions altogether.

3. While placement in institutions was an option, the Social and Child Protection Act provided for the right to placement in a family for children without parental care. As a result of an active policy to provide family placements, over 350 children were currently in foster care, while 150 remained in institutions. There had also been a campaign in recent years to give preference to adoption over foster care, with priority for national adoptions. Around seven children were adopted per year in Montenegro. Intercountry adoption was a possibility in the event that a Montenegrin adoptive family could not be found, which happened mostly when the child concerned had a disability. In such cases intercountry adoption would be authorized. The Government's adoption services communicated with the adoptive parents and conducted regular assessments of the child's progress. A working group had been established to prepare for the signature and ratification of the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

4. Regarding social care for children with developmental problems, she said that Montenegro had ratified the United Nations Convention on the Rights of Persons with Disabilities. There was active cooperation between state institutions and associations of persons with disabilities, as well as associations of parents of children with developmental challenges. Efforts were being made to ensure the greatest possible inclusion of such children at all educational levels. Parents' associations, local authorities, NGOs and international organizations were working together to develop a system of day-care centres for children who could not be included in the mainstream education system, in order to provide them with developmental and educational assistance and to assist their families. The establishment of those centres had resulted in a reduction in the number of applications for institutionalization of children with developmental challenges.

5. **The Chairperson** asked whether there was an official database of information on children with disabilities disaggregated by category of disability, sex and region. The Committee had received information to the effect that 25 Montenegrin children without parental care had been institutionalized in Serbia. She asked why that had been the case. Regarding inclusive education, she asked what measures were being taken to change public

attitudes towards children with disabilities, considering that a public survey had shown that some parents would not send their children to schools attended by children with disabilities.

6. **Ms. Aidoo** asked whether the introduction of an early childhood development programme for all children might help overcome the stigmatization and exclusion of children with disabilities later on in their education, and thus facilitate the inclusion of such children in mainstream schooling.

7. **Mr. Citarella** asked who was responsible for deciding that a child should attend a day-care centre.

8. **Ms. Mijuskovic** (Montenegro) said that the collection of comprehensive data on children with disabilities remained a challenge. A commission for the categorization of children with disabilities had been established, which was working at the local level in cooperation with medical professionals, social workers and teachers to assess and record the status of each child suffering from a disability. That commission was responsible for referring children to day-care centres, which were then responsible for the management of each child's development. The reason why some children had been placed in institutions in Serbia was that Montenegro had not had the capacity to provide the specific type of care they required. The Government of Montenegro was working with the United Nations Children's Fund (UNICEF) to reassess all placements in order to ensure that the best possible protection was being afforded to each child.

9. Considerable efforts were being made to change public attitudes towards disability in Montenegro, and much progress had been achieved. The Government was running a campaign in collaboration with UNICEF with a view to ensuring that all children, irrespective of any learning, physical or developmental difficulties they might suffer from, enjoyed equal access to services and were protected against stigma in society. The most recent session of the National Youth Council had passed a decision to revise the National Plan of Action for Children and to draft a comprehensive early childhood development strategy, for which UNICEF was providing technical support.

10. The Komanski Most Institution was being monitored. Children and adults had been separated, and refurbishments were under way to improve the living conditions and facilities available. A strategic plan was in place to arrange alternative care for the children currently resident in that institution.

11. **Mr. Pūras** (Country Rapporteur) said that, while welcoming the State party's commitment to providing community-based services for children with social and developmental difficulties, he wished to know how the Government would ensure that sufficient human resources would be available to guarantee the efficient running of those services. Trained professionals would be needed to work with those children and their families.

12. **The Chairperson** asked how social protection measures were financed.

13. **Ms. Mijuskovic** (Montenegro) said that the system of social care for families had been decentralized. The implementation of the Social and Child Protection Act was funded from the national budget. UNICEF and other international partners were making a particularly valuable contribution by sharing their knowledge and experiences in working with children. The Government's main priority in respect of providing social support and care facilities for children was to ensure the development of a sustainable system. NGOs also implemented programmes for the protection of children. Turning to the question of human resources, she said that a number of higher education institutions in Montenegro provided training for social workers, psychologists and teachers for children with special needs.

14. **Mr. Numanovic** (Montenegro) said that UNICEF was the Government's main partner in the development and implementation of child protection measures. Partnerships had also been developed between the State and local authorities, through which funds were allocated from the state budget to finance local social and childcare services. Montenegro intended to become a model regarding the development of alternative care services.

15. **Ms. Vucurovic** (Montenegro) said that since 2004 the development of education for children with special needs had been intensified through the adoption of new legislation. Efforts were being made to include as many children with special needs as possible in the mainstream education system. There were no plans, however, to close down the existing specialized education institutions for children with special needs. There were three such institutions, currently providing education for 350 children. Those institutions would be used as resource centres with specialized staff, and would provide training in special needs education for teachers from mainstream schools. Children's special education needs were being assessed on a case-by-case basis, so that tailor-made education programmes were being developed for each child. As a result of that approach, many of the children concerned had been integrated into mainstream schools, and their progress was facilitating a change of public attitude towards the inclusion of special needs education.

16. A strategy on quality preschool education had been drawn up to be incorporated into the early childhood development programme, which would be developed with the participation of several government ministries, NGOs and other partners, including UNICEF.

17. Activities for the prevention of bullying had been introduced through curricular programmes promoting non-violent communication skills and peaceful problem resolution, and a campaign was being run to promote schools as a safe environment for children. NGOs also participated in activities to prevent bullying, with the support of psychology services.

18. Education was compulsory up to the age of 15 years. Children who left the education system at that age had the possibility of joining adult education programmes later in life. The national curriculum had been designed to leave 20 per cent of teaching time open for teachers to include culturally specific education, and thus allow each school to develop the curriculum it needed to meet its specific cultural requirements and reflect its cultural identity.

19. **The Chairperson**, referring to an International Labour Organization recommendation and a report issued by the United Nations High Commissioner for Refugees in 2008, wished to know why there were so many working children in Montenegro — nearly 13 per cent — under the age of 14.

20. **Ms. Vucurovic** (Montenegro) said that children were allowed to work after the age of 15 provided that they received parental consent and delivered a medical certificate attesting that they were fit for employment.

21. Replying to queries about educational opportunities for children in Montenegro, she said that there were 13 bilingual schools in municipalities with large minorities, where a majority of classes were taught in Albanian. Schools were open to all children, regardless of origin, race, creed or colour.

22. **The Chairperson** wished to know what educational options were available to undocumented children, in particular refugees.

23. **Ms. Vucurovic** (Montenegro) said that birth certificates were normally required for school enrolment, but that children were never refused admission just because they lacked the necessary documents. School administrators were flexible and allowed children whatever time was necessary to obtain the documents.

24. **Ms. Al-Asmar** (Country Rapporteur for the Optional Protocols to the Convention on the Rights of the Child) asked what could be done to solve the problem of undocumented children who wished to pursue higher education.

25. **Mr. Numanovic** (Montenegro) said that education was compulsory in Montenegro. Refugees accounted for 5 per cent of the population, compared with 25 per cent several years ago. Foreign children whose status was irregular were issued refugee identification cards that entitled them to receive health care, social services and education.

26. **Ms. Vucurovic** (Montenegro), referring to a query concerning overcrowding in schools, said that a maximum of three shifts were allowed. Special shifts had been introduced to cater for the needs of small children and their parents. Given the growing population in Montenegro, it was difficult to find new premises for schools. Urban areas had large schools with high student-teacher ratios, whereas rural areas had small schools with very few students. It was not uncommon for any of the 300 rural primary schools to have only one student per classroom.

27. A new curriculum to be introduced nationwide would concentrate on a comprehensive approach to education that included a component on preventive health and the dangers of drug addiction. In that connection, an optional course for students and teachers called "Healthy Lifestyles" had been prepared by a working group composed of representatives from various schools and the United Nations Development Programme; new textbooks and teachers' manuals on the topic had been issued and training had been provided for teachers.

28. Admission to secondary schools was still based on performance in primary schools, but admission tests would soon become a requirement. Most children who completed primary school were enrolled in secondary school and the enrolment rate was high. The goal was to achieve 100 per cent enrolment at the secondary level. The "*matura exams*" set at the end of secondary school were based on a model from developed countries in the region and would become a requirement for university admission.

29. A quality assurance system was in place to ensure monitoring and evaluation. School principals were in charge of performing evaluations and an independent centre was responsible for monitoring.

30. **Ms. Lakocevic** (Montenegro) said that the Government had drafted the necessary legislation and established the appropriate institutions to address the issue of child neglect and abuse. Multidisciplinary teams composed of representatives of social welfare centres, prosecutors, police officers, hospitals, schools and non-governmental organizations strove to prevent child abuse and provide victim support and produced valuable recommendations for future child protection legislation, particularly with regard to family violence. Child neglect and abuse were considered to be criminal offences. A law on protection against family violence, which was in preparation, included measures such as restraining orders and psychosocial treatment for offenders aimed at preventing serious forms of violence, and at protecting victims and ensuring their right to receive psychosocial and medical care. A special strategy and action plan would be drafted to ensure implementation of that law, including the establishment of a multidisciplinary team to monitor its enforcement.

31. **Mr. Kotrane** asked whether there was a legal obligation for people to report cases of abuse, violence or ill-treatment against children. If not, was it under consideration?

32. **Ms. Lakocevic** (Montenegro) said that it was the duty of all those who were aware of such acts of violence, in particular teachers and social workers, to report occurrences, and failure to do so might in future be considered a minor offence. Victim protection and assistance programmes were essential.

33. Youths aged 14 to 16 who had committed serious offences were housed in the Ljubović juvenile centre and those who were guilty of less serious offences or misdemeanours were sent to open-custody institutions.
34. **The Chairperson** wished to know whether child abuse victims were housed in juvenile centres along with juvenile offenders. Another issue of concern was the low number of juvenile convictions (17) compared with a significant number of cases brought to trial (271) in 2009. She asked whether there was an explanation for that difference and requested a follow-up of mandatory reporting.
35. **Ms. Lakocevic** (Montenegro) said that statistics differed because not all the cases reported by multidisciplinary teams related to conditions of abuse and neglect or were brought to court. Those teams took a preventive approach by working with the perpetrators of child abuse. Regarding the data that had been provided in the written replies about the Ljubović juvenile centre, some children had been placed there by court decision and others under the Law on Social and Child Protection. When children from neighbouring countries were caught begging in the streets, they were placed temporarily in that centre until arrangements could be made for repatriation.
36. **The Chairperson** expressed deep concern over the placing of all categories of children in the same facility.
37. **Mr. Citarella** wished to know whether minors convicted of serious offences were held in open-custody facilities or in prisons.
38. **Ms. Mijuskovic** (Montenegro) said that the Ljubović juvenile centre was an open institution composed of various units. Although all the inmates were under the same roof, they were housed in separate units.
39. **Mr. Pūras** (Country Rapporteur) wished to know what steps were being taken to safeguard children's rights at the Ljubović juvenile centre. It was important to ensure independent monitoring of their rights, sufficient numbers of well-qualified staff and alternative services such as leisure activities. To his mind, child victims or beggars did not belong in such institutions.
40. **Ms. Mijuskovic** (Montenegro) said that the juvenile centre was fortunate to have a highly-qualified staff and a satisfactory staff-youth ratio. The centre was operated under the auspices of the Ministry of Work and Social Care in coordination with international partners such as the United Nations Children's Fund.
41. Responding to a query on alternative solutions for children in conflict with the law, she said that a centre for child and family support had been established in Bijelo Polje and a mediation centre in Podgorica. It was envisaged that similar facilities would be established in other Montenegrin municipalities.
42. **The Chairperson**, referring to accounts of the Committee against Torture citing long pretrial detention of juveniles and other concerns, asked whether juveniles who were in conflict with the law shared open space with adults in detention.
43. **Mr. Kotrane** wished to know what further reforms were being envisaged and whether the Government's focus on specialization included plans to provide specialized training for those involved at all stages of the juvenile justice system, from the beginning of a case (investigations) to the conclusion of proceedings (court decision).
44. **Ms. Lakocevic** (Montenegro) explained that Montenegro had no closed correctional institutions for juveniles aged between 14 and 16. However, no juveniles in that age group had recently been sentenced to detention. Juvenile detention centres existed but, owing to the small number of juveniles in detention, they were also used for adults serving less serious sentences. Only two juveniles were currently in detention and they were

accommodated with adults so that they were not completely isolated. Particular attention was paid to ensure that they were detained only with people who were serving sentences for less serious offences and not with serious offenders.

45. **Ms. Mijuskovic** (Montenegro) said that poverty rates were higher in the north of the country than in the central and southern regions and that the Roma, Ashkaelia and Egyptian populations were among the poorest in the country. No specific survey on child poverty had been carried out, but some survey results showed that poverty rates for children aged under 15 and for large families were higher than the average poverty rates in the country. Data from such surveys were publicly accessible on the websites of the relevant institutions.

46. Owing to events in the region, Montenegro had admitted large numbers of refugees and internally displaced persons in its territory over the last few years. Although the situation had improved, there were still refugees in the country, in particular from former Yugoslav republics and Kosovo. The issue of internally displaced persons and refugees was an important one that needed to be addressed before accession to the European Union; Montenegro, with the help of the European Commission, had made great efforts in that regard. People were entitled to claim asylum in Montenegro and could be granted the status of foreign national with residence rights. In such cases, they were allowed access to education, social care and health care. There was currently only one asylum-seeker in Montenegro.

47. Primary health care was provided by doctors in health-care support centres. Montenegro ran centres for people with mental health issues and special needs, and prevention centres that offered counselling services for juveniles, treatment for addiction and reproductive health services. Children and adolescents could access health services at the centres without a referral from a doctor. Juveniles could terminate a pregnancy only with the consent of a parent and abortions were performed only at secondary and tertiary health-care institutions, not at the primary health-care level. The Government attached great importance to breastfeeding and a baby-friendly programme was being conducted in maternity wards throughout the country. Campaigns had also been carried out to raise public awareness of the importance of breastfeeding. Some primary health-care centres offered parenting courses.

48. **Ms. Aidoo** asked whether the Poverty Alleviation and Social Inclusion Strategy focused on reducing child poverty and regional disparities.

49. **Ms. Mijuskovic** (Montenegro) said that the poverty reduction strategies focused on health care, education, social care and employment, as those were the areas in which most progress was likely to be made. Priority was given to children in those strategies and to improving the quality of life of poorer families.

50. **Mr. Vukotic** (Montenegro) said that the citizenship application procedure was time-consuming but not complicated and that applicants for citizenship had to submit evidence that they met the conditions established in the Montenegrin Citizenship Law of 2008. Citizens of Bosnia and Herzegovina or Croatia had to renounce their citizenship in order to gain Montenegrin citizenship.

51. **Mr. Gurán** asked whether agreements existed with neighbouring countries of the former Yugoslavia with regard to families with mixed citizenship and whether special treatment was accorded to citizens of the former Yugoslavia in that regard.

52. **Mr. Vukotic** (Montenegro) said that Montenegro was intending to conclude an agreement on citizenship with Serbia and Croatia and that it had already concluded one with Bosnia and Herzegovina.

*Initial report of Montenegro under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/MNE/1; CRC/C/OPAC/MNE/Q/1, and Add.1)*

53. **Ms. Al-Asmar** (Country Rapporteur for the Optional Protocols to the Convention on the Rights of the Child) requested clarification on whether there was any explicit legislative prohibition on children aged under 18 joining the army, both in times of peace and in times of emergency. She asked whether any protocols existed with regard to students attending military schools abroad and how children attending those schools could make complaints if their rights were violated.

54. She noted that Montenegrin criminal law neither prohibited nor penalized the recruitment and involvement of children in armed conflict and she asked whether licences for trading weapons would be denied if the trade was with a country or organization that used children in armed conflict.

55. **Mr. Gurán** asked in which countries Montenegrin children attended military schools and how children's rights were guaranteed in those schools.

56. **Mr. Citarella** asked what the Government's position was on the possession of light arms by individuals and their storage in the home. Was it taking any action to seize such arms or to monitor their possession?

57. **Mr. Kotrane** asked whether there was any legislation in the State party that criminalized the use of children in armed conflict. He wondered whether extraterritorial jurisdiction was explicitly recognized in the national legislation so that Montenegrin courts could hear cases against people who involved children in armed conflict outside the national territory.

58. **Mr. Pūras** (Country Rapporteur) asked what measures were taken to protect children in Montenegro who had been involved in armed conflict abroad and what services were provided to assist their recovery and reintegration.

59. **Ms. Aidoo** asked what measures and steps had been taken to disseminate information on the Optional Protocol and to make people, including children and their families, aware of the provisions and protections it contained. She also asked whether peace education was part of children's education and school curricula. Was information on human rights, peace and tolerance made available systematically to children as they grew up?

60. **The Chairperson** asked which Government entity or ministry was responsible for monitoring the implementation of the Optional Protocol and pointed out that the report on the Optional Protocol did not follow the Committee's revised guidelines.

*The meeting was suspended at 5 p.m. and resumed at 5.15 p.m.*

61. **Mr. Stamatovic** (Montenegro) said that, under domestic legislation, only during a state of emergency or in the case of war on Montenegrin territory would citizens be obliged to defend the State. Since 2006 military training for such purposes could be offered on a voluntary basis for all citizens. To date, no such training had been provided owing to a lack of interest from citizens.

62. There were no longer any Montenegrin students in secondary military schools, since four students at the Belgrade military school had completed their education in 2009. There were currently 37 Montenegrin students studying at military academies abroad, 14 in Greece, 9 in Serbia, 6 in Germany, 6 in the former Yugoslav Republic of Macedonia and 2 in the United States of America.

63. **The Chairperson** asked whether any of those students were under the age of 18.



64. **Mr. Stamatovic** (Montenegro) said that they were all aged 18 or older. One of the requirements for candidates to serve in the army was that they had to have completed their secondary education. By default, therefore, all military cadets were at least 18 years old, since it was not possible to complete secondary school before that age.
65. No Montenegrin children had been involved in armed conflicts abroad, and no foreign children had been involved in any armed conflict in Montenegro, since no such conflicts had occurred. The Ministry of Defence was responsible for monitoring the implementation of the Optional Protocol.
66. As part of Montenegro's preparations for possible entry into the North Atlantic Treaty Organization (NATO) and the European Union, efforts were being made to bring the army and the defence system into line with those of other NATO countries.
67. All licences for the export and import of arms into and out of Montenegro required the consent of several ministries, including the Ministry of Defence.
68. **Mr. Vukotic** (Montenegro) said that a large number of arms had remained in the country after the last conflict in the region. A 2004 campaign encouraging the public to surrender weapons had been highly successful, and the arms handed in had been destroyed. Nonetheless, a large percentage of the population still held weapons, some of them illegally. The Government therefore planned to run another campaign in order to further reduce the number of weapons held by the public. Under domestic legislation, possession of weapons in public places was illegal and was penalized accordingly.
69. **Mr. Stamatovic** (Montenegro) said that no person under the age of 18 could be drafted into the army under any circumstances.
70. **Mr. Karanikic** (Montenegro) said that the Government worked in conjunction with several non-governmental organizations (NGOs) that compiled a list of the countries to which weapons should not be exported. One of the reasons for including countries on that list was that they did not prohibit the involvement of children in armed conflict. The Ministry of Foreign Affairs was responsible for coordinating with those NGOs and had the right to veto the export of weapons to any country listed.
71. **Ms. Vucurovic** (Montenegro) said that the school curriculum contained a focus on education for peace and tolerance. Projects had been conducted to assist children who had experienced conflicts. Civic education was a compulsory subject in the sixth and seventh grades of primary school, and was optional in all secondary schools, where it had proved popular among students. It focused on peace, tolerance and dialogue. Efforts were made to teach those values throughout the curriculum.
72. **The Chairperson** asked how the State party ensured that the Optional Protocol was widely disseminated.
73. **Mr. Kotrane** urged the State party to introduce a specific prohibition in law of the recruitment of persons under the age of 18 in armed conflict, as required by the Optional Protocol. While he understood that it was unlikely that such recruitment would ever take place, it was possible that a private armed group might try to recruit children. It was the Government's responsibility to prevent such action, and prohibition was the first step.
74. **Mr. Stamatovic** (Montenegro) said that a monthly Ministry of Defence publication reported on the experience of members of the armed forces abroad, such as its mission in Afghanistan. All persons had the right to submit written questions to the Ministry, which was obliged to reply within an established time limit.
75. **The Chairperson** asked what training peacekeeping personnel were given before they were deployed.

76. **Mr. Stamatovic** (Montenegro) said that the training provided to members of the armed forces and the police force who were deployed as international peacekeepers depended on their destination. Training sessions were organized by the Hungarian army and delivered in Hungary.

77. **Ms. Aidoo** asked whether the training for peacekeeping personnel and the armed forces in general included specific information on children's rights, particularly the provisions of the Optional Protocol.

78. **Mr. Stamatovic** (Montenegro) said that all members of the armed forces and the police who were sent on peacekeeping missions had completed general human rights training and specific modules on human rights in times of conflict.

79. **Ms. Lakocevic** (Montenegro) said that engaging a child in armed conflict was regarded as a crime under existing legislation on trafficking in persons. The standard penalty for human trafficking was 10 years' imprisonment; if the victim was a minor, the penalty was increased.

80. **Mr. Numanovic** (Montenegro) said that all the ministries and the media were responsible for disseminating information on the provisions of the Optional Protocol.

*The meeting rose at 6 p.m.*