

REPORT ON THE STATE OF HUMAN RIGHTS OF PERSONS PLACED IN THE PUBLIC INSTITUTION FOR PEOPLE WITH SPECIAL NEEDS

Public Institution for People with Special Needs “Komanski most”

(1 November 2011)

Summary report

Living conditions in the institution have significantly improved with the change of director in 2010, especially when compared to the previous period marked by the negative report of the CPT on its visit to this institution in September 2008¹. Furthermore, no evidence of any maltreatment has been observed. The residents are not being tied anymore. Female and male residents have been appropriately separated in different pavilions, as well as the children.

The Institute satisfies primary needs of persons with intellectual disabilities and provides living conditions they cannot have in the community, especially when rejected by their families, which is unfortunately the rule in the case of residents of the Institute. The practice in European countries, that Montenegro should strive to attain, entails deinstitutionalization of such institutions. It is necessary to establish a network of services in the community to prevent the admittance of people with intellectual disabilities to the institution, and through appropriate treatment help those who are already in the Institution to get discharged. However, for a certain number of residents rejected by their families and incapable of independent living, life in this or a similar type of institution where the state provides them with care shall continue to be necessary in future, as well.

The institution accommodates persons of different ages with different degrees of intellectual disability and support needs, but lacks detailed assessment of their individual abilities and needs. Also, the court proceedings assessing personal legal capacity have not been determined in due course with regard to a significant number of residents. Clearly, such conditions do not provide best solutions for individual development of each resident and raise the question whether all of them need to be placed in the Institute. It is necessary to develop psycho-social-therapeutic programs based on individual potential, needs and desires of residents as soon as possible. Such programs should be developed by institutions for social protection together with other relevant institutions and organizations involved in education, employment, health and

¹ Report to the Government of Montenegro on the visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 15 to 22 September 2008. The Report is available at <http://www.cpt.coe.int/documents/mne/2010-03-inf-eng.htm>. The Committee, inter alia, found the living conditions in the institution to be “appalling”.



care of persons with mental disabilities, in order to provide adequate support to the Institute's activities. It is necessary to improve respect for the rights protecting residents' personal integrity and dignity be and in this sense provide appropriate training for employees and a brochure on the rights of residents and their families.

One of the key problems in the functioning of the institution are clearly insufficient staffing levels, particularly of specialized personnel, and lack of regular training for all employees. This problem mainly affects residents' quality of life, care, development, health care and human rights guarantees. In comparison to the current practice, much more should be invested in this field.

The Analytical Report of the European Commission of November 2010 also noted that the conditions of the institutionalization of the Institute residents remain a major problem "especially in regard to the deficit of adequately trained staff and facilities which are substandard."²

Until Montenegrin society and welfare system allow for wider and different social integration of these persons, the Institute shall still represent a necessary asylum to people with intellectual disabilities. In accordance with the obligations assumed by the State based on adopted international human rights treaties and domestic legislation, the state administration system is responsible to ensure respect for human rights of residents of the Institute without discrimination, especially with regard to protection of the right of health, privacy, property, etc. It has been observed that the provision of a specialized health care of the residents still remains a challenge for the Montenegrin health system and the ministry should consider additional training and motivation of the health workers in this regard. The Institute alone cannot be responsible for living conditions of its residents and respect for their human rights, but the relevant ministries and the government in general. On the other hand, establishment of an independent body to supervise the work of the institution, which would include representatives of parents and other motivated citizens, could provide significant support to the management and contribute to continuous involvement of residents in community life.

² Analytical Report of the European Commission to the European Commission Opinion on Montenegro's application for membership of the European Union, 9 November 2010, p. 28. In October 2011, in the Progress Report, the Commission determined that the conditions in the institution Komanski most are still not fully compliant with European and international standards, p. 17-18.

