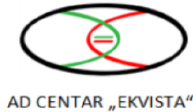




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FOR HUMAN
RIGHTS

Final assessment on the fulfillment of recommendations presented in the report: *Respect for human rights of residents in the Public Institution "Komanski most"*



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Introduction

As part of the project "Monitoring Respect for Human Rights in Closed Institutions in Montenegro"¹, on 1 November 2012 NGOs Human Rights Action (HRA), the project leader, Centre for Anti-discrimination "EQUISTA", Centre for Civic Education (CCE) and Women's Safe House (Shelter) published the report Respect for human rights of residents in the Public Institution "Komanski most" (hereinafter: the Report).²

The Report presents the degree of implementation of 30 recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CPT) aimed at the promotion of the respect for human rights of residents placed at the Komanski Most Institution, set forth in the Report to the Government of Montenegro on the visit to Montenegro carried out by the Committee from 15 to 22 September 2008, as well as 10 recommendations of the Protector of Human Rights and Freedoms (Ombudsman) of Montenegro set forth in the Report of the Ombudsman on the human rights of mentally ill persons placed in institutions in March 2011. Within the conclusions of the Report, NGO monitoring team gave a total of 50 recommendations, some of which are repeated recommendations of the CPT and Ombudsman. Recommendations are addressed to: Director of the Komanski Most Institution, Ministry of Health, Ministry of Labour and Social Welfare and Ministry of Finance, with the aim to protect and improve the respect for human rights of people with intellectual disabilities placed in this facility.

More than a year after the publication of the Report with recommendations, in February 2013 the monitoring team of NGOs made a final assessment on the fulfillment of recommendations.

Final assessment of the fulfillment of recommendations contained in the Report is based on the following sources of information:

1. responses received from the Director of the Komanski Most Institution (hereinafter: the Institution);
2. responses received from the Ministry of Labour and Social Welfare;³
3. responses received from the Ministry of Health;⁴
4. data collected during an unannounced visit to the Institution carried out on 23 March 2012;⁵

¹ Details about the project available at: <http://www.hracion.org/?p=1444>.

² Report with recommendations available at: http://www.hracion.org/wp-content/uploads/Report-Komanski_Most_Institution.pdf.

³ Response of the Ministry of Labour and Social Welfare no. 56-65/2013 of 6 February 2013.

⁴ Response of the Ministry of Health to HRA of 13 February 2013.

⁵ Visit conducted by project coordinator assistant Maja Raičević and monitor Jovana Hajduković, social worker.

5. data collected during visits to the Institution carried out on 3 and 24 August 2012;⁶
6. data collected during a visit to the Institution carried out on 23 January 2013;⁷
7. data collected during a visit to the Institution carried out on 31 January 2013;⁸
8. data collected during an unannounced visit to the Institution carried out on 13 February 2013;⁹
9. interviews with residents.

Below is a table containing recommendations and assessment of their implementation.

NOTE: Each recommendation specifies a body that made the recommendation.

Abbreviations:

CPT – *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*

Ombudsman – *Protector of Human Rights and Freedoms of Montenegro*

MT – *NGO monitoring team*

Report – *Report on the respect for human rights of residents in the Public Institution "Komanski most" of 1 November 2011.*

⁶ Visit conducted by Maja Raičević, project coordinator assistant.

⁷ Visit conducted by project coordinator assistant Maja Raičević and monitor Jovana Hajduković, social worker.

⁸ Visit conducted by Maja Raičević and Milan Šaranović, project coordinator assistants, and monitor Jovana Hajduković, social worker.

⁹ Visit conducted by project coordinator assistant Maja Raičević and monitor Jovana Hajduković, social worker.

Assessment of the fulfillment of recommendations relating to the Public Institution "Komanski most" (hereinafter: the Institution)

Of a total of 50 recommendations of the NGO monitoring team, 21 were fully implemented (42%), 17 partially (34%), while 12 recommendations were not implemented (24%).

As regards CPT recommendations from 2009, 16 were fully implemented (53.33%), 10 recommendations partially (33.33%), 4 were not implemented (13.33%).

No.	Recommendation addressed to:	Recommendation	Current situation	Assessment of the fulfillment
Residents' living conditions				
1.	Director of the Institution	Provide funds to construct a gym and premises for physical therapy. (MT)	Room for physical therapy and kinesiotherapy has been provided. Physiotherapy equipment was donated by the UN in Montenegro as part of the project "Delivering as One". The room is equipped with electrical apparatus for current therapy and assistive devices such as static bicycle, treadmill, massage bed, hydraulic bed suitable for wheelchair users, exercise mats, large gymnastic balls, rollers and ladders. In addition to electrical therapy, ultrasound therapy is also applied, as well as electrical stimulation.	<u>Recommendation fulfilled.</u>

2.	Director of the Institution	Improve the care of immobile residents and assist staff in the work with them by providing safety belts for wheelchairs, gurneys, mobile platforms for lowering and raising residents from a bathtub and mobile sinks. (MT)	<p>Wheelchairs and seat belts have been provided for all adult wheelchair users through the Health Insurance Fund. Mobile platform for lowering and raising wheelchairs users was provided through donations.</p> <p>However, one girl in a wheelchair has not been provided a seat belt.</p>	<u>Recommendation almost fully met.</u>
3.	Director of the Institution	Refurbish common room in Ward A to make it more comfortable for the residents and meet their needs and abilities. Wash or paint the walls. (MT)	During our visit, residents were sitting on the floor on mattresses. ¹⁰ Also, staff members were painting the walls in Ward A. ¹¹	<u>Recommendation fulfilled.</u>
4.	Director of the Institution	Equip the Institution's yard with adequate inventory for recreation of adults. (MT)	Director informed us that negotiations with the Ministry of Labour and Social Welfare to provide funds for the yard equipment are ongoing. Funds for the construction of a greenhouse have been provided.	<u>Recommendation partially fulfilled.</u>
5.	Director of the Institution	Provide adequate wheelchair ramp in the children's yard. (MT)	Wheelchair ramp in the children's yard has been provided.	<u>Recommendation fulfilled.</u>

¹⁰ See the Report, p. 8.

¹¹ Ward A was renovated two years ago, however, the management informed us that the roof is leaking and that necessary repairs to the roof need to be done in the said Ward, which requires additional funds. The plan is to also build a shelter that would connect the wards with kitchen, so that residents have a shelter in case of inclement weather.

6.	Director of the Institution	Start the planned kitchen renovation as soon as possible, provide for a dishwasher and potato peeler to reduce the issue of support staff shortage and facilitate the work of residents engaged in the kitchen. (Ombudsman, MT)	Kitchen has been renovated and dishwasher and potato peeler have been provided.	<u>Recommendation fulfilled.</u>
7.	Director of the Institution	Ensure the right to privacy of the Institution's residents by making sure that staff do not change and unclothe residents in front of others and by providing lockable space for residents' personal belongings, in accordance with their abilities. (CPT, MT)	Space has been personalized. During the visits we did not notice that residents change their clothes in front of others.	<u>Recommendation fulfilled</u> bearing in mind that not all residents, who can use it, have been provided with lockable space.
8.	Director of the Institution	Improve personal hygiene of children by giving them a bath at least twice a week. (MT)	Staff informed us that the recommendation is put into practice. During the visits, the hygiene of children was satisfactory.	<u>Recommendation fulfilled.</u>
9.	Director of the Institution	Provide wheelchair users with adequate assistive devices and ensure that all access points and entrances be adapted for wheelchair users. (MT)	Recommendation implemented in practice. Ward A has been equipped with two elevators adapted for wheelchair users. Elevators were donated by the First Bank of Montenegro.	<u>Recommendation fulfilled.</u>
Institution staff				

10.	Director of the Institution	Employ a psychologist, pedagogue (andragogist) and three more carers, in accordance with the current Rulebook on internal organization and job classification in the Public Institution "Komanski most". Consider hiring additional staff. (CPT ¹² , Ombudsman ¹³ , MT).	<p>In the period since the publication of the report until February 2013, the following personnel have been employed: three carers, two charwomen and a laundry person. In addition to 3 external consultant physicians - chosen doctor,¹⁴ occupational medicine specialist and neuropsychiatrist, as well as a dentist¹⁵, four more consultants have been engaged: gynecologist¹⁶, orthopedist, physiatrist, physical therapist and neurologist.</p> <p>As part of the professional development program at the Institution, eight interns started their internship on 15 January 2013, of the following profiles: psychologist, pedagogue, defectologist, three social workers, political scientist - major in international relations and graphic designer.¹⁷</p> <p>It is also necessary to hire an oligophrenologist at the Institution.</p>	<p><u>The recommendation is almost completely fulfilled.</u></p> <p><u>However, it is necessary to engage an oligophrenologist.</u></p> <p><u>The Institution has published a vacancy announcement for this position, but, in the words of the Director, there is a shortage of experts in this field and the Employment Bureau of Montenegro did not register any unemployed person with this degree. Therefore, the vacancy announcement shall remain open.</u></p>
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¹² "The numbers of staff in direct contact with residents should be substantially increased, including nurses, educators, work therapists, social workers, etc" (p. 126), CPT Report on its 2008 visit to Montenegro.

¹³ Take all necessary measures to ensure a sufficient number of specialized staff and employees who have direct contact with residents (nurses, educators, carers, occupational therapy specialists, social workers), as well as support staff.

¹⁴ See recommendation no. 33.

¹⁵ See recommendation no. 32.

¹⁶ See recommendation no. 34.

¹⁷ During our visit on 23 January 2013, interns were in the wards, in direct contact with residents. Graphic designer painted the walls of the living room in Ward C. Employees say they have been relieved and that it is easier to work with residents with the help of interns. In an interview Director of the Institution told us that after the internship period is over he will seek the approval of the Ministry of Finance to employ those interns who show interest in the work at the Institution.

11.	Director of the Institution	Provide for adequate number of staff during the vacation season as well, by engaging people with appropriate qualifications registered with the Employment Bureau of Montenegro. Enhance cooperation with the secondary medical school and Faculty of Medicine (MT).	In accordance with the Rulebook on internal organization and job classification, another 10 people were employed in 2012, while eight interns were engaged as of 15 January. During afternoon visits we noticed that the number of staff is smaller compared to the morning shift, as well as the lack of sufficient number of staff in the kitchen and Ward C. Also, there is still only one person in the kitchen in the afternoon shift, so the lack of personnel is compensated by engaging residents, who work during the entire day, with breaks.	<u>Recommendation partially fulfilled</u> , since the cooperation with the secondary medical school and Faculty of Medicine remained at the same level.
12.	Director of the Institution	Prevent the practice where one employee works a 12-hour shift alone with ten children. (MT).	During the afternoon visits, including the last one carried out on 13 February 2013, we found that only one carer is engaged in the children's ward during the afternoon shift, which is inadequate, given the needs of children.	<u>Recommendation not fulfilled.</u>
13.	Director of the Institution	Additionally motivate employees by providing them with expert consulting support, supervision, performance	According to staff, wages have remained the same as before, and there are no benefits for work in difficult	<u>Recommendation partially fulfilled</u> , because employees have not been provided with

		evaluation and adequate remuneration for work in difficult conditions. (MT, CPT ¹⁸)	conditions. Visit from a consultant from Finland, engaged by the UNDP under the project aimed at the transformation of the Institution, has proven the importance of this type of staff support. In staff's opinion, her stay at the Institution and her expertise helped them solve professional dilemmas and provided confirmation of good practices that exist at the Institution.	continuous professional consulting support and supervision. Also, the wages remain the same.
14.	Director of the Institution	Conduct ongoing training for all staff at the Institution, which would include specialized training concerning the daily care of residents and improvement of their capabilities, as well as training on their rights, in order to raise the level of professionalism and improve the treatment of residents.	Specific trainings were held at the Institution from 30 November to 2 December 2011, which included the following topics: - health, motivation and well-being of staff and vocational rehabilitation at the workplace, - mental health and behaviour in order to adapt, - behaviour problems, challenging behaviour, stereotypes, - work with people with a pronounced need for support, - alternative communication, - sex education. The lecturer was Ms. Jelena Vahakuopus, UNDP consultant in the	<u>Recommendation fulfilled.</u>

¹⁸ "The CPT recommends that the Montenegrin authorities explore the possibilities of providing enhanced conditions of service for staff, so as to facilitate appropriate staff recruitment and retention, and offer both initial and ongoing training to staff (p. 126)", CPT Report on its 2008 visit to Montenegro.

			<p>project aimed at the Institution's transformation.</p> <p>On 29 November 2011 training was held at the Institution for its employees and representatives of social welfare centres, on the following topics: Convention on the Rights of Persons with Disabilities and the current legal issues in this area, as well as the Definition of intellectual disability and basic questions in rehabilitation. Lecturers were Ms. Jelena Vahakuopus and Mr. Siniša Bjeković. In addition to mentioned trainings, study visits were organized to similar institutions in Germany, Finland and Serbia.</p>	
15.	Director of the Institution	Ensure proper equipment for the care of immobile residents that would facilitate employees' work with them in a physical sense. (MT)	Recommendations are put into practice. See recommendations no. 2 and no. 9.	<u>Recommendation fulfilled.</u>
16.	Director of the Institution	Engage additional male staff. "Carers" do not have to be women only, especially bearing in mind that Komanski Most Institution accommodates more male than female residents (64:47). (MT)	Since the publication of the Report, one nurse was employed and engaged in Ward A.	<u>Recommendation fulfilled.</u>

III-treatment and means of restraint				
17.	Director of the Institution	Train staff to use appropriate techniques to prevent residents' aggressive behaviour. (Ombudsman, MT).	Situation remained unchanged.	<u>Recommendation not fulfilled.</u>
18.	Director of the Institution	Introduce additional guarantees for the use of chemical restraint. For example, introduce a separate register for ampoule treatment for recording time, type, dose and circumstances for the application of ampoule treatment, name of the doctor who ordered the treatment and nurse who applied such treatment. Data on received ampoule therapy should be entered in residents' medical records. (CPT, MT).	Situation remained unchanged. There is still only a notebook for recording all administered therapies (Report, p. 18).	<u>Recommendation not fulfilled.</u>
19.	Director of the Institution	Introduce the same guarantees for the use of mechanical restraint - establish a register of fixation. (MT) Take further steps to ensure that a comprehensive and clearly-defined policy on the use of such means is introduced (p. 129). (CPT)	Staff at the Institution pointed out that they do not resort to mechanical restraint. Drafting of the Rulebook on the application of isolation room is in progress.	<u>Recommendation partially fulfilled.</u>
20.	Director of the Institution	Train staff in order to prevent residents' self-harm, particularly in autistic people, and provide technical means used for that purpose in the developed countries. (MT)	Isolation room and sensory room that can also serve this purpose were provided, but additional training for staff is needed.	<u>Recommendation partially fulfilled.</u>

		Montenegrin authorities to take appropriate steps to protect residents from other residents who might cause them harm (p. 112). (CPT)		
21.	Director of the Institution	Provide an isolation room with padded walls, where the residents would be placed in the case of agitation. (MT) Committee wishes to stress that seclusion should never be used as a punishment vis-à-vis mentally disabled persons (p. 127). (CPT)	Equipping of isolation room is in the final stage, the only task left is to set up a ventilation system. Drafting of the Rulebook on the application of isolation room is in progress.	<u>Recommendation fulfilled.</u>
Treatment of residents				
22.	Director of the Institution	Improve the existing and introduce additional work, educational and recreational activities for residents. Create activities for all residents, including for persons with profound intellectual disabilities and those with motor disturbance. (CPT ¹⁹ , Obmudsman ²⁰ , MT).	<p>Opportunities for indoor recreation have significantly improved after equipping the room for physiotherapy, which includes modern exercise equipment.</p> <p>Institution accommodates about 40 residents capable of working. However, occupational therapy has not improved and no new activities were introduced. On the contrary, some of the earlier</p>	<p><u>Recommendation fulfilled in the part related to sports and recreational activities for residents.</u></p> <p><u>However, the recommendation was not fulfilled with regard to working and educational activities,</u> because not</p>

¹⁹ It is desirable to offer residents education and suitable work, the aim being to prepare residents for independent or at least more autonomous living (p. 122); CPT recommends that the Montenegrin authorities make efforts to ensure the implementation of the individual treatment and rehabilitation plans by involving all residents in activities adapted to their needs. Achieving this goal will require recruiting more qualified staff (p. 122), CPT Report on its 2008 visit to Montenegro.

²⁰ Take all necessary measures for the development of individual work programs for all adult residents in the Institution "Komanski most" and their involvement in occupational therapy.

			<p>programs have been nearly suspended due to a lack of working material, but are still performed only owing to the good will of occupational therapists who are coping with the situation using materials from nature where residents intervene artistically, creating icons and figures of wood. We suggest that these interesting handicrafts be used as decorations on the walls in the Administrative building and displayed at a public exhibition. In this manner the Institution would valorise the work of its residents, sensitize the public and collect funds for the working material. While collecting the funds for construction of a greenhouse is commendable, it is also important not to neglect an orchard located behind the wards. Orchard maintenance would have multiple benefits for residents' stay outdoors and working arrangement, as well as for the Institution's grocery supply. Also, we noted that physical labour, such as work in the kitchen and laundry room, are treated as occupational therapy and</p>	<p>enough attention is paid to occupational therapy, although it would greatly contribute to the welfare and progress of residents and the very Institution. <u>Furthermore, persons with severe intellectual disabilities are still not engaged in any type of activities.</u> It is also necessary to ensure outdoor recreation, which would mainly be achieved through the orchard maintenance. <u>It is necessary to further improve and enhance both educational and working activities, and regularly supply workshops with the working material.</u>²¹</p>
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²¹ See recommendations no. 25 and no. 26.

			are often the only form of engagement of residents.	
23.	Director of the Institution	For the purpose of socialization of people with intellectual disabilities, devote more attention to leisure activities and enrich them with various sports, recreational, cultural and artistic events, outside the Institution as well. (CPT ²² , MT)	Recommendation implemented in practice, however, activities outside the Institution should be more frequent and involve a larger number of residents. ²³	<u>Recommendation partially fulfilled.</u>
24.	Director of the Institution	Provide residents with the opportunity to decide on matters concerning themselves, such as activities programs and schedules, decoration of the premises in which they reside, as well as of the exterior of the Institution. (MT)	In an interview with residents we learnt that they do not receive an allowance, or receive an amount smaller than prescribed. A resident working as a gatekeeper at the Institution's gate receives a €20 monthly salary, while residents engaged in the kitchen and laundry room do not receive compensation for their work.	<u>Recommendation partially fulfilled.</u>
25.	Director of the Institution	Equip workshops for resident's occupational therapy. (MT)	During the visit on 23 March 2012 we found a group of female residents in occupational therapy which included	<u>Recommendation not fulfilled, because no funds have been invested in</u>

²² CPT recommends that steps be taken to offer all residents, health permitting, at least one hour a day of outdoor exercise in a reasonably spacious setting, which should also offer shelter from inclement weather (p. 122), CPT Report on its 2008 visit to Montenegro.

²³This year, a seven-day stay at the resort on Ivanova korita has been provided for 24 residents.

In August 2012 residents of the Institution attended the event "Montenegrin Ethno Festival 2012", and in October 2012 they visited the airline company Montenegro Airlines.

Also, in August 2012 members of the monitoring team, in cooperation with the Institution's management organized a trip to beach Velika plaža. Prior to the New Year holidays residents visited "Delta City" shopping mall. It is crucial to continue with this practice and collaborate with as many different organizations, to offer residents more diverse activities.

			knitting and tapestry-making using wool yarn. However, in the meantime the lack of materials for the work almost led to the suspension of this activity. The existing workshop for making cardboard does not operate because of the inability to place products on the market. For unknown reasons, the activity of making fuel material from discarded wooden crates, improvised by occupational therapists and enjoyed by residents, has also been suspended.	<u>equipping workshops or, in general, in occupational therapy.</u>
26.	Director of the Institution	Encourage staff to implement as many programs and activities as possible in the work with residents, in order to increase the level of residents' functionality. (MT)	Activities such as occupational therapy need to be improved and staff provided with necessary material and conditions for the work with residents. Also, efforts should be made to reorganize personnel within the Institution in order to engage occupational therapists trained for that job.	<u>Recommendation not fulfilled,</u> because during the visits to the Institution monitors noticed that staff do not have enough work materials, adequate working conditions, or sufficient support of the management for their initiatives.
27.	Director of the Institution	Introduce new therapeutic methods following the example of developed countries (e.g. sensory room where the treatment is carried out in isolation	During the last visit we saw a sensory room, equipped in accordance with European standards - according to staff. ²⁴	<u>Recommendation fulfilled.</u>

²⁴ Director said that in the forthcoming period it is necessary to provide funding for professional training of at least two persons in Belgrade or in Zagreb (three-week training per employee amounts to €1200).

		from external influences of light and sound, with the aim to stimulate the senses, especially in children. This method encourages proper development of experience of the outside world, controls aggression and relaxes the child). (MT)		
28.	Director of the Institution	Ensure stay at the seaside or occasional trips outside the Institution for all residents whose psycho-physical abilities allow for such activities and interaction with the local community. (MT)	Recommendation implemented in practice. ²⁵	<u>Recommendation fulfilled.</u>
29.	Director of the Institution	Engage volunteers to assist staff with the proposed activities. Encourage educational institutions, NGOs and other civil society organizations, as well as potential donors to cooperate with Komanski Most Institution and its residents. (MT)	There are still no volunteers engaged at the Institution, however, the fact that residents' living conditions have improved significantly and that activities of NGOs involved in the Institution's activities have media coverage encourage initiatives of this type, which should be continuously supported.	<u>Recommendation partially fulfilled.</u>
Healthcare				
30.	Director of the Institution and Ministry	Provide equal health care to residents of the Institution and to other	1) Procedure of obtaining health cards for all residents has been completed.	<u>Recommendation partially fulfilled, because the</u>

²⁵ See recommendation no. 23.

	of Health	<p>policyholders. To this end, above all:</p> <p>1) provide health cards for all residents without further delay,</p> <p>2) provide adequate resources to finance the cost of procurement of medicines for residents which are not included in the Health Insurance Fund list, as well as other means of treatment, and</p> <p>3) provide training for specialized staff at the Clinical Centre of Montenegro in order to properly treat children and adults with intellectual disabilities. (CPT²⁶, MT)</p>	<p>2) Situation remained unchanged.</p> <p>3) Situation remained unchanged.</p>	<p><u>Institution still funds the cost of procurement of medicines which are not included in the Health Insurance Fund list. Also, training for specialized staff at the Clinical Centre of Montenegro on proper treatment of children and adults with intellectual disabilities has not been provided.</u></p> <p><u>However, according to the medical staff at the Institution, cooperation with the staff of the Clinical Centre of Montenegro Hospital is at a high level.</u></p>
31.	Ministry of Health	<p>Ministry of Health should adopt relevant regulations and ensure registration of the Institution's clinic in accordance with Art. 78 of the Law on Healthcare, which would imply new job classification and its equipping in accordance with the regulations. (MT)</p>	<p>By-law relating to the registration of Institution's clinic was not adopted. According to the response of the Ministry of Health, drafting of the Law on Healthcare is planned for the second quarter of this year, so it is possible that some amendments will include the provision of Article 78.²⁷</p>	<p><u>Recommendation not fulfilled.</u></p>
32.	Director of the Institution	<p>Raise the level of dental care at the Institution as soon as possible and</p>	<p>New dentist was hired and dental care of residents improved.</p>	<p><u>Recommendation fulfilled.</u></p>

²⁶ The treatment of mentally disabled persons should involve a wide range of therapeutic, rehabilitative and recreational activities, such as access to appropriate medication and medical care, occupational therapy, group therapy, individual psychotherapy, art, drama, music and sports. Residents should have regular access to suitably-equipped recreation rooms and have the possibility to take outdoor exercise on a daily basis (p. 122), CPT Report on its 2008 visit to Montenegro.

²⁷ Response of the Ministry of Health to Human Rights Action of 13 February 2012.

		introduce regular medical examinations. (MT)		
33.	Director of the Institution	Hire a full-time general practitioner, or as a minimum engage external general practitioner with the significantly increased number of hours spent at the Institution as compared to the current situation. (MT)	Director of the Institution informed us that the Ministry of Finance provided its approval for engaging a general practitioner, ²⁸ as well as another head nurse.	<u>Recommendation fulfilled.</u>
34.	Director of the Institution	Engage another external expert – gynaecologist, as soon as possible. (MT)	Gynecologist has been engaged and regularly performs examinations in the newly equipped gynecological clinic. ²⁹	<u>Recommendation fulfilled.</u>
35.	Ministry of Health	Connect internal Institution's medical database containing medical records of patients with the public healthcare database and develop appropriate protocols that will allow the continuity of residents' healthcare regardless of staffing solutions. (MT)	Situation remained unchanged. See the Report, p. 25. provjeriti kod dr. Grbovica	<u>Recommendation not fulfilled.</u>
36.	Director of the Institution and Ministry of Health	Ensure appropriate therapy for residents suffering from cancer. Healthcare should also be preventive. Include residents in the mandatory	According to the Director, there are no residents with cancer in the Institution at the moment. Residents were not included in mandatory screening tests, but during the last year all residents	<u>Recommendation partially fulfilled,</u> because residents were not included in mandatory screening tests.

²⁸ Director expressed his concern because persons with adequate degree of education - doctors of general medicine - have no interest in working at the Institution and no person applied for the vacancy announcement. Vacancy announcement for this position will be republished.

²⁹ Gynecology clinic opened in late 2012. According to staff and information provided in the Work Report for 2012 (Report available at ...), full medical examination of the entire female population was conducted and appropriate therapy administered, laboratory analyses were carried out, as well as 20% of follow-up examinations.

		screening tests that are now part of the basic primary healthcare package. (MT)	underwent full medical check-ups, including laboratory, X-ray examination and internist examination. All residents underwent full medical check-up and received therapy determined by a neuropsychiatrist, including also neurologist examination, laboratory for diagnostic purposes. ³⁰	
37.	Ministry of Health	Define the legal obligation to perform an autopsy on persons who pass away in the Institution in accordance with Art. 128 of the Law on Healthcare. It is essential that the Ministry of Health adopt rules that regulate the work of a coroner. (MT)	Situation remained unchanged. ³¹	<u>Recommendation not fulfilled.</u>
Contact with family and community members				
38.	Ministry of Labour and Social Welfare	Establish an independent body to monitor the work of the Institution and ensure participation of residents' parents in its work, as well as in the Governing Board of the Institution. (MT)	Situation remained unchanged. On 3 December 2012 a meeting was held with residents' parents, i.e. guardians. They were familiarized with the work of the Institution and given an opportunity to express their comments and suggestions.	<u>Recommendation not fulfilled, because the parents should at least be allowed to participate equally in the work of the Governing Board of the Institution.</u>

³⁰ Work Report for 2012.

³¹ Ministry of Health's response to Human Rights Action of 13 February 2013 states: As regards the rulebook on the work of a coroner, we wish to point out that the obligation of performing an autopsy of a person who died in the hospital, in accordance with applicable law, if the exact cause of death was not determined, applies to all hospitals, including thus special hospitals; by-law, which is in the process of drafting, will closely regulate, among other things, the manner of reporting on such persons.

39.	Director of the Institution	Establish cooperation with different organizations in order to organize sports, cultural, recreational and entertaining activities for residents, e.g. out-of-town trips or trips to the city, shows, concerts and sporting events. (CPT ³² , MT)	Recommendation put into practice. See recommendation no. 23. We noted several positive examples of cooperation between the Institution and individuals and groups of citizens ³³ , in order to raise funds for the Institution and involve residents in cultural events to a greater extent. This practice needs to be further developed.	<u>Recommendation fulfilled.</u>
40.	Ministry of Labour and Social Welfare	Organize public campaign and raise the awareness about persons with intellectual disabilities with the help of the media. (Ombudsman ³⁴ , MT)	Management of the Institution has made significant efforts to increase the transparency of its work and through the previously mentioned activities affect changes in public awareness and reduce prejudice against people with intellectual disabilities. There is a need for greater support of the Ministry of Labour and Social Welfare in the development of a public campaign that would further promote the rights of this population.	<u>Recommendation partially fulfilled.</u>

³² The CPT invites the Montenegrin authorities to pursue their efforts to encourage residents' contacts with the outside world, e.g. by means of inviting voluntary visitors, NGOs, etc. (p. 135), CPT Report on its 2008 visit to Montenegro.

³³ More on these activities at: <http://juzkomanskimost.me>.

³⁴ Take necessary action to inform the general public in order to eliminate prejudice against people with mental health issues.

41.	Director of the Institution and Ministry of Labour and Social Welfare	Komanski Most Institution should continue taking measures to encourage family contact with the residents, with the help of social welfare centres. (MT)	Recommendation implemented in practice. ³⁵	<u>Recommendation fulfilled.</u>
42.	Ministry of Labour and Social Welfare	Improve the quality of cooperation of the Ministry of Labour and Social Welfare, social welfare centres, local community, secondary medical school and faculties with the Institution. (MT)	Recommendation put into practice. According to the Director, each month at the premises of the Institution a meeting is held with representatives of the Ministry of Labour and Social Welfare and representatives of all social welfare centres. ³⁶	<u>Recommendation fulfilled.</u>
43.	Ministry of Labour and Social Welfare	Take measures to open counselling centres, mental health clinics and day care centres, in order to help and support people with intellectual disabilities and their families. (Ombudsman ³⁷ , MT)	Through the project "Reform of social and child care – social inclusion improvement", implemented in cooperation with UNDP and with financial support from the European Commission ³⁸ , the Ministry drafted the Review of the local social services in Montenegro in 2012, which shows that the majority of services have been	<u>Recommendation partially fulfilled.</u>

³⁵ Institution pays for travel costs of residents' parents (or guardians) from its own budget, in order to foster family contact. On 3 December 2011 a meeting was held at the premises of the Institution between residents' family members, parents or guardians and staff of the Institution.

³⁶ Director stated that the Institution's cooperation with social welfare centres varies - from very correct cooperation to great tardiness of certain centres in resolving status issues of residents. Director emphasized that the best cooperation has been established with Pljevlja Social Welfare Centre.

³⁷ Take all necessary measures for the establishment and development of various support services to families with a mentally ill family member, at the local level.

³⁸ Program IPA 2010.

			aimed at the elderly, persons with disabilities and children with disabilities. It is necessary to ensure continuing viability of these services and greater representation of support services for adults with intellectual disabilities. ³⁹	
Status issues and other rights of residents				
44.	Ministry of Labour and Social Welfare	Ministry of Labour and Social Welfare without delay to adopt by-laws to specify the standards and procedures for admission and stay of residents, as well as for social support after discharge from the Institution. (MT)	Procedures for referring, admitting and accommodating residents, as well as for providing social support after discharge from the Institution (Report, p. 40) still take place under the old Law on Social and Child Care from 2005 ⁴⁰ and Ordinance on the essential requirements for basic rights to social protection. ⁴¹ New standards in the field of social and child care, including those pertaining to the Public Institution Komanski most, will be approved after the adoption of the new Law on Social and Child Care. ⁴²	<u>Recommendation not fulfilled.</u>

³⁹ Response of the Ministry of Labour and Social Welfare to Human Rights Action of 6 February 2013 states that „majority of the identified services have been aimed at the elderly, children with disabilities and people with disabilities“.

⁴⁰ *Sl. list RCG*, 78/05.

⁴¹ *Sl. list RCG*, 08/06.

⁴² Response of the Ministry of Labour and Social Welfare to Human Rights Action of 6 February 2013.

45.	Ministry of Labour and Social Welfare	Form an independent body to monitor the procedures of determining guardianship, categorization of persons prior to admission to the Institution, re-categorization after the placement at the Institution, as well as the work of the Institution. Allow residents' parents, experts and representatives of civil society concerned with human rights to be involved in the work of this body. (MT)	Such body has not been created. Representatives of the Ministry of Labour and Social Welfare believe that through the performance of activities by the Institution, competent social welfare centres and the Ministry of Labour and Social Welfare at the regular monthly meetings, related to the development and monitoring of individual treatment plans for residents, they have covered the monitoring of professional work in the Institution and relationship of the parents/guardians and guardianship authorities towards each resident individually. ⁴³	<p><u>Recommendation not fulfilled.</u></p> <p><u>We remind that the Ministry's supervision has not been sufficient to ensure that the situation in Komanski most is not as appalling as described in the CPT Report from 2008. Also, the procedures for determining legal capacity were not implemented in a number of cases, without justification. Thus, this Institution has been accommodating adults for a long time period, who have not yet been deprived of their legal capacity or placed under guardianship.⁴⁴ Situation when a closed-type institution holds people irrespective of their will, without a court order, i.e. when a court is unable to effectively decide on the legality of their stay in the institution - is in</u></p>
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⁴³ Response of the Ministry of Labour and Social Welfare to Human Rights Action of 6 February 2013.

⁴⁴ Although the Work Program for 2011 in the Public Institution "Komanski most" indicates that the Institution admits only persons under guardianship.

				<u>violation of their human right to freedom, guaranteed by international treaties.</u> ⁴⁵
46.	Director of the Institution	Develop an information brochure with the purpose of introducing the residents' rights to employees at the Institution, residents and their families. (MT)	Information brochure was developed, however, it contains information about the Institution and the services it offers, not the human rights of its residents.	<u>Recommendation partially fulfilled.</u> <u>Brochure by NGOs involved in the project for monitoring respect for human rights at the Institution⁴⁶ is currently being drafted; it will include a section on the human rights of residents and information for parents.</u>
47.	Director of the Institution	Provide for greater involvement of residents and their families in decision-making processes that affect them and their stay at the Institution (e.g. allow them to choose their roommate, activities they want to practice, design their living space; ensure that parents representative be included in the Governing Board of the Institution, etc). (MT)	See recommendation no. 24. In December 2012 the Institution organized a meeting with residents' parents, where they were able to present their suggestions, comments and observations. Still, this is not enough to ensure their involvement in making important decisions concerning the residents and their stay in the Institution. Similar meetings should also be arranged with residents.	<u>Recommendation partially fulfilled.</u>

⁴⁵ Art. 5, para 1, item e and para 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Art. 9, para 1 of the International Covenant on Civil and Political Rights.

⁴⁶ Brochure will also be developed as part of the project "Monitoring Respect for Human Rights in Closed Institutions in Montenegro", funded by the European Commission and the German Embassy.

48.	Director of the Institution and Ministry of Labour and Social Welfare	Regularly perform re-categorization of persons placed at the Institution and review the need for their further stay. (MT)	Recategorization of residents and development of individual care plans should be carried out following the evaluation of the Working Group for assessment of the type, form and degree of a deficiency, disturbance or disorder of the residents, formed by the Ministry of Labour and Social Welfare in 2011. Individual care plans provide for residents' placement under guardianship or extension of parental rights. Competent social welfare centres initiated this procedure before the competent courts for all residents of the Institution; however, for some of them the legal action is still pending. The same notice was received while working on the Report more than one year ago.	<u>Recommendation partially fulfilled.</u>
49.	Director of the Institution and Ministry of Labour and Social Welfare	Implement transitional planning (transition projects: residential communities, assisted living and half-day or day room). (MT)	Although the Master Plan for the transformation of child protection service envisages the establishment of a number of services to ensure adequate placement of children currently living in the institutions into families and the community, as well as services to prevent further admission to the institutions, ⁴⁷ this process has not yet started. It is also necessary to implement transitional planning for adults within the Institution.	<u>Recommendation partially fulfilled,</u> because the service transformation plan refers only to children.

⁴⁷ Work Report for 2012.

50.	Ministry of Labour and Social Welfare	Develop a system of social support for adults with intellectual disabilities and establish counselling centres, centres for occupational training, protective workshops, supported employment, etc, in order to prevent institutionalization. (MT)	Vocational rehabilitation and employment of persons with disabilities is regulated by a special law ⁴⁸ and accompanying regulations ⁴⁹ that prescribe the establishment of Commissions for vocational rehabilitation with employment bureaus. <u>Commissions established with the employment bureaus, which carry out the assessment of one's disability, remaining job skills and employment opportunities have been available only since July 2012, and in Podgorica only as of December 2012.</u> ⁵⁰ In addition, there are still no services that would allow application of the law, especially when it comes to people with intellectual disabilities.	<u>Recommendation not fulfilled</u> , because the previous <u>Government's efforts to build a social support system referred only to children, not adults with intellectual disabilities.</u>
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⁴⁸ Law on Vocational Rehabilitation and Employment of Disabled Persons (*Sl. list RCG*, 49/08, 73/10, 39/11).

⁴⁹ Rulebook on the conditions and criteria for determining the percentage of disability, work capacity and employment opportunities and Rulebook on amendments to the Rulebook on the composition and methods of work of the Commission for vocational rehabilitation.

⁵⁰ Response of the Ministry of Labour and Social Welfare to Human Rights Action of 6 February 2013.

Conclusion

We wish to commend the efforts of the Public Institution "Komanski most" and the Ministry of Labour and Social Welfare on the implementation of recommendations from our previous report, especially those outlined by the CPT in 2009 on the basis of its visit to the Institution in September 2008, related to the improvement of the living conditions of residents, adaptation and renovation of the wards and kitchen, increase in the number of employees in direct contact with residents, inadmissibility of physical and psychological abuse of residents and their fixation, etc. Equipping of a gynecological clinic, procurement of medical supplies and orthopedic devices and employment of four specialists from the field of medicine have significantly improved the health care of residents. Physiotherapy room has been equipped with modern fitness equipment and a physician was hired. Transparency in the work of the Institution has significantly improved and efforts were made to establish contact with the outside world and residents' families.

We commend the willingness of Institution's Director Mr. Vaselj Dušaj to cooperate with our team, as well as his personal commitment to mobilize the community to raise funds for the Institution. As a result, the Institution obtained a modern sensory room, mentioned in the previous report as an example of good practice in working with children with autism. Collaboration with the community and civic associations had an impact on raising social awareness about the population placed at the Institution, so there are more people of good will and organizations who wish to help this Institution.

However, further improvement is needed in the following areas:

- occupational therapy and treatment of residents, which remained at the same level as in the period of drafting the first report of the monitoring team, although this is a key component to the welfare and progress of residents and the Institution itself;
- transitional planning and creating of the conditions for supported housing for adult residents at the Institution;
- activities for immobile residents;
- greater involvement of residents and their parents or guardians in the work of the Institution and decision-making concerning both residents and the facility;

- encourage and motivate staff by providing them with the opportunity to improve the work with residents through their own recommendations and ensure better care for staff through provision of benefits, training, professional supervision and support of specialists;
- further improvement of understanding of the human rights of Institution's residents, which includes the right to humane attitude of staff towards residents and respect for their dignity, right to privacy and right to decision-making and self-representation to the highest possible extent.
- Ministry of Labour and Social Welfare needs to make further efforts to address the status issues of residents. It is necessary to adopt an ordinance as soon as possible in order to specify the procedures for referral, admission and stay of residents, as well as for providing social support after discharge from the Institution. Also, an independent body needs to be established to monitor the procedures of determining a guardian, categorization of persons prior to admission to the Institution, re-categorization following admission to the Institution, as well as the work of the Institution.

We believe that the Public Institution "Komanski most" has started the process of positive transformation from the institution where severe human rights violations had occurred, to the institution that cares about its residents and promotes their rights in the community.