



GOVERNMENT OF MONTENEGRO

Ministry of Labour and Social Welfare

**The first annual report on the implementation of obligations from
Action plan for the Gradual Transposition of the *Acquis* and for Building up the
Necessary Capacity to Implement and Enforce the *Acquis***

CHAPTER 19 - SOCIAL POLICY AND EMPLOYMENT

March 2016

INTRODUCTION

The Government of Montenegro adopted the Action Plan for the Gradual Transposition of the *acquis* and for Building up the Necessary Capacity to Implement and Enforce the *acquis* for Chapter 19 - Social Policy and Employment (AP19) at its session as of March 26, 2015.

AP19 represents the opening benchmark for initiating the negotiations in Chapter 19. This document defines in a strategic manner measures and deadlines for legislative alignment and building capacities of institutions responsible for implementation and enforcement of EU *acquis*.

The EU *acquis* in the field of social policy and employment concerns the areas of labour law, safety and health at work, equal treatment of men and women in matters of employment and social security, employment policy, social dialogue, as well as the prohibition of discrimination.

A wide range of activities were conducted since adoption of the AP19, in order to further promote transparency of the accession process, by organizing public debates for this Chapter, in order to bring accession process closer to the public, as well as the publication of relevant documents that are important for negotiations. The focus remains on strengthening the institutions for the effective fulfilment of the objectives and tasks of the European agenda, followed by implementation of adopted legislation in the field of social policy and employment.

The First Annual Report on the Implementation of AP19 for the period March 2015 - March 2016, was drafted by joint efforts of all relevant institutions involved in the work of this chapter: Ministry of Labour and Social Welfare, Ministry for Human and Minority Rights, Ministry of Health, Ministry for Sustainable Development and Tourism, Ministry of Transport and Maritime Affairs, Administration for Inspection Affairs, Employment Agency of Montenegro and Institute for Social and Child Protection.

LABOUR RELATIONS

Within the reform of the labour legislation, a new Labour Law was adopted and in force since August 2008, and the amendments to this Law were done in 2011, 2012 and 2014.

Adoption of the new Labour Law is envisaged under the Action Plan for negotiating Chapter 19 – Social Policy and Employment and the Montenegro's Programme of Accession to the European Union by the fourth quarter of 2017. In addition, by the signing the Memorandum of understanding on April 8, 2015, between the Government of Montenegro and social partners of Montenegro and the International Labour Organisation (ILO) on Decent Work Programme for 2015-2017, as one of the measures is envisaged reform of the Labour Law in accordance with international standards and EU directives and the EU acquis.

A working group was formed for the purpose of drafting this Law by Ministry of Labour and Social Welfare. The first draft version has been prepared, which will be the starting point for further negotiations with the social partners.

As planned by the Montenegro's Programme of Accession to the European Union, the full harmonization of this Law will be completed in the fourth quarter of 2017.

The Law on Peaceful Settlement of Labour Disputes was adopted in 2008, with the amendments of 2011 and 2015. This Law regulates the manner and procedure of peaceful settlement of labour disputes (collective and individual), appointment, rights and obligations of mediators and arbitrators and other important issues for the resolution of these disputes.

The Agency for the peaceful settlement of labour disputes was founded at the beginning of 2010, as a separate organization i.e. legal entity, in order to perform professional activities related to the peaceful resolution of labour disputes.

The Proposal for the Law Amending the Law on Peaceful Settlement of Labour Disputes was adopted by the Parliament of Montenegro on 16 July 2015 (Official Gazette of Montenegro 42/15).

The Law on Voluntary work was adopted in 2010. Regulations in the area of volunteer work are regulated by this Law. The amendments to the Law on Volunteer Work were made in 2012. The main reason for amendments was to create conditions for faster employment of young people, through acquiring the necessary skills and experience, making them competitive at the labour market.

The provisions related to ensuring an international volunteer's entitlement to coverage of the costs of accommodation, training and return to the country of origin were improved by the amendments to the Law of 2015. Amendments to the Law also include sanctions for violations by an organizer of volunteering if it fails to comply with the legal provisions.

The Draft Law Amending the Law on Volunteering was adopted by the Parliament of Montenegro on July 31, 2015 (Official Gazette of Montenegro 48/15).

Administrative capacities

Two employees were planned to be employed in the Directorate of Labour Relations - Department for Labour Relations in 2015, as envisaged by AP19 within the framework of the administrative capacity. In accordance with this obligation two employees were employed, and in 2016 two more are planned to be employ

SAFETY AND HEALTH AT WORK

The Law on the Safety and Health at Work, governing the right to safety and health at work as a fundamental social right of employees, was adopted in 2014. The main reasons for the adoption of the new law are: the need for harmonization of national legislation with the regulations of the International Labour Organization - ILO and the European Union, as a condition for accession, the fulfilment of conditions in terms of quality and competitiveness for the market operations and acting at the international labour market, so as the expectation to provide a more effective safety and health at work of employees. The Amendments to the Law on Safety and Health at Work and other bylaws are intensively being drafted with a view to fully harmonize the national legislation

with the regulations of the International Labour Organization - ILO and the European Union, also the activities relating to raising awareness of the importance of health and safety at work are being carried out.

The cooperation with the Health Insurance Fund of Montenegro has continued in the previous period. Also, in order to learn from the good practices of the EU on the adoption of new regulations in the field of health and safety at work, the TAIEX project in cooperation with the Ministry of Labour and Pension System of Croatia was implemented.

The Law on Ratification of the Convention of the International Labour Organisation – ILO on the Promotional Framework for Occupational Safety and Health, No. 187 and the Law on Ratification of the Convention of the International Labour Organisation on Safety and Health in Construction No. 167 (Official Gazette of Montenegro - International Treaties, No. 8/15) were adopted by the Parliament of Montenegro on July 16, 2015.

The Law on Safety and Health at Work on Temporary and Mobile Construction Sites that had been planned for the fourth quarter of 2015 was not adopted, instead the Amendments to the Law on the Safety and Health at Work were introduced (Law on Safety and Health was adopted in August 2014) wherein the Directive of the European Parliament and Council Directive 92/57/EEC of June 24, 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites will be transposed.

Six rulebooks were adopted in the reporting period:

- Rulebook on signs of occupational safety and health ("Official Gazette of Montenegro", no.24/15);
- Rulebook on safety measures when using instruments of labour ("Official Gazette of Montenegro", no.27/15);
- Rulebook on safety measures during manual handling of loads("Official Gazette of Montenegro", no.29/15);
- Rulebook on use instruments and personal protective equipment at work ("Official Gazette of Montenegro", no.40/15);

- Rulebook on health and safety at the workplace ("Official Gazette of Montenegro", no.40/15);
- Rulebook on applications in the field of safety and health at work

Administrative capacities

Two new employees were planned to be hired in the Department for Health and Safety at Work in 2015 as envisaged by AP19 within the framework of the administrative capacity. In accordance with this obligation, one employee was employed, while the procedure for employment of another employee is in the final stage.

SOCIAL DIALOGUE

The Law on Social Council was adopted in 2007. This Law created the conditions for establishment of the Social Council which was instituted in 2008, in order to establish and develop social dialogue on the matters of relevance for the realization of the economic and social position of employees and employers and their living and working conditions, development of the culture of dialogue and other matters based on international documents in this field. The Law on amendments to the Law on Social Council was adopted in 2013 and the amendments were introduced in order to create preconditions to establish the Secretariat of the Social Council.

At the session of the Social Council held in November 2015, the Council reached the conclusion to recommend to the Ministry of Labour and Social Welfare, as the line Ministry, to include the amendments to the Law on Social Council in its Work Plan for 2016. These amendments should be aimed at improving certain solutions from the existing Law that proved to be insufficiently effective in previous work of the Council.

The Law on Trade Union Representativeness has been in force since May 2010. This law regulates the conditions, method and procedure to determine trade union representativeness at all levels in the sphere of social dialogue, as follows: at the level of employer, branch of activity, group or sub-group of activity and at the level of Montenegro. The Amendments to this Law as of 2013 lay down the

rights and obligations of representative trade unions and also allowed to trade unions established by the employer to exercise their right to representativeness quickly and effectively and faster decision-making and exercising their rights to representativeness of trade unions.

At its session in November 2015, the Council adopted a recommendation to proceed with the preparation of amendments to the Law on the representativeness of trade unions, also with the aim of better defining and eliminating the ambiguities of the mentioned regulation in part which relates on determining the representativeness of trade unions at the enterprise level.

The Ministry of Labour and Social Welfare has adopted both the initiatives and formed working groups to prepare these two drafts amendments to the Law. The deadline for their adoption is the fourth quarter of 2016.

The General Collective Agreement was concluded on March 20, 2014 in the tripartite social dialogue: Government of Montenegro, the representative trade union organizations - Confederation of Trade Unions of Montenegro and the Union of Free Trade Unions of Montenegro and representative organizations of employers - Montenegrin Union of Employers and its validity expires on March 30, 2016. The initiative for the extension of validity of the General Collective Agreement was submitted to the Social Council by the Confederation of Trade Unions of Montenegro, which will be considered at the next session of the Social Council.

Administrative capacities

Three new employees were planned to be hired in the Social Council by the fourth quarter of 2015. In accordance with this obligation two new employees were employed in 2015.

EMPLOYMENT POLICY

The main strategic document in the field of employment policy is the National Strategy for Employment and Human Resource Development 2016-2020 which

was adopted by the Government together with the Annual Action Plan for 2016 at the session held on December 17, 2015.

The overall objective of the strategy is "Creating optimal conditions for the growth of employment and improvement of human resources in Montenegro" and several priorities were defined for its realization: increasing employment, reducing unemployment, efficient functioning of the labour market, improving the qualifications and competencies aligned with labour market needs, promoting social inclusion and poverty reduction.

The Action Plan for Employment and Human Resources Development for 2016 is the basic instrument for the implementation of active employment policy which defines measures and activities aimed at achieving the objectives defined by the National Strategy for the period of one year.

The Government adopted the Employment and Social Reform Programme (ESRP) on 25 June, 2015. The aim of the Programme is to improve the development and increase quality in the areas of labour and employment, education and social inclusion and social protection. In addition to the selection of appropriate measures and actions to address the challenges in these areas, the Program is dedicated to the further development of administrative capacities, effective management and institutional reforms.

In terms of activities aimed at combating the informal economy, the Report on implementation of the project Human development report on informal economy: overcoming exclusion and marginalization, was adopted by Government of Montenegro in September 2015. The report was drafted in cooperation of the Ministry of Labour and Social Welfare and the United Nations Development Programme (UNDP) and it primarily analyses the causes and consequences of the informal economy, with emphasis on the informal work.

In the area of informal economy reduction and with the aim of strengthening fiscal discipline and eliminating the unfair competition and raising awareness of the importance of conducting business legally, the Government of Montenegro adopted the Action plan for combating grey economy for 2015, at its session held

on April 9, 2015. The action plan is designed in four areas of action, depending on the type of measures: legal framework, operational activities, the strengthening of institutions (IT and human capacity), cooperation and education.

Administrative capacities

During 2015, the vacancy for senior advisor position in the Directorate of Labour Market and Employment was filled. The remaining 3 positions are planned to be filled in 2016.

Within the Employment Agency of Montenegro, during 2015, the employment contract terminated for 16 employees on the basis of mutually agreed contract termination and expiry of fixed-term employment contract.

In this regard, during 2015 the vacancies were advertised for 16 positions, out of which 13 positions were filled in 2015 and the remaining 3 were completed in January and February 2016.

Apart from this, the process of filling vacancies has begun in the newly established municipalities (Employment Bureau Tuzi, Employment Bureau Gusinje, Employment Bureau Petnjica and Employment Bureau Golubovci), which will continue to strengthen the administrative capacities of the Agency.

THE EUROPEAN SOCIAL FUND

Preparation for ESF: Developments in view of IPA IV implementation

Following the signing of the Financial Agreement in December 2014, the OS for IPA Component IV has officially started with the tendering phase for contracts envisaged within the priorities and measures of the OP HRD 2012-2013.

In that sense, the Contract Notices for four service contracts were published on 6 March 2015 (service contract in the field of labour market under the OP Priority Axis I; two service contracts in the field of education and science/research under the OP Priority Axis II, and service contract in the field of social inclusion under the OP Priority Axis III). Accordingly, the applications from interested companies were submitted by mid-April and evaluations were carried out during April-May

2015, followed by the preparation of evaluation reports and formation of the list of shortlisted companies for each upcoming contract separately. Draft evaluation reports were submitted to the EUD for the ex-ante control in June 2015. For two, out of four, future service contracts (i.e. "Active Labour Market Measures for Employability" and "Cooperation between Employment Agency of Montenegro and Social Work Centres") evaluation reports were approved by the end of June 2015 and shortlisted companies were invited to submit applications for the second round of evaluation.

In parallel with the work on tender documentation for service contracts, the relevant OS bodies, with the constant support of the EU Delegation of Montenegro worked on drafting and finalising tender documentation for grant schemes under OP HRD.

The Call for Proposals "Transfer of knowledge between sectors of higher education, research and industry" (grant scheme under OP Priority Axis II) has been launched on May 8, 2015.

Evaluation of submitted concept notes has been completed, while the evaluation of project proposals is on-going. Call for Proposals "Implementation of trainings and employment projects for people with disabilities and RE population," was published on October 9, 2015, while info days and workshops for all interested potential applicants were held in October and November 2015. Following the deadline for submission of proposals in December 2015, the first phase of the evaluation (evaluation of the received concept notes) began, on the basis of which potential grant beneficiaries will be shortlisted. Call for Proposals "Youth, women and long-term unemployed in the labour market" was launched on 16 October 2015. During November and December 2015 info days and workshops were organized for this Call as well, and following the deadline for submission of proposals, the evaluation of the received proposals began on February 4, 2016.

Framework service contract under Priority Axis IV - Technical Assistance – of the Operational Programme officially began on 25 September 2015 and through its activities the Operating Structure for IPA component IV will receive support in the

next two years in the implementation of other projects under this Programme with a special emphasis on grant schemes.

IPA II financial perspective (2014-2020)

The Working Group for the development of the Sectoral Operational Programme (2015-2017) held a series of consultation sessions, including a two-day consultation in respect of actions planned within the Sectoral Operational Programme. The second draft of the Sectoral Operational Programme was submitted to the European Commission on July 7, 2015, which was followed by comments and suggestions for further improvement of this document received on July 27, 2015. Following the meetings, consultations and workshops of the Working Group, a third draft of the Sectoral Operational Programme was submitted to the European Commission on August 3, 2015. Further work on the improvement of this document was conducted on August 7, 2015 an updated version of the Sectoral Operational Programme was submitted to the European Commission for further consideration and possible comments. Upon receipt of additional comments, the draft of the Sectoral Operational Programme including the relevant answers was sent to the Commission on October 20, 2015.

After the presentation of the Sectoral Operational Programme to the Member States in November 2015, the Financial Decision was adopted by the European Commission on December 14, 2015, by which the funds for the said programme were allocated.

Administrative capacities

In the Directorate for EU Integration, Programming and Implementation of EU Funds (in the Division for Programming and Implementation of EU Funds), it was planned to hire two new employees in 2015 and both officers were employed.

SOCIAL INCLUSION

On July 16, 2015, the Parliament of Montenegro adopted the Law Amending the Law on Social and Child Protection ("Official Gazette of Montenegro 42/15"). The amendments to the Law introduce an allowance for a parent or a guardian – carer

of a person who is a personal disability allowance beneficiary and a child allowance paid for parents with three or more children.

The Law on Amendments to the Law on Travel Benefits for Persons with Disabilities ("Official Gazette of Montenegro" No. 10/15) was adopted, as well as the Rulebook on the content, form and manner of issuing certificates of acquired travel ("Official Gazette of Montenegro", No. 17/15).

The following by-laws were adopted in this reporting period, in accordance with the Law on Social and Child Protection:

- Rulebook on detailed conditions for the provision and use of services, norms and the minimum standards of support for community living ("Official Gazette of Montenegro", No. 30/15);
- Rulebook on detailed conditions for the provision and use, norms and minimum standards of the service of accommodation of adults and elderly persons ("Official Gazette of Montenegro" No. 58/14);
- Rulebook on Medical indications for the exercise of the rights to financial support care and support allowance, personal disability allowance, and short time wage compensation (Official Gazette of Montenegro, No. 58/14)
- Rulebook on detailed conditions for the provision and use, norms and the minimum standards of advisory-therapeutic and socio-educational services ("Official Gazette of Montenegro", No. 32/15);
- Rulebook on determining the amount of resources for development, i.e. funding of social and child protection services and the criteria for their allocation ("Official Gazette of Montenegro" No. 42/15);
- Rulebook on detailed conditions for the issuance, renewal and revocation of licenses for the performance of activities in the field of social and child protection ("Official Gazette of Montenegro", No. 34/15);
- Rulebook on detailed conditions for the issuance, renewal and revocation of licenses for professionals in the field of social and child protection ("Official Gazette of Montenegro", No. 34/15);

- Rulebook on standards for the accreditation of training programmes as well as the manner of implementing the accreditation procedure, the form and content of certificates ("Official Gazette of Montenegro" No. 34/15);
- Rulebook on the criteria and standards for determining the price of social services and child protection ("Official Gazette of Montenegro" No. 75/2015)
- Rulebook on the criteria and standards for the participation of beneficiaries in the cost of services ("Official Gazette of Montenegro", No. 77/2015)

At the session held on February 26, 2015, the Government of Montenegro adopted the Report on the implementation of Strategy for Improvement of Position of Roma and Egyptians in Montenegro 2012-2016 for 2014 and Action plan to implement the Strategy for Improvement of Position of Roma and Egyptians in Montenegro 2012-2016 for 2015. This document defines concrete measures and activities, stakeholders, means and performance indicators in all ten areas of social life defined by the Strategy.

Also, the following reports were adopted:

- Report on the implementation of the National Plan of Action for Children, at 127th session of the Government of Montenegro – September 17, 2015.
- Report on the implementation of the Social and Child Protection System Development Strategy 2013-2017, at 106th session of the Government of Montenegro – April 2, 2015.
- Report on the implementation of Foster Care Development Strategy 2012-2016, at 113th session of the Government of Montenegro – May 28, 2015.
- Report on the implementation of the Strategy for Social Protection of Elderly for the period 2013-2016, at 132th session of the Government of Montenegro – October 22, 2015.
- Report on the implementation of Strategy for Integration of Persons with Disabilities in Montenegro 2008-2016 with the Action plan 2014 and 2015, at 105th session of the Government of Montenegro – March 26, 2015.

On November 4, 2015, the Ministry of Labour and Social Welfare announced a public invitation to NGOs for nomination of five candidates for working group

members for drafting the Strategy for Integration of Persons with Disabilities in Montenegro for the period 2016-2020 and for drafting the Action Plan for implementation of the Strategy for Integration of Persons with Disabilities for 2016-2017. The decision on selection of five candidates for members of this working group was announced on November 17, 2015 and the Strategy and the Action Plan is currently being drafted.

In accordance with the Rulebook on the Internal Organization and Job Classification, which was adopted in February 2015, a new Division which will deal with development of services of social and child protection was established in Directorate for social welfare and children protection. In the previous period, the above mentioned Division, in cooperation with partners on the project "Continuation of the Social welfare and child care system reform": Enhancing social inclusion", launched two tenders for social services and child protection support: "Help at home for the elderly" in the municipalities of Cetinje, Danilovgrad, Savnik, Mojkovac, Pluzine and Bar and the "National SOS Helpline for Victims of Domestic Violence."

Also, within the Directorate for Inspection Affairs, in accordance with the Law on Social and Child Protection (Official Gazette of Montenegro 27/13 and 1/15) the Department for social inspection was established, which is to supervise the professional work of providers of social protection services and child protection.

When it comes to the development of social and child protection services at the local level, the establishment of a network of day care centres at the local level is of great importance for improving the situation of children with disabilities. So far, nine day care centres were founded in Bijelo Polje, Niksic, Pljevlja, Herceg Novi, Plav, Ulcinj, Cetinje, Berane and Mojkovac. In December 2015, the right to a day care centre was used by 154 children.

A Decision about changing the name of the day care centre for children with disabilities and complement activity was adopted on May 15, 2015., at the session of the Municipal Assembly in Bijelo Polje. The name of the day care centre was changed to Centre for children and youth with disabilities "Tisa" and the small group communities will operate within it. Also, the Memorandum of Association

of the Centre “Tisa” was adopted. This service will be used by children with disabilities, who are without parental care, for the purpose of their socialization and integration into community, based on principles of equal opportunities and in accordance with their capabilities.

Administrative capacities

Until the end of the Q3 2015, 19 new employees were planned to be employed within the Bureau of Social and Child Protection, 13 employees were employed while the employment of 6 remaining employees is planned for 2016.

SOCIAL PROTECTION

For financing expenditures of the Pension and Disability Fund of Montenegro in 2015 from the general revenues of the budget EUR 125.55 million was provided, which amounts to 32% of overall expenditures of the Pension and Disability Fund.

In connection with the project Social Card - Social Welfare Information System (SWIS), the Government adopted a project document for Phase II and accepted the agreement on common investment between the Program of United Nations and the Government of Montenegro.

Phase II continues to produce an information system and contains the following components:

1. Monitoring and further development of Phase I;
2. Institutes - Construction of an information system for social and child protection;
3. Interoperability;
4. Capacity building (institutional, technical, staffing).

The development of information systems of institutes of social and child protection will be implemented within the Phase II, which will be connected with the information system of social welfare centres. Furthermore, the exchange of data with the resource centres and secretariats for social welfare of local governments will be implemented. The deadline for implementation of Phase II is September 2017, and the total value of the project is EUR 1.2 million.

The Government of Montenegro adopted the new Health Care System Development Master Plan 2015-2020 in July 2015. The Master Plan represents a

planning document for development of health care in the indicated period, with strategic goals and priorities in health policy management. The segments of this documents, when speaking about the promotion and prevention of public health, are: prevention and control of chronic non-communicable diseases, prevention and control of communicable diseases, health care of the most sensitive and vulnerable categories of population, strengthening of public health, with defined goals and activities and with emphasis put on improving information, as an effective mechanism for achieving social goals.

The new Law on Health Care (Official Gazette of Montenegro No. 3/16), which was adopted in December 2015, created the conditions for maintenance, protection and promotion of health of the Montenegrin citizens and improvement of the health condition of the population. The aim of the adoption of the new law is the sustainability of the health system and availability of high quality health care, under equal conditions for all citizens of Montenegro. The proposed solutions point out a special care for the health threatened and socially vulnerable categories of population.

The adoption of the new Law on Health Insurance ("Official Gazette of Montenegro", No. 6/16) adopted in December 2015 created the appropriate mechanisms for greater economic and financial effectiveness of the health system and the possibility of permanent upgrading and modernization of the system, in order to achieve greater concern for alignment with the available sources of the law and protection of social values such as solidarity, social equity and universal access to health care rights.

ANTI-DISCRIMINATION AND EQUAL OPPORTUNITIES

The new Law on Prohibition of Discrimination of Persons with Disabilities was adopted by the Parliament of Montenegro in June 2015. Adoption of this law (containing penalty provisions prescribing penalties for committed discrimination and introducing new grounds and types of discrimination), is a breakthrough in establishing new standards in relation between the state and the society towards this vulnerable group.

The main reason for the adoption of the new Law on Prohibition of Discrimination of Persons with Disabilities is the need to determine the code of conduct towards the persons with disability. Moreover, the need to align the legal framework within the internal legal system of Montenegro was taken into account, in particular the umbrella Law on Anti-Discrimination, so as the international documents on human rights, i.e. equality directives, primarily the UN Convention on the Rights of Persons with Disabilities which was signed and ratified by Montenegro. The United Nations Convention on the Rights of Persons with Disabilities is one of the most important international documents with which this law is being aligned.

The law covers the issue of accessibility, both to buildings and areas in public use, and to information and communication, in particular to information on the internet and other media. Also, it covers accessibility to public transport, public and private properties and services, equality before law, before state and other authorities. This law also regulates the field of independent life and life in the community, marital and family relations, freedom of opinion and expression, the issue of privacy i.e. violation of privacy and interference in personal and family life and misuse of data related to disability. The discrimination in the field of upbringing, education and vocational training, as well as professional rehabilitation, work and employment, was specified with due care. This also covered the field of health care, social and child welfare and adequate living standard, as well as anti-discrimination in the field of sports, recreation and leisure activities.

The text of this law included the field where the Ministry has made significant efforts to create possibilities for persons with disabilities to take active part in political and public life of Montenegrin society, as one of the most important presumptions of democracy. Inclusion of persons with disabilities into the political and public life is not considered as a concession to vulnerable social groups, but as a sign of political equality of all citizens.

The range of penalties contained in the penalty provisions of this law is in accordance with the Law on Misdemeanours, except that the minimum amount of fine is significantly increased.

The Law on Amendments to the Law on gender equality was adopted by the Parliament of Montenegro in June 2015.

The purpose of the amendments was the alignment with the Law against discrimination, as well as the alignment with the EU acquis. This primarily refers to harmonization of the definition of discrimination based on sex with the definitions of direct and indirect discrimination, in pursuance with EU standards.

The Law Amending the Law on Gender Equality aims to be aligned with the ratified international agreements and other documents passed under the auspices of the UN, EU and the Council of Europe, in particular the European Union Directives related to gender equality and equal treatment of women and men: Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security; Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation; Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services; Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation; Directive 2010/41/EU of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC .

The Law sets the elimination of discrimination based on sex and the achievement of gender equality as imperatives, since introduction of penalty provisions prescribed a very clear obligation for legal entities, responsible persons in legal entity and entrepreneurs and women entrepreneurs to respect anti-discrimination standards and norms providing full realization of gender equality. That is why this Law represents an improvement compared to the previous Law

on Gender Equality. It is expected that the prescribed sanctions will contribute to better implementation of the law which is the most important mechanism for elimination of discrimination based on sex in all areas and structures of society.

Moreover, the principles forming the base of this Law aim at implementation of the principles of non-discrimination of the Charter of Fundamental Rights of the European Union and the European Charter for Gender Equality at the local level, as well as the practice of the European Court of Justice.

Among other things, the new amendments define that gender equality, besides men and women, also involves people of different gender identity. Also, the obligation of implementation of gender equality has been expanded to companies, other legal entities and entrepreneurs. The law determines that issues of direct and indirect discrimination based on sex (besides all types of discrimination) fall under the jurisdiction of the Protector of human rights and freedoms and therefore the procedure of lodging petitions in cases of discrimination based on sex has been transferred under the competence of this institution. This law introduces more misdemeanours than it was the case so far.

In March 2015, the Government of Montenegro adopted the Implementation Programme of the Action Plan for Achieving Gender Equality 2013-2015, for the period 2015-2017.

The plan consists of defined measures and activities in nine areas that are planned to be implemented in the period 2015-2017: 1. Improving human rights of women and gender equality; 2. Gender-sensitive upbringing and education; 3. Gender equality in the economy; 4. Gender sensitive health care; 5. Gender-based violence; 6. Media and culture; 7. Equality in decision-making process in political and public life; 8. International policies and cooperation and 9. Institutional mechanisms for the implementation of gender equality policies.

The European Commission approved the project "Support to antidiscrimination and gender equality policies" which represents the continuation of IPA 2010 Programme and it is going to be implemented through partnership between the Ministry for Human and Minority Rights, Ministry of Justice, the Council of Europe

and UNDP starting from 2016. The activities from this project will contribute to protection, promotion and strengthening of human rights and equal opportunities. They refer to the need of stronger implementation of the policies and standards of anti-discrimination and equal opportunities, aiming at improvement of the system of protection of human rights for persons who are deprived of liberty.

Within IPA II perspective, the European Commission approved the Action Plan for “Promotion and protection of human rights of Roma and other vulnerable groups” of the Ministry for Human and Minority Rights. The aim of this document is to ensure that the fundamental human rights, promoted and protected in accordance with international standards, ensure durable and sustainable solutions for Roma, Egyptians and other vulnerable groups for wide social inclusion in Montenegro. The activities will be realized in four areas: education, employment, health and health protection and social inclusion, and will be implemented in 3 municipalities where the majority of RE population is located: Podgorica, Niksic and Berane.

Administrative capacities

Within the Ministry of Human and Minority Rights, in the Directorate for Improvement and Protection of Human Rights, two employees were employed during 2014 and 2015. In that way, obligations arising from the Action Plan 19, stating that two employees will be employed by the end of 2018 (one during 2014 and one during 2015), in accordance with the Law on Prohibition of Discrimination, were met.

Within the Ministry of Human and Minority Rights, in the Department for Gender Equality Affairs one employee was employed in March 2015. According to AP 19 there is an obligation to employ one more employee in this Department during 2017.

In the Department for the Improvement and Protection of Rights of Roma and Egyptians of the Ministry of Human and Minority Rights, one employee was employed in November 2015.

CONCLUSION

This Report analyses the level of realisation of the activities within the opening benchmark for Chapter 19. Taking into account the high degree of realisation of the planned activities, the European Commission approved the adoption of the Negotiation Position by the Government of Montenegro, as well as the adoption of the Report on the fulfilment of the opening benchmark. The opening of negotiations for Chapter 19 is to be expected in the first half of 2016.