

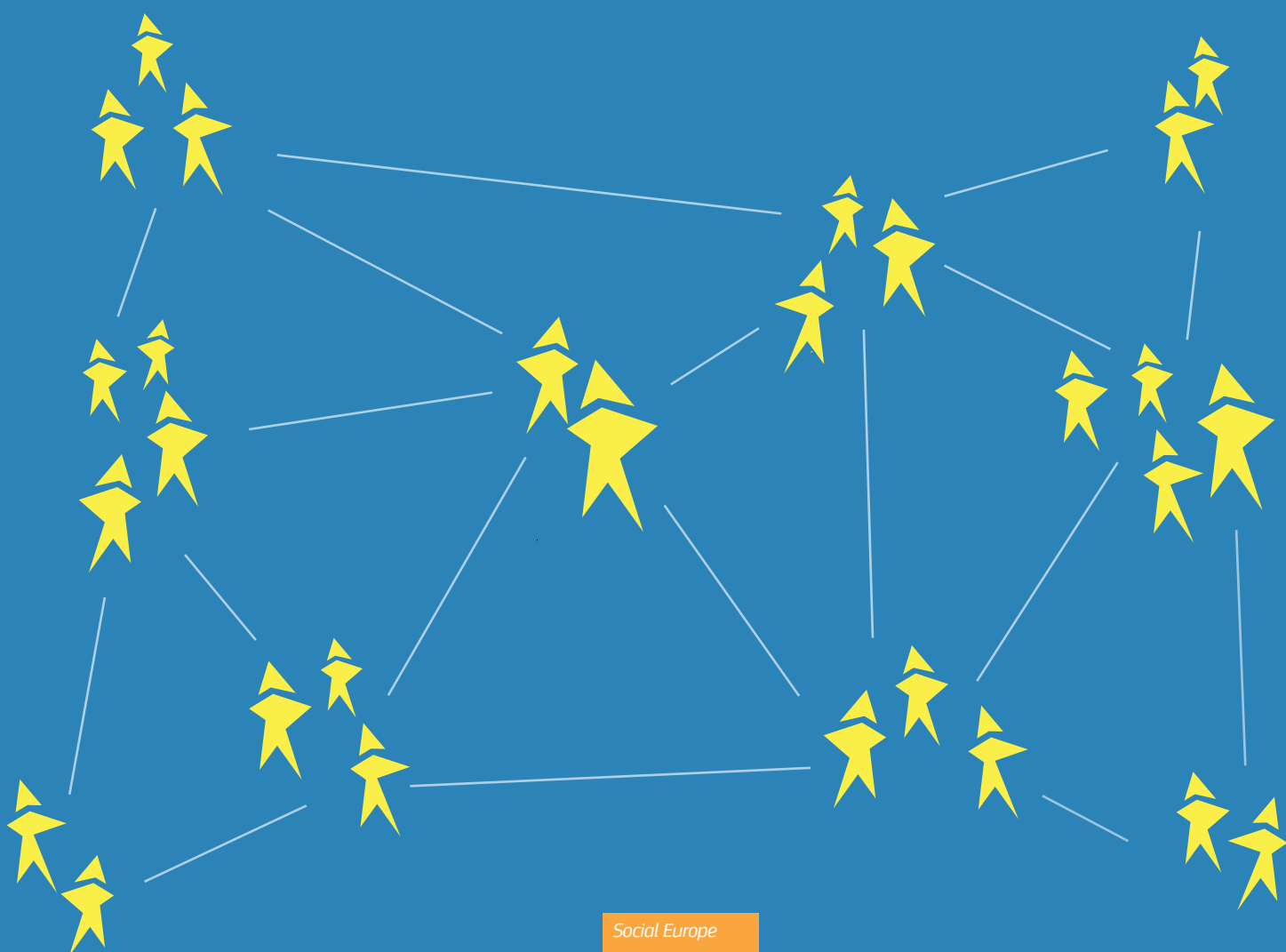


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

Social protection for people with disabilities

Montenegro

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Social Europe

EUROPEAN COMMISSION

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Montenegro

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The European Social Policy Network (ESPN) was established in July 2014 on the initiative of the European Commission to provide high-quality and timely independent information, advice, analysis and expertise on social policy issues in the European Union and neighbouring countries.

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Summary

This report analyses some important cash and in-kind social protection provisions available to adults with disabilities (i.e. aged 18 or above). There are other important provisions available to them in other areas not covered in this report. In line with Article 1 of the UN Convention on the Rights of Persons with Disabilities, "people with disabilities" should be understood as "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others".

The main disability-specific benefits available in Montenegro are the *Lična invalidnina* (personal disability allowance) (for people with 80-100% disability, €190 per month) and the *Dodatak za njegu i pomoć* (care and assistance allowance) (for people who need care and assistance, €69.89 per month), both defined by the Law on Social and Child Care. Those benefits are not contributory-based; the income level provided does not depend on the level of disability; and they cannot be combined.

The *Naknada za tjelesno oštećenje* (financial compensation for bodily injury) and the *Invalidska penzija* (disability pension) are the only two contribution-based benefits, both defined by the Law on Pension and Disability Insurance. Financial compensation for bodily injury targets those people who were injured at work or whose disability is due to an occupational disease. The level of compensation depends on the level of disability; it can be cumulated with the personal disability allowance and the care and assistance allowance.

People with a disability who are employed have the right to wage subsidies (50-75% of the wage amount) and a benefit to cover the cost of a personal assistant at work (€193 per month), in accordance with the Law on Professional Rehabilitation and Employment of People with Disabilities.

A specific regulation, the Law on Travel Privileges for People with Disabilities, defines travel benefits for people with disabilities; these benefits depend on the level of travel costs.

In addition, the Law on Veterans and Disability Protection defines the whole set of social benefits and services for veterans including those who have disabilities (personal disability allowance, care and assistance allowance, travel subsidies). The personal disability allowance depends on the level of disability and ranges from €38.32 to €638.34 per month, while the care and assistance allowance amounts to €319.18 per month.

The Healthcare Law defines rights to healthcare for all citizens. People with disabilities do not have any specific benefits defined by this law, except the funding of assistive technology.

All benefits are regulated at a national level, and there are no sub-national measures or legislation that is relevant to the social protection of people with disabilities.

The basis for awarding all disability benefits is a medical assessment. The assessment method used for each benefit is based on a review of medical documentation and interviews with claimants, conducted by separate commissions (one for the subsidies for employment of people with disabilities, one for social benefits, and one for financial compensation for bodily injury). This practice, where the same person is assessed by several commissions, leads to situations in which one person has several different assessments that may not be consistent. According to the latest government announcements, all the existing commissions (around 30 of them) will be replaced by a single body responsible for the disability assessment procedures.

When it comes to the benefits that are not disability-specific – the *Starosna penzija* (old-age pension), *Naknada po osnovu nezaposlenosti* (unemployment cash benefit), and *Materijalno obezbjeđenje porodice* (family allowance) – there are no differences between people with disabilities and people without disabilities in terms of eligibility conditions and the level of the benefits. Some personal assistance is provided, but it is not funded by the state.

1 Access to disability-specific income support

1.1 Disability-specific benefits/pensions available to working age people

All benefits are regulated at national level, and there are no sub-national measures or legislation that are relevant to the social protection of people with disabilities. Among the benefits reviewed here, *Naknada za tjelesno oštećenje* (financial compensation for bodily injury) and the *Invalidska penzija* (disability pension) are the only contribution-based benefits.

1.1.1 Benefits/pensions not related to military service or war

1.1.1.1 *Lična invalidnina* (Personal disability allowance)

a) Eligibility conditions

Disability-related qualifying criteria: Level of disability of 80-100%.

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: Montenegrin citizens or foreign citizens with temporary or permanent residency, in accordance with a specific law¹.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Ministry of Finance and Social Protection.

Method: Documentary evidence and personal interaction.

Supporting evidence: ID, medical documentation, evidence that this right has not been realised on another basis.

Assessor: Medical doctors.

Decision-maker: Socio-medical commissions established by the Ministry of Finance and Social Protection.

Critical analysis: The right to the *Lična invalidnina* (personal disability allowance) is based on documentary evidence and an interview with the applicant by the socio-medical commissions. Therefore, the commission of the centre for social work is required to invite the applicant to a hearing, and to establish the facts based on the interview and on the documentation submitted. However, in practice, the commission usually makes assessments based on the medical documentation alone, without considering the interview. This leads to cases of inadequate assessment, and refusals to grant the allowance to people who are actually eligible. Another problem is that the commission meetings are not conducted regularly, prolonging the entire procedure. The commission takes decisions based on a rulebook listing the medical indications considered to be relevant to claims for the allowance (as well as the family allowance,

¹ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

care allowance, and compensation for part-time work). However, the list is very rigid and does not include some very frequent medical conditions among people with disabilities.

c) Benefit entitlements

Level of the benefit: €190.80 per month.

Duration of the benefit: Duration depends on the decision by the commission; it may be for a couple of months, or long-term, or for life. The allowance is stopped if someone is placed in a social protection institution for longer than 60 days.

Interactions with other income or other related benefits: People cannot cumulate this right with the right to the care and assistance allowance (presented in Section 1.1.1.2 below). This right is not considered as income when assessing the right to the family allowance.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.1.2 Dodatak za njegu i pomoć (Care and assistance allowance)

a) Eligibility conditions

Disability-related qualifying criteria: A person who needs care and assistance due to physical, mental, intellectual or sensory impairments or changes in their health condition.

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: Montenegrin citizens or foreign citizens with temporary or permanent residency in accordance with the specific law².

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Ministry of Finance and Social Protection.

Method: Documentary evidence and personal interaction.

Supporting evidence: ID, medical documentation, evidence that this right has not been realised on another basis.

Assessor: Medical doctors.

Decision-maker: Socio-medical commissions established by the Ministry of Finance and Social Protection.

Critical analysis: Same as for the personal disability allowance (please see under Section 1.1.1.1.).

² These conditions apply to EU and non-EU nationals as well as to people with refugee status.

c) Benefit entitlements

Level of the benefit: €69.89 per month.

Duration of the benefit: Duration depends on the decision by the commission; it may be for a couple of months, or long-term, or for life. The allowance is stopped if someone is placed in a social protection institution for longer than 60 days.

Interactions with other income or other related benefits: People cannot cumulate this allowance with the personal disability allowance. It is not considered as income when determining the right to the family allowance.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.1.3 Naknada za tjelesno oštećenje (Financial compensation for bodily injury)

Financial compensation can be claimed in cases of bodily injury caused by an injury at work or an occupational disease, in accordance with the Law on Pension and Disability Insurance.

a) Eligibility conditions

Disability-related qualifying criteria: The right to financial compensation for bodily injury is acquired by an insured person in the event of bodily injury caused by an injury at work or an occupational disease, resulting in a disability level of at least 50%.

Age: Over 15.

Nationality and/or residency: Montenegrin citizens as well as foreign citizens if: i) employed in foreign companies operating in Montenegro if they are not insured in another country; or ii) employed by international organisations, if this benefit is defined (covered) by international contracts³.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: No.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Pension and Disability Insurance Fund.

Method: Documentary evidence and personal interaction.

Supporting evidence: ID, medical documentation.

Assessor: Medical doctors and legal experts.

Decision-maker: Disability commission established by the Pension and Disability Insurance Fund.

Critical analysis: Not documented.

³ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

c) Benefit entitlements

Level of the benefit: Depends on the level of disability; maximum €116 per month; average €50 per month.

Duration of the benefit: Until commencement of retirement or employment/self-employment.

Interactions with other income or other related benefits: It can be cumulated with the personal disability allowance and the care and assistance allowance.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.1.4 Invalidska penzija (Disability pension)**a) Eligibility conditions**

Disability-related qualifying criteria: Partial or full work incapacity for work.

Age: Over 15.

Nationality and/or residency: Montenegrin nationality. Also foreigners if: i) employed in foreign companies operating in Montenegro if they are not insured in another country; or ii) employed by international organisations, if this benefit is defined (covered) by international contracts⁴.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: If the disability is caused by an injury at work or an occupational disease, the insured person has the right to a disability pension regardless of the length of insurance and the age at the time of the disability. If the disability is not caused by an injury at work or occupational disease, the contributory history depends on the age of the applicant when they acquired the disability. If the applicant acquired the disability before the age of 20, the law does not require a minimum contributory history. If the applicant acquired the disability between the ages of 20 and 30, the law requires at least one year of contributions. If the disability arose after age 30 and before the pensionable age, the required contributory history is one third of the working life⁵.

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Pension and Disability Insurance Fund.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical documentation, legal documentation.

Assessor: Doctors, legal specialists.

Decision-maker: Disability commission.

The procedure for exercising the right to a disability pension is initiated at the request/proposal of the insured person, their employer, or a doctor in primary

⁴ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

⁵ Work life is the number of full years in the period from the day when the insured reached 20 years of age, or 23 years of age if he/she acquired higher education through regular education, or 26 years of age if he/she acquired higher education through regular education, until the day of disability.

healthcare. Along with the request or proposal, the relevant medical documentation must be submitted. The request/proposal, along with the medical documentation, should be submitted to a branch office of the Pension and Disability Insurance Fund of Montenegro, in the locality where the insured person was last insured.

The Pension and Disability Insurance Fund establishes an expert body, the disability commission. This commission makes an assessment, and issues an opinion, on the basis of complete medical, legal and other documentation submitted by the applicant, as well as on the basis of direct observations obtained during the examination. The commission consists of doctors with the appropriate specialisation, as well as professionals with a law degree who have experience relevant to the application of regulations on pension and disability insurance.

The decision determining the right to a disability pension requires an obligatory control examination of the beneficiary, no later than three years from the day of determining the disability, except in cases of serious illness, as well as in the case of older insured people (who will have reached the pensionable age on the day when the control examination should be performed). The control examination is also not performed when the cause of a complete loss of working ability, in its entirety or in part, is an occupational disease or injury at work.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: The full disability pension due to a complete loss of working ability, caused by an injury at work or an occupational disease, is determined as the amount of the *Starosna penzija* (old-age pension) that would be due to the insured person for 40 years of pensionable service. A partial disability pension is 75% of the full disability pension.

Duration of the benefit: Until the employment or death.

Interactions with other income or other related benefits: If the person starts to work, they lose their right to a disability pension.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.1.5 Subvencije za zapošljavanje lica sa invaliditetom (Subsidies for employment of people with disabilities)

a) Eligibility conditions

Disability-related qualifying criteria: A person has a disability, but they are able to work and are employed or self-employed.

Age: Over 15.

Nationality and/or residency: Montenegrin citizens or foreign citizens with permanent residence⁶.

Waiting period: None (i.e. it is granted from the moment when the person starts work).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

⁶ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

b) Disability assessment framework

Type of assessment: Medically based assessment.

Responsible authorities: Ministry of Economic Development.

Method: Documentary evidence and personal interaction.

Supporting evidence: Medical documentation.

Assessor: Two medical doctors and one employee of the Ministry of Economic Development familiar with professional rehabilitation issues.

Decision-maker: Commission for professional rehabilitation of the Employment Service.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: Depends on the level of disability. The government subsidises 75% of the gross salary of an employee or self-employed person with at least a 50% disability. When the disability is under 50%, the subsidy is 75% in the first year of employment, 60% in the second year of employment, and 50% in subsequent years.

Duration of the benefit: Until the end of employment or self-employment.

Interactions with other income or other related benefits: It can be cumulated with the personal disability allowance or the care and assistance allowance, but not with the family allowance and disability pension. In addition to the subventions of salary, the government provides a subsidy that covers the costs of equipment and adaptation of the workplace, including specific machines and tools needed, as well as the cost of an employment assistant (a person who helps the beneficiary with work-related tasks at the workplace) in the monthly amount of €193.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.1.6 Povlastica na putovanje (Travel benefits)**a) Eligibility conditions**

Disability-related qualifying criteria: Beneficiaries of the care and assistance allowance.

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: Montenegrin citizens or foreign citizens with permanent or temporary residence⁷.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

⁷ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Ministry of Finance and Social Protection.

Method: Documentary evidence.

Supporting evidence: ID card, medical documentation, receipts and other documents providing proof of costs incurred.

Assessor: Medical doctors.

Decision-maker: Socio-medical commissions established by Ministry of Finance and Social Protection.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: Depends on the travel costs.

Duration of the benefit: A person with a disability is entitled to a benefit to cover the cost of 12 trips, either by road or rail, during a calendar year. A person with a disability who is employed is also entitled to a benefit covering the costs of commuting between their place of residence and workplace. The travel companion of a person with a disability is also entitled to the reimbursement of transport costs.

Interactions with other income or other related benefits: The beneficiary also has the right to the care and assistance allowance.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.2 Benefits/pensions related to military service or war

The benefits related to military service are defined by the Law on Veteran and Disability Protection.

1.1.2.1 Lična invalidnina (Personal disability allowance)**a) Eligibility conditions**

Disability-related qualifying criteria: A civilian veteran (with at least 50% disability) or a war veteran (with at least 20% disability).

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: Montenegrin or foreign citizens who were members of the Yugoslav army or of the Union of Serbia and Montenegro army and do not exercise this right in another country.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: The disability has to be a consequence of war or civil actions aimed at protecting the state.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Ministry of Finance and Social Protection.

Method: Documentary evidence and personal interaction.

Supporting evidence: ID card, medical documentation.

Assessor: Medical doctors.

Decision-maker: Medical commission established by the Ministry of Finance and Social Protection.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: Depends on the level of disability and ranges from €38.32 to €638.34 per month.

Duration of the benefit: Duration depends on the decision by the commission; it may be for a couple of months, or long-term, or for life.

Interactions with other income or other related benefits: If a military or civilian veteran with a disability is entitled to monetary compensation for bodily injury under the regulation on pension and disability insurance, they may opt to use that right or the right to a personal disability benefit.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.2.2 Dodatak za njegu i pomoć (Care and assistance allowance)**a) Eligibility conditions**

Disability-related qualifying criteria: A civilian veteran (with at least 50% disability) or a war veteran (with at least 20% disability).

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: Montenegrin or foreign citizens who were members of the Yugoslav army or of the Union of Serbia and Montenegro army and do not exercise this right in another country.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: The disability has to be a consequence of war or civil actions aimed at protecting the state.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Ministry of Finance and Social Protection.

Method: Documentary evidence and personal interaction.

Supporting evidence: ID card, medical documentation.

Assessor: Medical doctors.

Decision-maker: Medical commission established by the Ministry of Finance and Social Protection.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: €319.18 per month.

Duration of the benefit: Duration depends on the decision by the commission; it may be for a couple of months, or long-term, or for life.

Interactions with other income or other related benefits: If a military or civilian veteran with a disability is entitled to monetary compensation for bodily injury under the regulation on pension and disability insurance, they may opt to exercise that right or the right to the personal disability benefit.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.1.2.3 *Besplatna i povlašćena vožnja* (Free and subsidised travel costs)

a) Eligibility conditions

Disability-related qualifying criteria: A civilian veteran (with at least 50% disability) or a war veteran (with at least 20% disability).

Age: None (i.e. there are no age requirements for accessing this benefit).

Nationality and/or residency: Montenegrin or foreign citizens who were members of the Yugoslav army or of the Union of Serbia and Montenegro army and do not exercise this right in other country.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: The disability has to be a consequence of war or civil actions aimed at protecting the state.

Gaps/obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

b) Disability assessment framework

Type of assessment: Medical assessment.

Responsible authorities: Ministry of Finance and Social Protection.

Method: Documentary evidence and personal interaction.

Supporting evidence: ID card, medical documentation.

Assessor: Medical doctors.

Decision-maker: Medical commission established by the Ministry of Finance and Social Protection.

The request is submitted to the municipality where the claimant lives. In addition to the request, receipts and other documents providing proof of costs occurred should be submitted.

Critical analysis: Not documented.

c) Benefit entitlements

Level of the benefit: Depends on the travel costs. Three trips per year by train or bus with a discount of 75% on the regular price. Two flights per year by plane with a discount of 50% on the regular price. A beneficiary of the family disability allowance is entitled to one subsidised trip within the country per year by rail or bus with a discount of 75% on the regular price.

Duration of the benefit: Defined by the use of other benefits (personal disability allowance or care and assistance allowance).

Interactions with other income or other related benefits: Only beneficiaries of the personal disability allowance or care and assistance allowance have this right.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

1.2 Disability-specific old-age pension schemes

There are no disability-specific old-age pension schemes.

1.3 Income support aimed at covering disability-related healthcare and housing expenses

1.3.1 Healthcare

In Montenegro all citizens have medical insurance, based on which they have access to a whole set of services, including: promotion of health; prevention of diseases; diagnostics; check-ups and treatments, including measures to identify and prevent damage progression; rehabilitation and specialised medicinal rehabilitation; continuous care; dental care; urgent and emergency services; dialysis; transfusion medicine services; drugs and medical aids; and medical assistive technology. There are no specific cash benefits for disability-related healthcare expenses.

1.3.2 Housing

There are no cash benefits for people with disabilities for housing purposes. There are only subsidies for electricity bills (defined at national level) as well as subsidies for communal and water supply services (defined at local level).

2 Access to some key general social protection cash benefits

2.1 Old-age benefits

2.1.1 *Starosna penzija* (Old-age pension)

a) Eligibility conditions

The eligibility conditions are the same for people with and without disabilities.

b) Additional amount/compensation included and adequacy issues

There is no additional amount included in this benefit for people with disabilities. They may only get an additional benefit for bodily injury on top of this amount. No evidence on adequacy issues.

c) Gaps/obstacles

People with disabilities do not face any specific obstacles in exercising this right if they fulfil all the conditions required.

2.2 Unemployment benefits

The main unemployment insurance right, exercised in accordance with the Law on Employment Mediation and Unemployment Rights, is the right to the *Naknada po osnovu nezaposlenosti* (unemployment cash benefit).

2.2.1 *Naknada po osnovu nezaposlenosti* (Unemployment cash benefit)

a) Eligibility conditions

The eligibility conditions are the same for people with and without disabilities.

b) Additional amount/compensation included and adequacy issues

There is no additional amount included in this benefit for people with disabilities. No evidence on adequacy issues.

c) Gaps/obstacles

For people with disabilities, the requirements regarding the insurance period are quite demanding, as they have shorter contributory histories.

2.3 Guaranteed minimum income schemes and other social assistance benefits

The main social assistance benefit aimed at helping those in social need is the *Materijalno obezbjeđenje porodice* (family allowance), exercised in accordance with the Law on Social and Child Protection.

2.3.1 *Materijalno obezbjeđenje porodice* (Family allowance)

a) Eligibility conditions

The eligibility conditions are the same for people with and without disabilities. The only exception concerns the minimum surface area of an owned apartment, which is slightly greater (by one room) for people who have the right to the care and assistance allowance.

b) Additional amount/compensation included and adequacy issues

There is no additional amount included in this benefit for people with disabilities. Only in a case where all family members are not able to work is the amount increased by 50%. No evidence on adequacy issues.

c) Gaps/obstacles

People with a disability do not face any specific obstacles in exercising this right. However, conditions for this right are very rigid.

3 Provision of assistive technology and personal assistance

3.1 Assistive technology

The right to medical and technical aids is one of the basic rights in the field of healthcare in Montenegro. Therefore, every insured person has a right to medical and technical aids, including people with disabilities. This right is prescribed by the Law on Health Insurance and by the rulebook on the process for exercising the right to medical-technical aids. The rulebook contains a list of medical-technical aids, which defines the medical indications for exercising the right to certain aids (or their spare parts), including the number of aids that can be approved, the terms under which the aids are approved, and the material from which the aid is made. The list generally includes the following types of aids: orthopaedic; ophthalmic and typhlotechnical; dental; and hearing and loud speech enabling. The

procedure for exercising the right to aids depends on the type of aid, as well as on the medical indications concerning the person with a disability or the diagnosis made in a particular case. Only on the basis of a proposal by a specialist doctor, and/or a consultation with one, does the medical commission of the Health Insurance Fund authorise the purchase of aids or spare parts and issue a certificate of approval. To date, the Health Insurance Fund has signed an agreement with only one company for the provision of aids. If there is no supplier/seller who has signed an agreement with the fund for a certain aid, the person with a disability buys the aid or spare part out of their own resources, and the cost is then refunded by the fund, based on a proof of purchase. Another issue is that if a purchase is not made within 60 days of approval, the procedure must be restarted.

3.2 Personal assistance

In Montenegro, personal assistance is one of the services guaranteed by the Law on Social and Child Protection. In particular, personal assistance services fall under community life support services. A rulebook sets out detailed conditions for the latter's provision and use, including norms and minimum standards. Personal assistance is provided to recipients of the personal disability benefit and of the care and assistance allowance who are employed or included in the higher education system or in the adult education system. Although the law guarantees personal assistance services, it is not implemented in practice by any state institution. The service is only provided by non-governmental organisations as part of their project activities. According to the study "The establishment of personal assistance services in Montenegro" (CEMI, 2017), only two people used this service in 2017. Due to the fact that the service have not been developed, many people with disabilities in Montenegro are *de facto* excluded from daily activities and social life. The improvement of this situation would require: the improvement of regulations and by-laws; the establishment of services that meet the criteria prescribed by the regulation; regulation of the financing of personal assistance services; and the establishment of a special department for personal assistance in national institutions and centres for social work.

4 National debates, reforms and recommendations

4.1 National debates

The most prominent current debate relates to the establishment of an "Institute for Disability Assessment" as a single body responsible for disability assessments. Currently, there are about 30 different commissions that are responsible for conducting disability assessments for different purposes, such as rehabilitation and unemployment benefits, pensions, and disability social benefits. Due to this, a person with a disability has to undergo several assessments in order to acquire different rights, which is very time-consuming and physically, emotionally and financially demanding. One of the consequences of the situation is that different assessments concerning the level of disability are provided by different commissions. It is thus expected that the establishment of a single responsible body would increase the efficiency of the overall process and make the process more convenient for people with disabilities.

Another very important debate is related to personal assistance. This service is recognised in the Law on Social and Child Protection, but it is not provided and funded by the state. This service is only provided through different projects implemented by non-governmental organisations (usually funded by the EU, different embassies or other international donor organisations), which provide funding for this service only on a temporary basis during the implementation of a project. That is why there is a need for a further improvement of this service and for the state's involvement in its provision, as it is crucial to improving the quality of life of people with disabilities.

4.2 Recent reforms and reforms currently in the pipeline

There have been no significant regulatory changes since 2017. One change occurred during 2021, when the Law on Social and Child Care was changed with regards to benefit levels. The law introduced a new benefit, the compensation to parents/guardians of people with the personal disability allowance.

The preparation of a new strategy for protecting people with disabilities from discrimination and promoting equality (for 2022-2027), with an action plan for 2022-2023, is currently in the pipeline. Public discussion of the draft strategy was completed at the end of December 2021, and it was expected that the document would be adopted during the first half of 2022.

4.3 Good practice and recommendations on how to tackle gaps and obstacles

There are no examples of good practice in the country. Although the regulation on the professional rehabilitation and employment of people with disabilities may be seen as good practice, data show that good results are still missing. At the end of 2020, only 67 employers were entitled to a subsidy for the employment of 97 people with disabilities, out of which seven people with disabilities were employed on a temporary basis, while 90 people were employed on a permanent basis (Union of Blind People, 2021). This shows that, despite adequate legal solutions, their efficient implementation is lacking.

A major barrier to the monitoring and development of disability policies in different areas of social life is the lack of data (ANED, 2018). There is a need to strengthen data-collection mechanisms, ensuring that comprehensive, reliable and disaggregated data on disability and people with disabilities is collected, in line with Article 31 (statistics and data collection) of the UN Convention on the Rights of Persons with Disabilities.

The social benefit amounts provided to people with disabilities are symbolic, fixed and not in line with the real cost of living. Allowance amounts for help and care and the personal disability allowance are significantly higher for civilian and war veterans than for other people with disabilities (ANED, 2019). Considering this, there is a need for further improvement of the adequacy of existing cash benefits.

There is a lack of pluralism among providers of social services: more than 70% of services are provided by NGOs, and these are only supported by the state on a project basis, with limitations on scope, duration and number of beneficiaries. The state has neither financed nor developed personal assistance services, supported housing, help within the home, or sign language interpreters (ANED, 2019). There is therefore a need for further development of services for people with disabilities, focusing on personal assistance support and housing support. Besides that, there is a need for permanent state funding of these services.

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