



THE EFFECTIVENESS OF THE SYSTEM OF SOCIAL BENEFITS IN PROVIDING MATERIAL FAMILY SUPPORT

**KEY FINDINGS OF THE SURVEY FOR MONTENEGRO
ARE PART OF THE PROJECT „SPEED UP
(SOCIAL POLICIES, ENTREPRENEURSHIP, EMPLOYMENT,
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INTRODUCTION

Social and child protection provide and implement measures and programs for individuals and families with unfavorable personal or family circumstances, which include prevention, assistance in satisfying the basic existential needs and support.¹ Accordingly, the goal of social and child protection is improvement of the quality of life and empowerment for an independent and productive life of individuals and families.² Namely, due to the negative economic situation in the whole world, not only in Montenegro, the position of individuals and families became significantly worse than earlier. Poverty is a global social problem that most developed countries are facing, so even Montenegro is no exception. The data shows that the global economic crisis in the last few years negatively affected the economic development of the country, and also caused an increase in poverty which is reflected in increased unemployment rate, increased consumer basket, reduced salaries, increased number of beneficiaries of material family support, etc. In all municipalities the number beneficiaries of material support is increasing, a total of nearly 23.000 people receive this type of assistance. Due to this situation, it was necessary to take certain measures and activities so that the aforementioned goal could be achieved.

Government of Montenegro has reformed the system of social and child protection, in which the emphasis is placed on strengthening social cohesion in the country. It should be emphasized that the social cohesion of society depends on the degree of economic, political and every other form of freedom and equality of its members. Where there is no such equality, there is neither social cohesion – a distinct social stratification is formed, which is represented through the visible inequality embodied through the imbalance of rich and poor, powerful and dependent. Precisely for this reason, the main goal of the Strategy of development of social and child protection³ is to strengthen social cohesion, and then to establish such a state in which human rights will be guaranteed, where there will be equal opportunities for all, and, at the same time, taking into account the most vulnerable groups, which should result in increased social inclusion and reduced discrimination.

The principles, on which social and child protection is based, are: respect of the integrity and dignity of users, prohibition of discrimination of users, providing information to users, individual user access, active user participation in designing, selecting and using rights from social and child protection, respecting the best interests of users, prevention of institutionalization and availability of services in the least restrictive environment, pluralism of services and service providers, partnerships and association of different activities and programs providers, especially at the local level and transparency.⁴

1 Law on Social and Child Protection, „Official Gazette of Montenegro“, no. 27/2013, article 2.

2 Law on Social and Child Protection, „Official Gazette of Montenegro“, no. 27/2013, article 4.

3 Strategy of development of social and child protection 2000-2012, Ministry of Labour and Social Welfare, 2008.

4 Law on Social and Child Protection, „Official Gazette of Montenegro“, no. 27/2013, article 7.



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Study The effectiveness of the system of social benefits in providing material family support examines one of the main segments of the reformed social and child protection - the right on material support to individuals and families who are in need for this kind of support. Material support regulated by the Law on Social and Child Protection is: the right to financial support; personal disability benefit; allowance for care and assistance; health protection; funeral expenses; one-time financial assistance; benefit for the newborn child; allowance for children; food costs in preschool institutions; assistance for upbringing and education of children and youth with special educational needs; reimbursement of wage and salary compensation for maternity or parental leave; fees based on the child's birth; reimbursement of wage and compensation for salary with half work hours. This study is focused on the material support of individuals and families, including child allowance. We believe that a special study should be carried out for all the other forms of financial benefits, with a special emphasis on personal disability allowance.

The study is a part of the „SPEED UP (Social Policies, Entrepreneurship, Employment, Dialogue UPgrading)” project that began with the implementation in July 2014. It was supported by the European Commission through the EU Delegation to Montenegro and implemented by the NGO Juventas and SOS Hotline for women and children victims of violence - Podgorica, in cooperation with the Coalition for Social Change. Coalition consists of: Center for Civil Education - CGO, Center for Monitoring and Research - CeMI, CAZAS, Center for Roma initiatives Nikšić, Ekvista, Juventas, SOS Hotline for Women and Children Victims of Violence, NGO Our time and the Association of Youth with Disabilities of Montenegro - UMHCG.

The project aims to strengthen the role of civil society in the further harmonization of Montenegrin social policies with EU standards, as well as to contribute to the process of accession of Montenegro to the European Union. Coalition deals with monitoring of social policies in the area of poverty reduction and social exclusion, as well as with proposing and advocating public policies in the areas of social protection, employment, health and education.



2. INTERNATIONAL STANDARDS AND RATIFIED DOCUMENTS

Montenegrin legal system is obliged to implement all international documents ratified by the Parliament of Montenegro, as well as those international documents in which Montenegro was a signatory.

Our country is a signatory of many international legal acts which can be categorized into two main groups of interest in this area - the legal acts of the United Nations and the European Union. For the purposes of this study we will give a brief overview of some of the documents that are rather important for the recognition of poverty as a violation of human rights according to international law, and for recognition of state responsibility for reducing poverty, social vulnerability and exclusion.

The Universal Declaration of Human Rights¹ prescribes that: everyone has the right to a standard of living adequate for the health and well-being of himself/herself and of his/her family, including food, clothing, housing, medical care and necessary social services, as well as the right to insurance in the case of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. The Constitutional norms proclaimed the special protection for the mother and the child, in a way that all mothers and children are entitled to a special care and assistance, and that all the children, whether born in or out of wedlock, shall enjoy the same social protection. According to the Universal Declaration of Human Rights, the ideal of free human being freed from fear and want can only be achieved if conditions are created in a way that everyone may enjoy their economic, social and cultural rights and their civil and political rights.

The International Covenant on Economic, Social and Cultural Rights² includes numerous articles which explicitly provide that all citizens of the countries that have ratified this document, shall recognize the right to social security, including social insurance. Member States are obliged to recognize the everyone's right to social security, including social insurance (stipulated by Article 9). In the article 10 of this Covenant, Member States recognize

1 The Universal Declaration of Human Rights adopted and proclaimed by General Assembly Resolution 217 (III) of the United Nations on 10 December 1948. 48 countries voted in favor, none against and 8 abstained (including Yugoslavia, Saudi Arabia, South Africa and the Soviet Union).

2 The International Covenant on Economic, Social and Cultural Rights was signed on 19 December 1966 in New York ("Official Gazette of SFRY", no. 7/71). It entered into force in 1976, when it was ratified by a sufficient number of countries.



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that - the widest possible protection and assistance should be given to the family which is the natural, basic and integral part of society, particularly for its establishment and for the period of time when the family is responsible for care and education of dependent children that are being taken care of. Special protection should be provided to mothers during a reasonable period of time before and after childbirth. During this period, employed mothers should enjoy paid leave or leave with adequate social security benefits. Special measures of protection and assistance should be taken on behalf of children and youth, without any discrimination because of the kinship or any other reasons. Children and youth should be protected from economic and social exploitation. Member States of this Covenant recognize the everyone's right to an adequate standard of living for himself/herself and his/her family, including adequate food, clothing and housing, as well as to the continuous improvement of living conditions. Also, they obliged to take an adequate measures to ensure this right and, for that purpose, they recognize the essential importance of freely chosen international cooperation. Recognizing the fundamental everyone's right to be free from hunger, they are obliged to establish, individually and through international cooperation, the necessary measures, including specific programs.³ In the process of implementation of the Covenant, States are obliged to submit reports on the achieved results and the measures they have adopted for the purpose of better and more efficient implementation of this document.⁴

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is one of the main documents for the protection of human rights at the international level. Law on Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights⁵, the Montenegrin Parliament adopted on 9 July 2013. The Protocol provides the possibility for citizens of Montenegro to seek protection of the rights contained in the Covenant of the Committee of the United Nations at the international level, and, among others, there are the rights of the social security system, namely: the right to decent housing and nutrition - water and food, the right to social security, protection of the family, health care after all used means of legal protection in the country.

This international method of protection is particularly valuable bearing in mind, unfortunately, limited jurisdiction of the Constitutional Court of Montenegro, which can only abolished acts of state authorities, but not directly decide about the right and commanded in order to ensure, for example, access to water, food, home, etc.⁶

The Charter of Fundamental Rights of the European Union⁷, in the area which defines social security and social assistance, requires that:

1. The Union recognizes and respects the right of access to services in the area of social assistance and social services that provide assistance in cases of maternity, illness, injury in work, dependency or old age, as well as in the case of loss of employment, based on the regulations determined in European Union law and national legislation and practice.
2. Any person who is legally residing and relocating to the interior of the Union has the right to use social assistance and other forms of social protection, in accordance with Union law and national laws and practices.
3. In the battle against social exclusion and poverty, the Union recognizes and respects the right to social assistance and housing assistance, in order to ensure a dignified existence to all those without sufficient means, in accordance with the regulations determined in Union law and national laws and practices.

Revised European Social Charter (Strasbourg, May 3, 1996) states that - the family as the basic unit of society has the right to appropriate social, legal and economic protection in order to ensure its full development, that children and youth have the right to appropriate social, legal and economic protection and that everyone has the right to protection against poverty and social exclusion.

In order to provide the necessary conditions for the full development of the family, the basic unit of society, the Contracting Parties commit themselves to promote the economic, legal and social protection of family life (art. 16) by such means as social and family benefits, financial support, provision of family placement, benefits for the newly married and other appropriate means.⁸

Bearing in mind that the social protection system is focused on the most vulnerable groups of society including victims of domestic violence and single mothers, it is important to mention the UN Convention on the Elimination of All Forms of Discrimination against Women of 1979 (CEDAW). The convention stipulates the obligations for States parties in order to ensure the protection of women against violence through

3 The International Covenant on Economic, Social and Cultural Rights, article 9 i 10, part 2 and article 11, paragraph 1 and 2.

4 The International Covenant on Economic, Social and Cultural Rights, article 16, paragraph 1 and 2.

5 The law was published in the "Official Gazette of Montenegro - International Treaties", no. 6/2013 from 24 July, 2013.

6 Press release on the occasion of signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by Montenegro Human Rights Action. Available at: <http://www.hraccion.org/?p=257>

7 The Charter of Fundamental Rights of the European Union, Journal Officiel del' Union européenne, 301/1 from 14 December, 2007, article 34, paragraph 3.

8 Izmijenjena Evropska socijalna povelja, članovi 16, 17 i 30.



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affirmative actions and programs without delay - which means that this obligation of the state can not be put off by the justification of the difficult economic situation in the country. One of the key measures that states oblige is that the steps undertaken in accordance with this chapter are aimed at the empowerment and economic independence of women victims of violence. In the area of "General Support Services" it states:

1. The States shall take the necessary legislative or other measures to ensure that victims have access to services that enable their recovery from violence. These measures should include, when necessary, services such as: legal and psychological counseling, financial assistance, housing, education, training and assistance in employment.⁹

Besides the victims of violence and single parents, many international declarations, as a special target group, identify children and persons with disabilities.

The Convention on the Rights of the Child¹⁰ includes universal standards that States Parties must guarantee to every child. This is the first document in which the child is being referred as a subject with the rights and not just as a person to be protected. In contrast to the Declaration on the Rights of the Child (1959) which has moral force, the Convention on the Rights of the Child is a legal act such as law and it obliges signatories to abide its provisions, so it also includes the right to monitor its implementation in States that have adopted and ratified it.

The United Nations Convention on the Rights of Persons with Disabilities,¹¹ which Montenegro has ratified¹² in 2009, in the area "An adequate standard of living and social protection" recognizes the right to an adequate standard of living for persons with disabilities and their families, including adequate food, clothing, housing, as well as the right to the continuous improvement of living conditions. States that have adopted this convention are obliged to take appropriate steps to ensure and promote the realization of these rights without discrimination on grounds of disability. Also, they commit to take appropriate steps to ensure and promote measures that provide an access to social protection and poverty reduction programs to persons with disabilities, especially women, girls and elderly persons with disabilities. The States Parties also commit themselves to provide an access to the state aid to the persons with disabilities and their families who live in the poverty line, in order to cover the costs related to disability, including adequate training, counseling, financial assistance and institutions for temporary accommodation, as well as an access to the publicly funded housing programs.

9 UN Convention on the Elimination of All Forms of Discrimination against Women of 1979 (CEDAW), article 20.

10 The Convention on the Rights of the Child was adopted by the UN General Assembly on 20 November 1989. This is to this day the world's most ratified human rights document.

11 The United Nations Convention on the Rights of Persons with Disabilities was adopted on 13 December 2006, article 28.

12 The Law on ratification of the UN Convention on the Rights of Persons with Disabilities with the optional protocol, "Official Gazette of Montenegro", no. 02/09 from 27 July, 2009.



3. LEGAL, INSTITUTIONAL AND POLICY FRAMEWORK

3.1. LEGAL FRAMEWORK

In the broadest sense, social protection to Montenegrin citizens is guaranteed by the Constitution of Montenegro, where it is stated that the state shall provide material security to the person who is unable to work and are without means of livelihood.¹³

The greater part of the social protection system is generally codified with the Law on Social and Child Protection¹⁴, which is legally characterized by focus on assistance, protection and empowerment of vulnerable groups of society that can be found in the special zone of influence of social risks. Vulnerable groups that are protected by this law are children, adults and the elderly, pregnant women and single parents in social need.

The basic material support regulated by this law is: the right to material support; personal disability benefit; allowance for care and assistance; health protection; funeral expenses; one-time financial assistance; fee for the newborn child; the right to financial support; personal disability benefit; allowance for care and assistance; health protection; funeral expenses; one-time financial assistance; benefit for the newborn child; allowance for children; food costs in preschool institutions; assistance for upbringing and education of children and youth with special educational needs; reimbursement of wage and salary compensation for maternity or parental leave; fees based on the child's birth; reimbursement of wage and compensation for salary with half work hours.¹⁵

State, pursuant to its capabilities, can provide other material support, and more detailed conditions for exercising these rights will be prescribed by the competent government authority.

The right to the material family support has a person unable to work or able to work, providing that he/she is: pregnant women, single parent, parent who support the child or the parent exercising prolonged parental rights, a person who has completed his/her education through educational programs with adjusted implementation and additional professional assistance or special educational program, a person after the age of 18 if in full-time education until the end of the period prescribed for such education, child without parental care or a person who was a child without parental care, until being recruited on period longer than six months.¹⁶

¹³ The Constitution of Montenegro, "Official Gazette of Montenegro", no. 1/2007, article 67.

¹⁴ Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013.

¹⁵ Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, article 40.

¹⁶ Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, article 21.



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The law defines the basis for the material support, ie. conditions for exercising the rights to material family support, incomes that are not considered as incomes in the process of providing material family support, ability to sustain, determining the right to material support through direct contact, the cessation of right to material support, rights and duties related to employment of users who are able to work, the duration of the material support, a contract of lifetime alimony, the amount of material support.¹⁷ At the same time, the Law defines conditions for exercising the rights and amounts of the disability allowance, allowance for care and assistance, funeral expenses.¹⁸ The Center for Social Work determines the amount of one-time financial assistance, depending on the needs of the individual, ie. family and financial capabilities of the country.¹⁹

In practice several conditions, which are listed as the basis for exercising the right on material support, have been contentious. Article 22 of the Law on Social and Child Protection stipulates that, in order to exercise the right to material family support, an individual or family must not: own or use agricultural land and Industrial forests in a specific area²⁰; own a motor vehicle, other than a motor vehicle that is used to transport the individual or family member, user of allowance for care and assistance.

Exercising the right to child allowance is provided for the up to three children in the socially vulnerable families, who have the right to material support, as prescribed in article 42 of the Law on Social and Child Protection.

The measure of a limited duration the material support, prescribed in article 29 of the Law on Social and Child Protection, states that parents who are supporting the child and who are able to work, have the right on material support for up to nine months in a year, if they meet the conditions stipulated by this law, except when the child is a user of an allowance for care and assistance.

In accordance with the Law on Social and Child Protection, The rulebook on detailed conditions for exercising the material support in the area of social and child protection²¹ was adopted. The rulebook contains all the necessary forms and requests for exercising the right on material support, as well as the content and form of findings and opinions of the Centre for Social Work.

In accordance with the Law, the amount of social support is adjusted twice a year (1st January and 1st July of the current year), with the movement of costs of living and average wages of employees in the territory of Montenegro. The rights under this law may exercise a citizen of Montenegro residing in the territory of the country and also the person who has the status of a foreigner with temporary residence permit or permanent residence in the country, in accordance with the special law.

In mid-2015 there has been amendments to the Law on Social and Child Protection²², which prescribed in Article 39a "compensation for parent or guardian-carer of the person who is recipient of a personal disability benefit, regardless of employment and pension status" in the amount of 193.00 euros per month. The parent or guardian-carer, who nurtures and cares for two or more children with disabilities and developmental difficulties, of which at least one person is a user of a personal disability benefit or someone else's care and assistance of another person benefit, regardless of employment and pension status of a parent or guardian-carer, is entitled to compensation for each person individually.

With the same amendment to the Law on Social and Child Protection, "birth compensation for three or more children" has been introduced. In respect of this right, the woman who gave birth to three or more children is entitled to a lifetime monthly compensation in the amount of 70% of the average net salary in Montenegro earned in the year preceding the year when it was possible to exercise that right. This right acquires the woman who has given birth to three children and has completed at least 25 years of work service, ie. woman who has given birth to four or more children and has completed at least 15 years of work service. This right can not be used at the time of duration of employment relationship and excludes the possibility of simultaneous use of pension rights. During the use of this compensation beneficiaries are entitled to health insurance.

17 Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, articles 22-31.

18 Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, articles 32-36.

19 Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, article 37.

20 Article 22, point 5 stipulates the size of agricultural land and Industrial forests by the number of persons they can not own as a condition to exercise the right on material family support, as follows: 20 acres for an individual, 30 acres for a family with two members, 40 acres for a family of three members, 50 acres for a family of four members, 60 acres for a family of five or more members, or that do not own or do not use another land in area of over 2 hectares.

21 Published in the "Official Gazette of Montenegro", no. 40 /13.

22 Amendments are published in the "Official Gazette of Montenegro", no. 42/2015 from 2 July, 2015



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The woman who gave birth to three or more children and is registered with the Employment Agency for at least 15 years, also, has the right to lifelong monthly compensation in the amount of 40% of the average net salary in Montenegro earned in the year preceding the year when it was possible to exercise that right.²³

This law shall apply from January 1, 2016. Accordingly to emerged legislative amendments, and in accordance with the Law on Social and Child Protection, Ministry of Labour and Social Welfare adopted the Rulebook on amendments to the Rulebook on detailed conditions for exercising material support in the area of social and child protection.²⁴

The Rulebook on detailed conditions for exercising material support in the area of social and child protection contains amendments that define terms and forms of exercising and ways of providing compensation to the parent or guardian-carer of the person who is recipient of a personal disability benefit (form Z- NRS) and compensation arising from the birth of three or more children (form Z- NŽ).

Among the forms of material compensation there is also the reimbursement of elderly households, farmers who have spent a lifetime dealing with agriculture, but did not receive any income or pension or any other material support regulated by the Law on Agriculture and Rural Development. In mid-2015, the Law on Amendments to the Law on Agriculture and Rural Development²⁵, elderly benefits is determined by the amount of 50 percent of the lowest pension in Montenegro. In that way, elderly benefits will be paid in the amount of 50.20 euros on a monthly basis (pre-alignment of this benefit was conducted in 2009 in the amount of 40 euros).

According to the Law on Protection from Domestic Violence, social protection of victims includes tangible and intangible assistance, housing and social services, in accordance with the law governing social and child protection.²⁶

Material family support is also regulated by the Law on War and Disability Protection.²⁷ The rights under this law are: personal disability allowance, allowance for care and assistance by another person, orthopedic allowance, family disability benefit and increased family disability benefit, financial compensation of material support, family allowance, orthopedic and other aids, spa and climatic treatment, free and privileged driving and funeral expenses.

Local level:

According to the Law on Social and Child Protection²⁸ and the Law on Local Self-Government²⁹, Municipal Assembly may decide on the forms of social and child protection, in the amount and scope depending on the budget at their disposal, ie. the amount of funds allocated for this purpose. Consequently, local administration can provide material support such as one-time assistance, subsidies in payment of utility services provided by public enterprises established by the municipality, aid for newborn babies and support for the purchase of school supplies and other material support. Types of material supports, detailed conditions, manner and procedure for exercising the rights are prescribed by the competent authority of the municipality.

3.2. INSTITUTIONAL FRAMEWORK

The social protection system is managed by the Ministry of Labour and Social Welfare. Within this Ministry, the Directorate of Social Welfare and Child Protection is in charge for social services, and inside are three departments: the Directorate for Social and Child Protection and Control, Directorate for Protection of the groups at risk and the Directorate for development of services.

The key authority of the Ministry, when it comes to material benefits, is the Directorate for social and child protection and control, which performs tasks related to: cooperation with local governments and civil society organizations, exercising the right to material family support, placement in another family, help with upbringing and education of children and youth with special needs, conducting proceedings on eligibility for carrying out activities of public and private institutions in this area, working in the area of analytics, planning and reporting on financial flows in the area of social and child protection.

²³ Law on amendments to the Law on social and child protection, "Official Gazette of Montenegro", no. 42/2015, article 3 and 4.

²⁴ Published in the "Official Gazette of Montenegro", no. 068/15 from December 8, 2015

²⁵ Law on Agriculture and Rural Development, "Official Gazette of Montenegro", no. 1/2015.

²⁶ Report of the Ministry of Labour and Social Welfare for 2014, p. 78.

²⁷ Law on War and Disability Protection, "Official Gazette of Republic of Montenegro", no. br. 69/2003 from December 25, 2003

²⁸ Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, article 124, paragraph 1 and 4.

²⁹ Law on Local Self-Government, "Official Gazette Republic of Montenegro", no. 42/03, 28/04, 75/05 and 13/06, and "Official Gazette of Montenegro", no. 88/09, 03/10, 73/10, 38/12 and 10/14, article 32, paragraph 1, point 16.



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Bearing in mind that the material support are intended for particularly vulnerable groups in society, we can say that the responsibility of the Directorate for the Protection of groups at risk are closely related with exercising the right to material support. This directorate: monitors conditions in the area of protection of children without parental care and abused and neglected children, persons with disabilities and children with disabilities and difficulties in development, children with behavior disorders, the elderly, refugees and displaced persons and Roma and Egyptians, child trafficking and human trafficking, substance abuse, keeps records of potential adoptive parents and children eligible for adoption, performs programming and monitoring priorities/measures that are related to social inclusion, collaborates with people with disabilities and the local authorities.

All three departments prepare regulations and other documents, analyzes, information, reports and expert opinions regarding the status and application of the regulations in this area.

Since 2015, the Institute for Social and Child Protection has started with work, whose role is to carry out developmental, advisory, research and other professional activities in social and child protection.

Centres for Social Work are the central institutions of the social security system, and, as a public institutions under the jurisdiction of the Ministry's Labour and Social Welfare, they participate in exercising and deciding on the rights of social and child protection, in accordance with the law. Center for Social Work: performs assessment of situation, needs, strengths and risks of users and other persons important for the user, assessment of eligibility guardians, foster parents and adoptive parents, prepares and monitors individual service plans, deals with cases in the first instance on the requirements for exercising the right to social and child protection, undertakes measures, initiates and participates in judicial and other proceedings, keeps records and takes care of keeping user documentation, performs other tasks in accordance with law.³⁰

Local self-government, in accordance with its responsibilities and opportunities, participates in providing conditions and improvement of activities including both social and child protection. These tasks it carries out through the establishment of special organizational units or local administration called secretariats.

Each municipality in Montenegro has a secretariat that deals with issues of social and child protection, and those secretariats are:

- » Secretariat for Administration and Social Affairs - in the municipalities of Tivat, Bar, Bijelo Polje, Berane, Plav;
- » Secretariat for culture, sport and social activities - in the municipalities of Kotor, Rožaje;
- » The Secretariat for Social Affairs - in the municipalities of Herceg Novi, Budva, Pljevlja;
- » The Secretariat for Social Policy and Youth - Cetinje,
- » Secretariat for Social Welfare - Podgorica,
- » Secretariat for Culture, Sports and Social Welfare - Niksic.

3.3. STRATEGIC FRAMEWORK FOR IMPROVING MATERIAL FAMILY SUPPORT

3.3.1. National level

The concept of social protection services in the normative framework of Montenegro was first mentioned in the Strategy for development of social and child protection for the period 2008-2012.³¹ "Focusing on the development of support services for vulnerable groups on the principles of decentralization and responsible governance at local community level" is one of the basic approaches when developing the strategy. Thus, over the time, material support pointed out as one of the forms of services for social protection of individuals and families.

Today this type of service has been recognized in the Strategy for Development of Social and Child Protection 2013-2017, the Strategy for Development of foster care in Montenegro 2012-2016, the Strategy for the Integration of Persons with Disabilities 2008-2016, the Strategy for Development of Social Protection of Elderly 2008-2012, the Strategy for protection from domestic violence 2011-2015.

In all these strategies, it is assumed that one of the main directions of development of social and child protection is transition from centralized

³⁰ Law on social and child protection, "Official Gazette of Montenegro", no. 27/2013, article 114.

³¹ Strategy for development of social and child protection for the period 2008-2012, Ministry of Labour and Social Welfare, 2008.



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system and institutional forms of protection to models of material assistance and services that support life in the community, that will be managed at the local level. Strategies advocate more efficient provision of material support in the social and child protection, so that users achieve the minimum standard of living and in order to encourage them to terminate the state of social exclusion with measures of support and assistance.

Strategy for Development of social and child protection for the period 2008-2012 was the basis for the project "Reform of the system of social protection: Enhancing Social Inclusion" which has been implemented by the European Union funds (IPA 2010). Within this project, among other things, the new Law on Social and Child Protection was adopted, which is harmonized with international standards, as well as the Strategy for development of Social and Child Protection 2013-2017. Institute for Social and Child Protection was established, which will play an important role in the improvement and professionalization of social and child protection system.

One of the key objectives of the Strategy for Development of Social and Child Protection 2013-2017³² is more efficient provision of material support, and the efficiency of this support is reflected in:

1. extent of provision of a minimum standard of living for users that, due to limitations and social barriers, can not afford means for life, nor their narrower or wider family could help them in this matter;
2. extent of focusing on those users who meet the requirements for exercising the right;
3. the level of awareness of citizens about their rights;
4. the simplicity of administrative procedures;
5. the existence of databases that are crosslinked with other systems;
6. extent of capability to overcome the current unfavorable situation of the user or his/her family.³³

Namely, in the Action Plan for the implementation of the Strategy for development of social and child protection in Montenegro for the period 2013-2014, the measures and activities are planned in order to: improve the protection of citizens who need appropriate form of social and child protection, identify user needs and strategic, intersystem coherent planning of services at various levels, develop services that support life in the community, introduce quality systems in the social and child protection. However, only six actions that should lead to the improvement of the position of material family support users is enumerated. One of these activities is making the abovementioned Rulebook in order to exercise the right to material support in the area of child protection, while the other activity includes reviewing and improving amounts in the system material support.

Active development of the system for informing the public about the rights of social and child protection is also mentioned, which would aim to inform citizens about the possibility of exercising the rights and the availability of rights of social and child protection. Simplification of procedures and administration for exercising the rights from social and child protection is the next activity, which aims at rapid and effective procedures upon the request for obtaining material support. Also, the program to develop activation measures for inclusion in employment programs and involvement of users of material family support who are able to work, is planned. This would have a direct impact on fulfilling the purpose material support, which is permanent and long-term exiting of social crisis.

Making of social welfare information system ("social card") is an activity that is implemented and that proved to be very useful institute of a system of social benefits, because users are being monitored from several aspects of social life.

It is necessary to state that, in this action plan, activities related to the adoption of various rulebooks are listed, and among them the Rulebook on detailed conditions for exercising the material support in the area of social and child protection. It prescribes detailed conditions for exercising material support from social and child protection, application forms for exercising this support, as well as the content and form of findings and opinions of the Centre for Social Work.

Strategy for the Development of foster care 2012-2016³⁴, in Montenegro, has planned the reform of the system of protection of children without parental care and development of foster care as a less restrictive forms of protection. Making of Rulebook on foster care was envisaged as one of the measures and activities for the implementation of the above mentioned reforms. Rulebook shall closely regulate this area and

³² Strategy for Development of Social and Child Protection 2013-2017, Ministry of Labour and Social Welfare, 2013.

³³ Strategy for Development of Social and Child Protection 2013-2017, Ministry of Labour and Social Welfare, 2013.

³⁴ Strategy for the Development of foster care 2012-2016, Ministry of Labour and Social Welfare, Podgorica, 2012.



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facilitate the work of professionals, foster parents and ensure the quality of the protection of children in foster care. Technical assistance to foster families, which includes, among other things, material support to users and service providers, is envisaged in the Rulebook on detailed conditions for the provision and use of services of family placement-foster care and family placement.

Strategy for the Integration of Persons with Disabilities 2008-2016³⁵ in Montenegro covers the area of social protection, which, among other things, includes the right on material support of individuals and families. The users of material support which, due to physical, mental disability, age or lasting health change, need constant care and assistance in the fulfillment of their basic needs, have the right to care and assistance of another person. The right to care and assistance of another person can exercise the person under the condition that this right has not been exercised on any other basis.³⁶ In addition to the main right from the system of material support (the right to material family support), persons with disabilities can use other kinds of material (monetary) benefits, regardless of whether they are beneficiaries of the material family support, and these are : personal disability benefit and allowance for care and assistance.

Draft Strategy for Development of Social Protection of the Elderly 2013-2016.³⁷ The proposal of this strategy envisages the development of integrated social protection of the elderly to maintain or enhance their quality of life through many concrete measures, in order to improve the awareness and willingness of decision-makers and other important stakeholders in the life of the elderly. It envisages measures for stimulating active participation in policy-making regarding the position of the elderly, then the special protection of the poorest elderly citizens through continuous development of the necessary regulatory conditions and forms of support for the poor elderly and senior citizens, in order to reduce the effect of poverty on the quality of life of the elderly. This strategy draft has not yet been voted, and previous strategy covered the period until 2012, which means that there is no strategy that refers to the improvement of position of the elderly. Previous Strategy for Development of Social Protection of the Elderly³⁸ has clearly recognized the need to improve the protection of the elderly, which can be done with more efficient and economical coverage of these persons with various programs and services of the social welfare system, that should be enough to support the most vulnerable individuals and groups of elderly. In this respect, it is necessary to determine and provide the minimum existential livelihood and to establish a more efficient and economical system of material support for all poor elderly. The condition for the improvement of protection of the poorest elderly is to redefine the poverty line and regularly adjusts the level of social benefits with an increase in costs of living.³⁹

Strategy for Protection from Domestic Violence 2016-2020⁴⁰ as one of the key objectives cited "the improved system of institutional protection from domestic violence", but the material support as such have not been defined in action plan, regardless that the Law on Protection from Domestic Violence stipulates that social protection of victims includes material and immaterial assistance, housing and social services, in accordance with the law governing social and child protection.⁴¹ At the same time, the Law on Social and Child Protection states that victims of domestic violence, whether children or adults or elderly shall be particularly protected in order to improve the general quality of life and help these persons towards the path of starting an independent life, which, among the other things, includes material support that is regulated with this Law.

Strategy for permanently resolving the issue of refugees and internally displaced persons in Montenegro with special emphasis on Konik⁴² and Integrated Action Plan for the implementation of the Strategy for permanently resolving the issue of refugees and internally displaced persons in Montenegro with special emphasis on Konik.⁴³ The Strategy envisages that the internally displaced persons and displaced persons will have the same rights as the citizens of Montenegro in exercising the rights from the social benefits system. In order to fulfill these rights, displaced persons from the former Yugoslav Republic prove their status with confirmation from the Ministry of Interior - Office for Asylum and internally displaced persons from Kosovo with confirmation from the Office for Refugees. However, there are still obstacles for these persons in exercising the rights related to the social and child protection. They relate mainly to the possibility of obtaining the documents

35 Strategy for the Integration of Persons with Disabilities 2008-2016, Ministry of Labour and Social Welfare, Podgorica, 2008.

36 Strategy for the Integration of Persons with Disabilities in Montenegro, p. 21.

37 Draft Strategy for Development of Social Protection of the Elderly 2013-2016, Ministry of Labour and Social Welfare, 2013.

38 Strategy for Development of Social Protection of the Elderly 2008-2012, Ministry of Labour and Social Welfare, Podgorica, 2007.

39 Strategy for Development of Social Protection of the Elderly 2008-2012, p. 11.

40 Strategy for Protection from Domestic Violence 2016-2020. godine, Ministry of Labour and Social Welfare, Podgorica, 2015.

41 Report on the work of the Ministry of Labour and Social Welfare in 2014, p. 78.

42 Strategy for permanently resolving the issue of refugees and internally displaced persons in Montenegro with special emphasis on Konik, Ministry of Labour and Social Welfare, 2011.

43 Integrated Action Plan for the implementation of the Strategy for permanently resolving the issue of refugees and internally displaced persons in Montenegro with special emphasis on Konik, Ministry of Labour and Social Welfare, 2014.



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supporting their requests⁴⁴, due to financial difficulties, administrative barriers and health reasons. For this purpose, the action plan projected the preparation of operational guidelines for the application of the Rulebook on detailed conditions for exercising the material support in the area of social and child protection by the end of 2014, whose aim is to remove barriers regarding the realization of social protection rights of internally displaced and displaced persons. Operational guidance for the application of the Rulebook on detailed conditions for exercising the material support in the area of social and child protection has not yet been adopted.

The strategy for reducing poverty and social exclusion has expired in 2012 and was never innovated. An adequate assessment of its impact has not been done, nor the new measures for the future have been provided. Strategy was replaced with a numerous new strategic documents in the field of social and child protection, the rights of persons with disabilities, rights of refugees, health, employment, etc. However, the measures that treated economically and socially most vulnerable groups of the population throughout this document have not given satisfactory results.

3.3.2. Local level

In cooperation with the Union of Municipalities of Montenegro, local governments have drafted the Guidelines on the unique treatment in the process of development, adoption and implementation of local service plans. Local plan for the development of services include: detailed analysis of the situation in the local community, a review of relevant policy documents, a review of key institutions and organizations dealing with social protection, the identified key issues in the field of social inclusion, including the barriers different vulnerable groups encounter and an action plan with defined outcomes, timeframe, performance indicators and sources of funding, as well as the communication plan. Local plan, among other things, provides a detailed analysis of the situation and the needs of the community with social services and child protection, description of institutions providing social services at the local level in order to meet the needs of vulnerable groups.

Local plans for promotion of social inclusion - development of social protection services, are serving local stakeholders to properly plan development and funding of local social services for all identified vulnerable groups (the elderly, persons with disabilities, victims of abuse, neglect and domestic violence, children without parental care, children with disabilities i difficulties in development, etc.).⁴⁵

⁴⁴ Strategy for permanently resolving the issue of refugees and internally displaced persons in Montenegro with special emphasis on Konik, Ministry of Labour and Social Welfare, 2011.

⁴⁵ The report on the implementation of the action plan for the implementation of Strategy for development of social and child protection in Montenegro 2013-2017 for 2013.



4. PROBLEM ANALYSIS

4.1. CHARACTERISTICS OF POVERTY IN MONTENEGRO

Poverty has many definitions, but from each one it can be concluded that it is a multi-dimensional phenomenon that requires a synergistic approach. The causes of poverty are numerous and so are the consequences. In the shortest possible, poverty denies the right to a dignified life, prevents access to opportunities, basic necessities of life, but also to a quality health care, education, an impact on decision-making.

According to the United Nations⁴⁶, the poverty is the inability to obtain opportunities and lack of choice, as well as the violation of human dignity. It implies lack of basic capacity to effectively participate in the society. It means not enough resources to feed or dress a family, lack of education or health institution to go to, not to have land on which you could grow a food, not having a job that will earn funds to cover basic expenses, not to have the possibility of lending. It means insecurity, powerlessness, exclusion of individuals, households and communities. It means submission to violence and often involves living in marginal or sensitive areas, without access to clean water and sanitation.

The poverty line or the poverty threshold is the lowest level of income people can live with in their country. National absolute poverty line⁴⁷ (in euros per month, per equivalent adult) in Montenegro amounted 186.45 euros⁴⁸. It is therefore not surprising that the majority of citizens of Montenegro believe that social benefits do not provide the minimum existence, which will be discussed in the chapters that follow. According to the latest available data, a minimum of every twelfth citizen of Montenegro lives below the poverty line.

The data of the Statistical Office of Montenegro⁴⁹ indicate that the education of the household head significantly affects the status of poverty. The biggest poverty rate have households whose head is a person who has not completed primary school 25,9%. Although in such households 8,3% of the total population is living, 25,0% of them in these households are poor people. The research, that Juventas and SOS Podgorica had conducted among the general

46 Available at: <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/poverty/>

47 Available at: <http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/poverty/>

48 Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.

49 Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.



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population, has shown that 44% of those who did not complete elementary or high school, had left school due to financial reasons.⁵⁰ The poverty itself makes it impossible to get out of poverty.

The data of the Statistical Office of Montenegro⁵¹ indicate that the household size also has affects on poverty. Families with five or more members are more exposed to poverty. However, only three children from poor families are entitled to child benefit. Most adult citizens of Montenegro do not agree with this kind of solution, according to data from research of Juventas and SOS Podgorica.

The Statistical Office of Montenegro⁵² indicates that poverty is strongly associated with the status of the labor market. The greatest risk of poverty have persons who are unemployed and children up to 15 years. Activity status of the household head influences the risk of poverty of all household members. The importance of the activity status of the household head on living standards is confirmed by structure of the poor observed according to this criterion. In 2013, 29.9% of the poor lived in households whose head was pensioner, 31.6% lived in households whose head was unemployed person, while in households whose head was other inactive persons lived 2.0% of the poor.⁵³

The last statistical yearbook of the Statistical Office of Montenegro⁵⁴ has shown that in 2013 Montenegro had 620 thousand inhabitants, 202 thousand employed and 49 thousand unemployed and 250.3 inactive population older than 15 years. Data on the number of unemployed in Montenegro, published regularly by the Employment Agency, indicate an increase in unemployment rate at the beginning of 2016. The high share of long-term unemployed persons, persons residing in the north and youth is noticeable. One of the characteristics of the labor market are also differences in employability in relation to sex.

The Statistical Office of Montenegro⁵⁵ further indicates that there is a significant difference in the extent of poverty among the south region and other parts of the country. The poverty rate in the northern region in 2013 amounted 10.3%. In that region 25.0% of the total population of Montenegro lives, but 30.1% of all the poor. The poverty rate in the central region is 10.3%, and 3.8% in the south.

Table 1 : Assessments of poverty by geographic region, 2013

Region	Poverty rate	The relative risk of poverty	Proportion of the poor	Proportion of the total population
North	10.3%	1.20	30.1%	25.0%
Central	10.3%	1.20	58.1%	48.3%
South	3.8%	0.44	11.8%	26.6%

Source: Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.

The Statistical Office of Montenegro⁵⁶ also indicates that regular earnings protect households from poverty, however, the black economy is present especially among the younger population, among which there is the highest unemployment rate, as shown in the public opinion survey that has been conducted in June 2015 by Juventas and SOS. Unregistered work is often the only option available to those who decide to take unsafe engagement, without proper contracts.

4.2. MATERIAL BENEFITS AS AN INDICATOR OF POVERTY

The absolute poverty line for Montenegro in 2013 amounted € 186.45 per equivalent adult, which is about 4 € more than in 2012. In 2013, 8.6% of the population had equivalent consumption below the absolute poverty line.

Even when integrate the various forms of material benefits, social assistance in Montenegro that receives, for example, a family of four with two children, is below the absolute poverty line for a single person and covers only 18 percent of the amount of the minimum consumer basket for four people of 807 euros (value from September 2015). Personal disability benefit and financial compensation for unemployed are

⁵⁰ NGO Juventas and SOS Hotline for Women, a representative survey of 1,034 adult respondents, CATI method, June 2015.

⁵¹ Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.

⁵² Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.

⁵³ Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.

⁵⁴ Statistical Yearbook 2014, the Statistical Office of Montenegro, Podgorica, December 2014.

⁵⁵ Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.

⁵⁶ Analysis of poverty in Montenegro in 2013, the Statistical Office of Montenegro, Podgorica, december 2014.



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also below the absolute poverty line - personal disability benefit is 108.8 euro and accounts for 58 percent, and financial compensation for the unemployed is 77 euros and accounts for 41 percent of the amount that represents the absolute poverty line in Montenegro.⁵⁷

It should be noted that there is a strong regional dispersion of poverty especially clearly manifested between the northern and southern parts of Montenegro. Data of the Statistical Office of Montenegro indicates that the poverty rate in the north is almost three times higher than the rate of poverty in the southern region. According to data from 2013, the poverty rate in the north region was 10.3% or 31.1% of all poor. The poverty rate in the south region was 3.8%.⁵⁸ If we consider the coverage of the population with the material family support, as one of the important indicators of poverty, then the data of the Ministry of Labour and Social Affairs show that in northern municipalities is the coverage of 8.18% to 18.84%, while in the coastal municipalities the coverage is 1.53% to 3.24%.

4.3. AMOUNTS AND TYPES OF MATERIAL BENEFITS

Of all the material benefits, the Law on Social and Child Protection concentrates mainly on the measure of material family support by establishing the conditions for obtaining it, specifying the amount according to the number of family members, as well as the duration of the material family support and circumstances to which ceases the use of this right.

According to the data of the Ministry of Labour and Social Welfare, on social benefits was spent nearly five million euros for January 2015. The largest items indicate that for the beneficiaries of material support were allocated with 1,121,001 and for child allowance 355,730 euros. Beneficiaries of maternity leave were allocated with 1,305,632 euros and the people who use the allowance for care and assistance with 742,411 euros.

Bearing in mind the amount spent on material support, as one of the most represented measure of the social protection, it is easy to ignore the amount of the compensation for individual users.

The amount of the material family support that has no monthly income is: for the individual 64.27 euros; a family with two members 77.19 euros; family of three members 92.63 euros; family with four members 109.37 euros; family of five or more members 122.19 euros.⁵⁹ This means that the user of material family support, if lives alone can spend two euros and 14 cents a day. Two-member family every day by a member can spend 1 euro and 28 cents, family of three 1 euro and 1 cent, 90 cents a family of four and a family of five eighty cents.

The consumer basket in Montenegro in 2014 amounted average around 790 euros. In December 2015 it amounted 806.8 euros,⁶⁰ which automatically indicates that the amount of the material family support, regulated by the Law on Social and Child Welfare, is under all possible standards of conduct so-called normal life (provision of basic needs: food, clothing, accommodation, fees).

In addition to benefits in the area of the social security, there are other financial benefits in the social welfare system, such as: compensation for a person who was a child without parental care is 122.19 euros; personal disability allowance is 110.13 euros; allowance for care and assistance is 63.77 euros; funeral expenses are 318.95 euros.⁶¹

Regarding the amounts of financial benefits from child protection: the fee for the newborn child is 106.45 euros; allowance for children per month for child is: user of the material benefit 19.27 euros; user of allowance for care and assistance 25.93 euros; user of personal disability allowance 32.19 euros; without parental care 32.19 euros; a child whose parent, adoptive parent, guardian, foster parent is, as a user of material family support, established an employment on the basis of an agreement on active overcoming the unfavorable social situation, 19.27 euros;

57 Available at: http://www.monstat.org/userfiles/file/analiza%20siromastva/2013/ANALIZA%20SIROMA%C5%A0TVA%20U%20CRNOJ%20GORI%20U%202013_godini.pdf

58 Available at: www.monstat.org/userfiles/file/analiza%20siromastva/novembar/ANALIZA%20SIROMA%C2%8ATVA%20U%20CRNOJ%20GORI%20U%202011_godini%20PDF%20.pdf

59 Decision on the harmonization of the amount of the basis for exercising the right to social assistance and the amount of the financial benefits from the social and child welfare, No. 56-53 / 15-2 Podgorica, 24 July 2015.

60 Available at: <http://www.monstat.org/cg/page.php?id=193&pageid=73>

61 The value of material benefits is adjusted every six months (1 January and 1 July of the current year) with the movement of the costs of living and average wages of employees in the territory of Montenegro on the basis of statistical data for the previous half a percentage that represents the sum of a half of percentage of growth or decrease in the cost of living and a half of percent of growth, ie decline of wages.



the fee based on the birth of a child for a person who is registered with the Employment Agency of Montenegro and full-time student amounts to 64.27 euros a month.

Regarding the amount of basic material benefits, one should bear in mind the fact that families receiving financial support are entitled to exercise other material benefits and services of social and child protection. These are: free stay for children of preschool age in preschool institution in the average monthly amount of 40.00 €, the use of summer and winter vacations for children in the amount at € 105.00 per child (all together for summer and winter vacations for two children in the amount of € 420.00), health care, funeral expenses for a family member and one-time financial assistance. Children of the material benefit users, who are primary and secondary school age, are entitled on free purchase of textbooks. Also above mentioned families are entitled to a 40% subsidy of monthly bills for electricity, according to the program of the Government of Montenegro.

4.4. HARMONISATION OF MATERIAL BENEFITS

Although the strategy of the Government prescribed measures to review and improve the amount of the system of financial benefits, the adoption of the new Law on Social and Child Protection introduced a mechanism for harmonisation of this amount, which is done every six months (1 January and 1 July of the current year). Harmonisation is performed with the movement of the costs of living and average wages of employees in the territory of Montenegro, on the basis of statistical data for the previous six months in the percentage that represents the sum of half of percentage of growth, ie. decline in the costs of living and a half of percent of growth, ie decline of wages. This denied the opportunity for semi-annual review of financial benefits of the competent authority, because the amount depends on the movement of the costs of living and average earnings. This method of harmonization and accounting resulted in minor changes in amounts of financial benefits in the past three years. From the above mentioned it follows that the amount of financial benefits does not change significantly and that there is the slight increase, due to the law that binds the amount of financial benefits for the consumer basket. While previously legal solution enabled the increase of the amount of social benefits up to 5% per year, this legal solution will not enable the same amount increase even for another 10 years.

Table 2. Harmonisation of material benefits in the past three years for families who have no income

	2013. ⁶²	2014. ⁶³	2015. ⁶⁴
Single-member family	64.10 €	63.70 €	64.27 €
Family with two members	77 €	76.50 €	77.19 €
Family with three members	92.40 €	91.80 €	92.63 €
Family with four members	109.10 €	108.40 €	109.37 €
Family with five members	121.90 €	121.10 €	122.19 €

From the table, it is easy to conclude that the increase of material benefits in 2015 ranged from an average of 80 cents, except that in 2014 the same percentage came to reduction of material benefits in relation to 2013. It is unnecessary to comment on the degree of realization of one of the key objectives of the Strategy for Development of Social and Child Welfare - improvement of the value of material benefits from the standpoint of satisfying basic needs. Based on the current data, it is unlikely to accept the reports of the Government stating that in this period the Law on social and child protection improved the area of the material benefits, as well as the area of services of social and child protection.⁶⁵

⁶² Report on the work and situation in administrative areas within the jurisdiction of the Ministry of Labour and Social Welfare for 2013, the Government of Montenegro, Ministry of Labour and Social Welfare, March 2014, p. 50th.

⁶³ Report on the implementation of the action plan for the implementation of the Strategy for Development of Social and Child Protection in Montenegro 2013-2017 for 2014, the Government of Montenegro, Ministry of Labour and Social Welfare, p. 6th.

⁶⁴ Decision on the harmonization of the amount of the basis for exercising the right to social assistance and the amount of the financial benefits from the social and child welfare, No. 56-53 / 15-2 Podgorica, 24 July 2015.

⁶⁵ Report on the implementation of the action plan for the implementation of the Strategy for Development of Social and Child Protection in Montenegro 2013-2017 for 2013.



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4.5. FOCUS ON BENEFICIARIES THAT COMPLY WITH THE ELIGIBILITY CONDITIONS FOR FMS (FAMILY MATERIAL SUPPORT)

So far, the Government of Montenegro has recognised that the material supports in the system of social and child welfare were inadequately allocated towards the beneficiaries that comply with the eligibility conditions for FMS. This is the reason why the Strategy emphasised a particular objective aimed at a promotion of welfare of those citizens that are in need of an adequate form of social welfare using certain measures, such as the development of the analysis on citizens' needs for services in social and child protection in all municipalities⁶⁶.

The creation of database named "social card - Social Welfare Information System (SWIS)," which represents the backbone of the process of reform of social care and which the Government was developing in cooperation with the United Nations Development Programme, is of particular importance for the efficiency of financial support. The Information System covers the entire business process in the centres: cases management, social transfers/compensation requests, processing, approvals, supervision and audit (on average 70 € million per year only for compensations), calculation, payments, new record-keeping system, improved supervision and administration, reporting and last, but not the least – the system produces real-time data in order to create evidence-based policies.

Furthermore, the model of interoperability makes the social work centres one-stop shops where all data for determining eligibility for social assistance are available, and where the system generates so-called e-social cards (property, social and working status), which are social profiles of individuals/families. The system supports the interoperability of 8 national institutions: Pension and Disability Insurance Fund, Employment Agency, Real Estate Administration, Tax Administration, Ministry of Interior (central register of citizens and vehicles), Ministry of Education and Veterinarian Administration.

Therefore, the system provides a better insight into identities of the beneficiaries, filters out those who do not comply with the eligibility conditions, enables a monthly audit of social support, decreases the number of beneficiaries of multiple supports and saves on the administrative costs. The procedure of usage of these cards was started in all social work centres in Montenegro in January 2015.

4.6. THE SCOPE OF BENEFICIARIES

During the preparation of social cards in 2014, an audit of all 35,000 cases in Montenegro was performed. After that, new decisions regarding 32.4 thousand cases were made, where 3.19 thousands were abolished. Most of the decisions were made in Rozaje – 1.06 thousands, 594 in Podgorica, 274 in Bijelo Polje. Of the overall number in Rozaje, 730 decisions were abolished regarding family material support, while 268 in Podgorica, and 200 in Bijelo Polje.⁶⁷

In January 2014, 13,792 families benefited from the FMS, 1,247,104 € was allocated from the budget for that purpose. The same month of 2015, 12,214 families benefited from FMS, they were paid 1,111,821 €.

During the period of nine months in 2015, the Government of Montenegro saved 1,664,161 € on FMS in comparison to the same period in 2014. The comparative data for nine months in 2014 and in 2015 can be found on the website of the Ministry of Labour and Social Welfare, and according to them the number of the poorest families who were beneficiaries of FMS decreased for around 2,000 (around 3,700 persons), and the amount of financial resources on a monthly level for around 120,000 €. If we were to add the average for the remaining three months to the amount "saved", the yearly savings based on the decreased number of FMS beneficiaries amounts to more than two million euros.

Savings from the previous period gave financial room for expanding the financial support to those that were in actual need for it, as well as an opportunity to comply with the recommendation of the Committee for Economic, Social and Cultural Rights of the United Nations (UN) to increase the financial assistance. Contrarily, for a bit more than a year, almost a million euros planned for the social, martial and disability protection programme was redirected from the budget of Ministry of Labour and Social Welfare. Namely, the Government has, by the end of 2015, adopted a conclusion according to which the Ministry of Labour and Social Welfare was approved to reallocate 130,000 € from its purpose of short-term social aid to the Housing Commission of the Government for resolving housing issues of the employees in that

⁶⁶ Developed within the project "Enhancing Social Inclusion", conducted by UNDP CO Montenegro together with the Ministry of Labour and Social Welfare, Ministry of Education and UNICEF, supported by the European Union Delegation (EUD) via IPA 2010 funds, component 2, Social and Child Development Strategy in Montenegro 2013-2017.

⁶⁷ Statement of the Minister Predrag Boskovic, available at: http://www.monitor.co.me/index.php?option=com_content&view=article&id=5727:socijalni-karton-kaiicom-vlasti&catid=3974:broj-1266&Itemid=5258, January 23, 2015.



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Ministry. The adopted conclusion neither contains an explanation, nor is it accessible on the web pages of the Government and the Ministry, based on which the public would be informed on the reasons for such decision. The Ministry has, in September 2014, reallocated 400,000 € to the National Tourist Agency of Montenegro for the "programme of promotion and influence on touristic product", and by the end of January 2015 this department has, again, with the same aim, reallocated 400,000 € for the same purpose.⁶⁸

4.7. FOCUS ON BENEFICIARIES ELIGIBLE FOR FMS

With the last amendment of the Law the measures for allocation of FMS became stricter. Thanks to the existence of social cards it would be possible to allocate financial support in a more righteous manner, but due to the strict interpretation of the Law on Social Care it is also possible to leave certain categories out of the possibility to get desperately needed help.

For example, the Law defines the limited scope of a living space, number of acres of agricultural land, etc. Therefore, in practice, there are often situations where a person is denied a request for getting FMS due to possession of propriety that is bigger than it is prescribed by the Law, even though the person is unemployed and has no other income.

Also, in practice there are situations where according to the Law the right to FMS for families that own a car, no matter the age and the state of the car, and regardless of the number of children, or number of the elderly and/or sick persons in that family, and regardless of the distance of their households, they are denied financial support. There are also situations where a family that is a user of FMS, upon being gifted a decommissioned car, they no longer have the right to FMS.

Among other things, to obtain FMS for those who are eligible for employment but unemployed, there is a condition that states that the working relation must be abolished in order to get FMS by registering at the National Employment Agency, reporting whether they ever got severance pay, whether they refused an offered job, additional training, or requalification, etc.

Example 1.

B.B. 31 years old, single mom with two children (4 and 2 years old) after three months of sick leave due to her child's illness, was fired with the explanation that "the employer no longer has a legal possibility" to keep her at work and that he needed a worker, so she needed to be fired. She signed an Agreement to break the working contract, and as she had no resources for living she referred to the social work centre in order to get FMS. During the verification of her documentation it turned out that the Agreement on breaking the working contract contained an article 4 that stated that the contract was abolished according to the demand of the worker, which was reason enough to make B.B. not eligible for FMS. Namely, according to the Law on Social and Child Protection the party can be eligible for FMS, only 12 months after breaking the working contract upon their "own request". The employer refused to change the contract, disregarding the falseness of the allegations from the Article 4, with the justification that it was already submitted to the Tax Administration and the HR Service. B.B. has not started a procedure against the employer for his well-planned and conscious manipulation of her lack of knowledge of her own working rights, claiming that she would not achieve anything because it would be "her word against his".

Regardless of the Law and strategies acknowledge a single parent as endangered category that needs special attention when it comes to financial support, it is difficult to understand some of the decisions foreseen by the Law and bylaws.

Example 2.

Unemployed single mother without income and living conditions with one child has a right to financial support of 77.19 € and child allowance of 19.27 € making a total of 96.46 €. If the child is to put in foster home due to her inability to take care of the child, the compensation for family accommodation is around 200 €, and plus 30% of that amount is given to the person providing accommodation. The child has right to child allowance, which is 30 € per month, which makes 300 € per child.

⁶⁸ Report of Human Rights Action. Available at: <http://www.roditejli.me/blog/2015/10/28/preusmjerili-dio-socijalne-pomoci-za-rjesavanje-stambenih-pitanja-u-ministarstvu/>



4.8. LIMITED DURATION OF MATERIAL SUPPORT

Parents able to work, who are supporting a child, unless the child is a beneficiary of allowance for care and assistance, are provided with material support up to nine months in one year. After the expiry of the mentioned nine months, they are entitled to material support only after the expiration of three months from the date of termination of the right to material support if they meet the conditions provided by the Law.⁶⁹ This legal provision further complicates the situation of beneficiaries of material support, bearing in mind that the low material supports of nine months were not enough to overcome the adversities of everyday life, social exclusion and give the support for employment. Three months where the beneficiary does not receive financial support keeps them in a situation of social exclusion and pulls them further to the bottom of social stratification. The results of this are additional fear and insecurity of the beneficiary, in meeting basic needs and inventing strategies for fighting for bare survival. In practice, when they enter a period of interruption, the beneficiaries of material support are not able to use other subsidies, such as the possibility of obtaining free textbooks for children. Human Rights Action addressed this problem during the process of adopting the Law and asked for deletion of the Article defining the limited duration of the material support. The explanation of Human Rights Action is reported in its entirety:

The specified Article is unacceptable for at least a couple of reasons.

- a. Family material support is established as a basic financial aid of social care (Article 17). As a reminder; the condition for family application for the exercise of this right implies that they have no incomes which exceed the amount mentioned in Article 19, or that in their ownership they do not have immovable property, except those recognized by a legislator as sufficient for the realization of basic living conditions. Taking this into account, the conclusion is that families in which parents able to work, being unable to find employment, remain without any income and therefore they are unable to financially support their children.
- b. By depriving them of this type of income, families in this category do not have the possibility of obtaining any other support in accordance with the law. Even the exercise of the right to a child allowance (which under Article 44 is only 19 € per month per child), is conditioned by the realization of the right to family material support. Thus, by applying the Article 26, families of this category would be left to themselves without income, without the state obligation to provide them the minimum resources for survival. Particularly disturbing is the Article 26, bearing in mind that it clearly states that it refers to families who have the children.
- c. By limiting the duration of the material support for the working-age parents there is legislator's intention to ensure that the working age population will be further stimulated to seek an employment. However, Article 26 is too restrictive and prevents this kind of survival in the situation of unemployment, while on the other hand, the Law has already stipulated that the material support beneficiary is obliged to accept a job offered to him by the organization responsible for employment in accordance with the law that regulates the employment and insurance in the case of unemployment (Article 26, paragraph 2). We note that draft did not guarantee an employment within the period of 9 months for parents. "

Local level:

Local governments, in accordance with the financial possibilities, provide material support such as one-off aid, subsidies in payment of utility services provided by public enterprises founded by the municipality, reimbursement of the costs for student transportation, gift packages for new-borns, financial assistance for the purchase of books and school supplies, free holiday and recreation, and a free daily meal, that for the time being, is provided only by the municipality of Podgorica and Cetinje.

Material supports are regulated in different ways. For example, municipalities Kotor, Budva, Herceg Novi, Kolasin, Mojkovac, Andrijevisa, Petnjica, Bar and Podgorica, along with the municipality of Tuzi have a decision or regulations on forms of social protection⁷⁰. Thus, for example, the main city in accordance with the Decision on the rights of Social and Child Protection provided the following material support:

⁶⁹ The Law on Social and Child Protection, "Official Gazette of Montenegro", no. 27/2013, Article 126.

⁷⁰ Municipal regulations, "Official Gazette of Montenegro", no. 1/16.



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Table 3. Funds allocated from the budget of capital city in accordance with the Decision on the rights of social and child protection⁷¹

	2014.	2015.
One-time aid	238,287.03 €	254,940.00 €
Free meal in public kitchen	456,409.67 €	512,088.66 €
Gift package for new-born babies	49,208.14 €	81,901.20 €
Financial assistance in education	41,550.00 €	100,082.40 €
Free vacation and recreation	34,980.00 €	34,980.00 €
Assistance and home care	130,635.04 €	116,028.39 €
Living with support	2,280.84 €	1,281.41 €

Municipality of Herceg Novi, in accordance with its Rules of social support in 2014, on the basis of expenditure for social assistance and care of disabled persons paid 88,325.26 €, and on the basis of expenditure for the development of social services for children and young people 1,100 €. In 2015, on the basis of expenditure for social assistance and care of disabled persons, the municipality paid 64,172.66 €, while there were no the expenditures on the basis of the development of social services for children and young⁷².

Municipality of Pluzine, Pljevlja, Cetinje, Danilovgrad, Zabljak, Savnik, and Plav has a decision on the social assistance on a one-time basis, or Rules on detailed conditions for exercising the right to one-time financial assistance that may be granted to a family or individual who is in an extremely difficult financial situation.

Municipality of Pljevlja, for example, is in accordance with the Decision of the one-off social assistance⁷³, which includes one-off financial aid. In 2014 it allocated a total of 27,740.01 € for the new-born baby and donations to socio-charitable organizations, and 26,605.40 €⁷⁴ in 2015. In 2015, Municipality of Pljevlja adopted the Decision on the use of funds from the current budget reserve⁷⁵, which includes assistance to natural persons for medical treatment, education and improvement of financial situation according to which the customer were paid the amount of 12,395.00 €.

Municipality of Niksic, Tivat and Zabljak does not have any form of those decisions, but depending on the estimated needs of applicants, it provides one-time financial assistance, in accordance with the statutes of the municipality and the Law on Local Self-Government. For example, on this basis, Municipality of Niksic decides on the allocation of one-off financial assistance and financial benefits for social housing, which is awarded through the Secretariat for culture, sport, youth and social welfare. In 2014, 14,027.10 € was spent for one-time financial assistance, for social housing 11,000.00 €, or a total of 25,027.10 €. In 2015, 14,072.46 € was spent for one-time financial assistance and 1,800.00 € for social housing, or a total of 15,872.46 €⁷⁶. Municipality of Tivat, which also does not have a decision on the social (material) benefits, for these purposes allocated 30,323.84 € and in 2015 28,400.00 €⁷⁷, in 2014.

In addition to the above mentioned financial benefits, it is important to note that at the level of 15 municipalities the local plans to promote social inclusion are adopted - the development of social welfare services (Bar, Bijelo Polje, Niksic, Pluzine, Savnik, Mojkovac, Podgorica, Cetinje, Pljevlja, Plav, Berane, Kolasin, Budva and Tivat, Ulcinj). Preparation of local plans for the development of social services in Rozaje, Andrijevica, Kotor, Danilovgrad, Herceg Novi and Zabljak are in the development process.

Priority target groups in most municipalities are: children, people with disabilities, the elderly, victims of domestic violence, youth at risk and their families, financially vulnerable categories of the population, the harder employable persons, single parents, and in a small part of municipalities-homeless people. It should be noted that there is not the classification according to the ethnicity, but it was implied that the measures and activities aimed at providing services to groups that are socially vulnerable, refer to the Egyptians and Gypsy population, as well as vulnerable category of the population, including LGBT people.

⁷¹ Capital City Podgorica, Secretary for Labor and Welfare, the answer to the request for free access to information, no. 14 to 067/16-48/1.

⁷² Municipality of Herceg Novi, a response to a request for free access to information, no. 02-2-162 / 16-1

⁷³ Municipal regulations, "Official Gazette of Montenegro", no. 21/13.

⁷⁴ Municipality of Pljevlja, a response to a request for free access to information, no. 032-192 / 2016-2.

⁷⁵ Municipal regulations, "Official Gazette of Montenegro", no. 18/15.

⁷⁶ Municipality of Niksic, Department of Culture, Sport, Youth and Social Welfare, the answer to the request for free access to information, no. 08-062-19.

⁷⁷ Municipality of Tivat, a response to a request for free access to information, no. 0411-550-up-41/1



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However, bear in mind that the local plans to promote social inclusion are focused on the development of social welfare services, i.e. Social services of which the most common are: the service of assessment and planning, which is like a centre for social work, support services for community living (day centres, housing with the support, inn, help at home, etc.), an advisory-therapeutic and socio-educational services (free legal counselling centres, self-help groups, SOS, psychosocial support, etc.), accommodation (foster care, shelters, services of periodic and long-term accommodation, shelter for victims of domestic violence, victims of human trafficking, etc.).

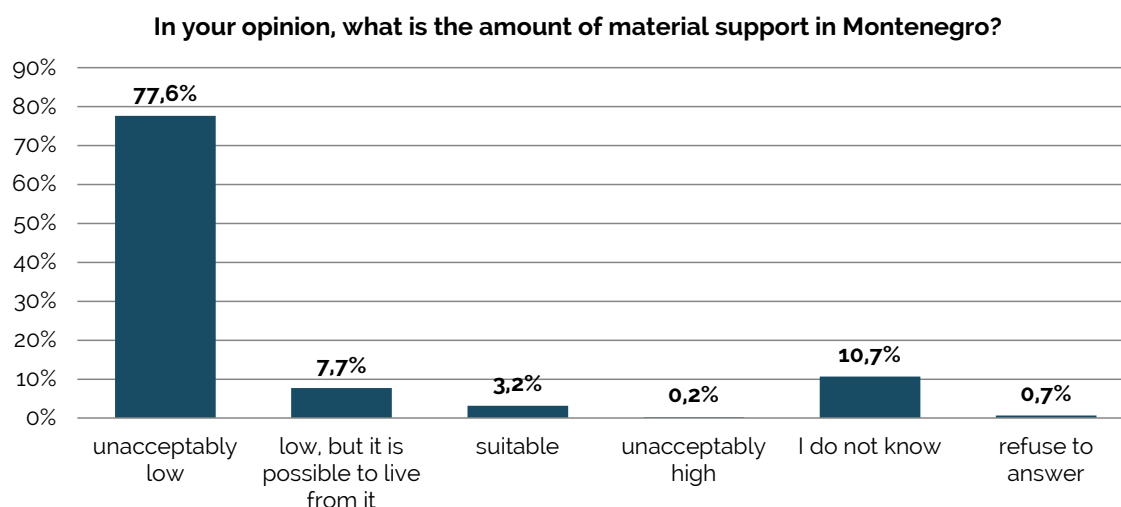
4.9. THE RESULTS OF CATI (COMPUTED-ASSISTED TELEPHONES INTERVIEWING) SURVEY

The survey was created by the representatives of organizations NGOs Juventas and SOS telephone for women and children- victims of violence in cooperation with the Coalition for Social Change. The aim of the research involved collecting opinions of citizens on the perception of material benefits from the social welfare system with special emphasis on the amount of remuneration, the reasons for getting/not getting/abolishing the material support as well as financial benefits for children.

As the above mentioned text specified that the system of material support in Montenegro is characterized by quite restrictive conditions for the realization of the most important benefits in this area, and these are: the material support of family and child benefits, as well as extremely low remuneration that stand out according to these rights.

The citizens of Montenegro consider that material supports are low. Three quarters of the population (77.6%) believe that the amount of "social benefits" is unacceptably low, and only 7.7% believes that it can still live with the assistance of "social welfare".

Graph 1: Height of material support in Montenegro



Source: CATI, June 2015, 1,034 of respondents⁷⁸

Law on Child and Social Welfare envisages that the basis for the not receiving/abolishment of material support⁷⁹ is the following:

- » rejection of the offered employment, (65.1% of respondents is consistent with this);
- » owning a car, (23.6 % of respondents is in accordance with this); in practice, it may be an old car that is used for transportation of financially disadvantaged persons, and at the same time it leads to the savings in the family budget when it comes to transport. The Law leaves the possibility of owning a car designed for the transportation of persons with disabilities;

⁷⁸ NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015.

⁷⁹ Law on Social and Child Protection, "Official Gazette of Montenegro", no. 19-6/13-1/26, article 22.

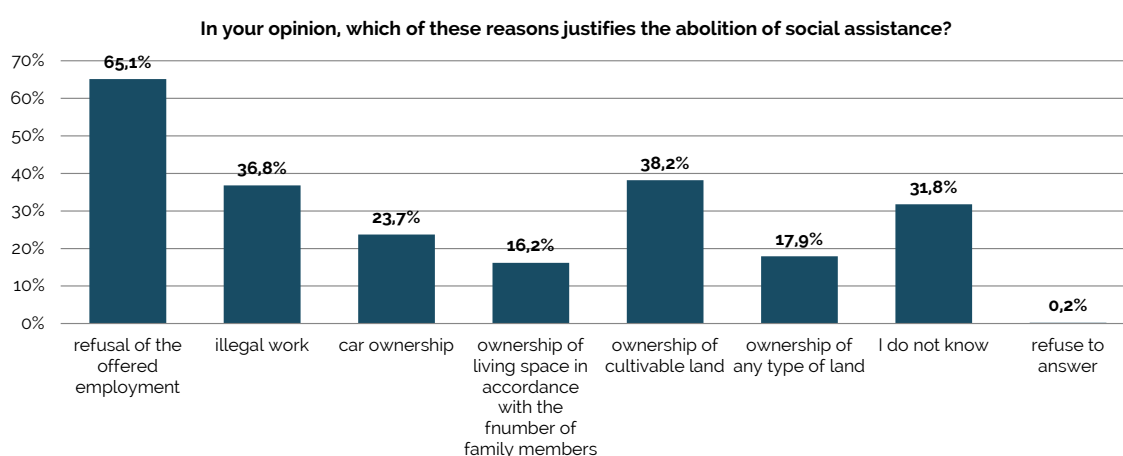


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» possession of cultivable land (38.2% of respondents is in accordance with this) which raises the question of the possible use of the land in relation to the distance from the place of residence of material vulnerable person or family and physical competence, ability and the competence of family members, the possibility of renting or sale.

Law states that the basis for refusal is in the case where person owns land in an urban or suburban construction area⁸⁰, and 17.9% of respondents are in accordance with the basis for refusal - owning any type of land. 36.8% of respondents are in accordance with the fact that one of the reasons for the rejection should be illegal work. We assume that the reason for this is that citizens consider that it is not a fair distribution of financial aid, and that these persons besides the income they obtain by "illegal work" are entitled to material support, and thus help does not go to those who truly need it and who are really socially vulnerable, while the possible reason for specifying undeclared work as the reason for the abolition of social assistance-instability, often low income arising from such engagement.

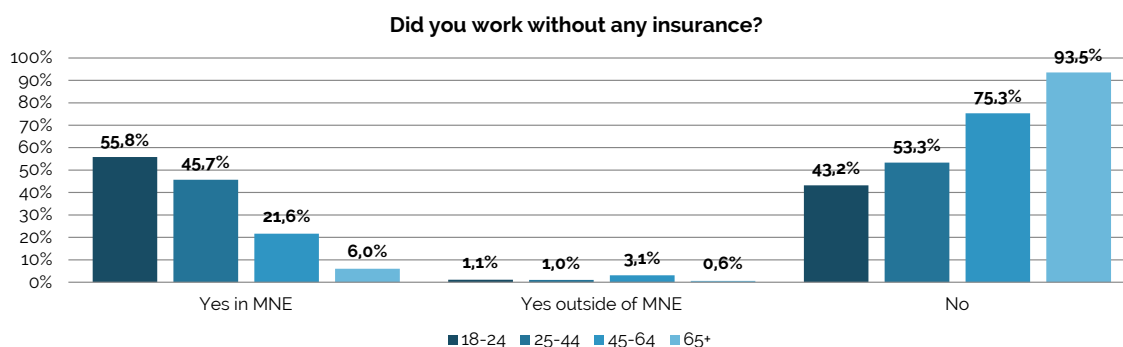
Graph 2: The legitimate reasons for the abolition of social assistance



Source: CATI, June 2015, 1034 respondents⁸¹

The answer to the question – "Have you worked without any insurance?" 50% of young and 45.7% of middle-aged people answered affirmatively. The high degree of experience of working without insurance is a consequence of the impossibility of achieving employment in accordance with the law, while at the same time this work is uncertain, but the people who work illegally are often forced to agree to this type of engagement.

Graph 3: Working without insurance



Source: CATI, June 2015, 1,034 of respondents⁸²

⁸⁰ Law on Social and Child Protection, "Official Gazette of Montenegro", no. 19-6/13-1/26, article 22.

⁸¹ NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015.

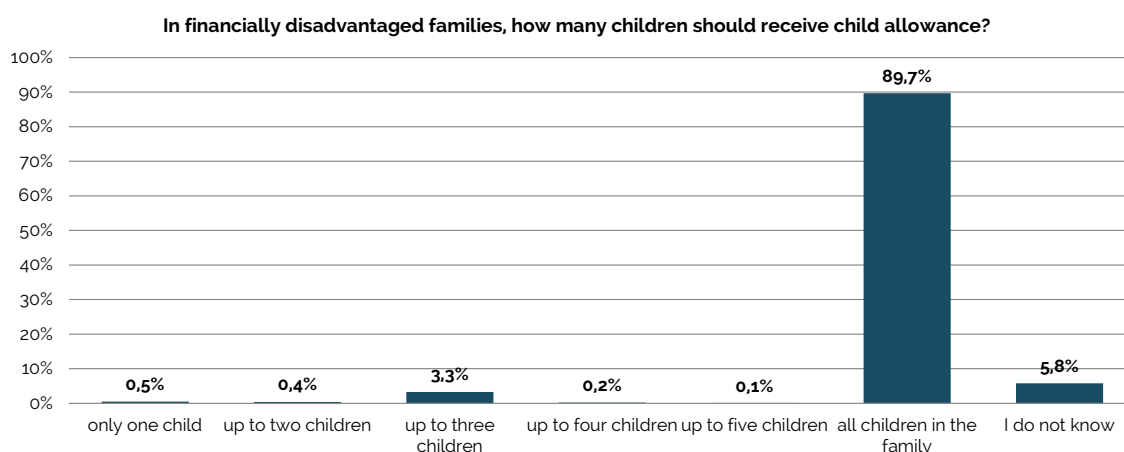
⁸² NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015.



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According to the opinion of 89.7% of respondents who live in financially disadvantaged families, all children should have the right to child benefits and not only three children, as is defined by the Law on Social and Child Protection⁸³. 3.3% respondents is in accordance with Law stipulating that up to three children from financially disadvantaged families should receive child benefits.

Graph 4: Number of children who should receive child benefit in financially disadvantaged families



Source: CATI, June 2015, 1.034 respondents⁸⁴

4.10. DATA FROM THE SURVEY AMONG SINGLE PARENTS

In a survey realized by the NGOs Single parents⁸⁵, which involves predominately single parents who are beneficiaries of FMS (Family Material Support), we came to the following conclusions⁸⁶:

- » a significant number of the single parents are young people;
- » the most common cause of single-parents family is the divorce;
- » a significant number of single parents are without home and live as tenants and often depend on the salary of one parent;
- » single-parent families often give financial support to more than one child, the most often one, two or three children;
- » a significant number of single parents is unemployed or engaged in the periodical and impermanent work;
- » there are indications that the number of single parents is increasing.

Survey results pointed to a number of problems and difficulties faced by single parents such as: socio-economic problems manifested by unemployment, tenancy status, financial and economic problems, problems of legal nature reflected in a lack of information on rights, obstruction of the exercise of rights, lack of adequate services, the problem of financial support and alimentation payment. In addition to that, there are problems of psychological nature, emotional difficulties, the discrimination, and there are also numerous health problems, difficult access to additional training services for parents; all of which leads to social exclusion as a result of all the problems.

The obtained data show that the majority of parents, 62.7% are unfamiliar with kind of support services can be obtained in the system, although they are the beneficiaries of social welfare centres, they are not familiar with the opportunities that the laws of Montenegro guarantee to the single parent. Single parents who are familiar with some of the support services state that those are financial support, assistance in the procurement of free books and subsidizing the cost of child enrolment in kindergarten. The vast majority, 89.7%, said they are not aware of all services that can be used. Those who identify the services state: subsidies for kindergarten support of the Red Cross,

⁸³ Law on Social and Child Protection, "Official Gazette of Montenegro", no. 19-6/13-1/26, article 42.

⁸⁴ NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015.

⁸⁵ The Association of Single Parents published in the December 2015 survey results among single parents in Podgorica, Pljevlja and Bar.

⁸⁶ Vujovic S, Jovanovic J, Analysis of the situation of single parents in Montenegro, Association of Single Parents, Podgorica, December 2015.



the purchase of books and the right to an extended stay⁸⁷. It is important to note that none of the respondents recognized the right to social housing as a legal possibility.

One of ten single parents has a child with health problems and disabilities, and the majority of them said that the costs for treatment are paid from with their personal funds.

To the question whether the child was using some benefits because it comes from single-parent families, 64.6% of parents listed some sort of support, and once again the most common responses were related to subsidies or free kindergarten, certain subsidies of extended stay, free books, discount for electricity payment, summer vacation⁸⁸.

4.11. RELEVANT DATA FROM THE REPORTS OF INTERNATIONAL INSTITUTIONS

Considering the initial report of Montenegro on the implementation of the International Covenant on Economic, social, cultural and rights⁸⁹, the Committee on Economic, Social and Cultural Rights (CESCR), expressed concern that our country did not provide enough detailed and classified information in its report or answers to a list of questions, which would enable the Committee to assess the impact of measures taken by the state, or to measure the use of economic, social and cultural rights in Montenegro. In the area of social security the Committee, regardless of the positive attitude of the adoption of the Law on Social and Child Protection in May 2013, is concerned about the lack of capacity of State institutions to effectively implement the law.

Also it is stated that social welfare payments, including those for the unemployed, the elderly and the persons with disabilities, are not adequate to ensure optimal living standards of the interested persons and their families⁹⁰.

Bearing in mind the report of the Government of Montenegro on 6 October 2011 in the part of "family material support," the Committee on the Elimination of Discrimination against Women (CEDAW)⁹¹, expresses its concern about low level of financial assistance to families and the lack of support programs for single mothers and their children, who are particularly vulnerable to discrimination and violent behaviour.

The Committee on the Rights of the Child⁹² expressed concern about the inadequately low percentage of the annual state budget allocated for health care, family support and other areas of direct importance for children. Also, as a cause for concern is the weakness of the economic and social programs to help families with special reference to the most vulnerable families, such as the Gypsy and Egyptian families, the families that care for children with disabilities and single-parent families, as well as the lack of financial support for services that are based on the community and focused on the family.

In all mentioned documents, the focus is on the necessity that the state of Montenegro increase efforts to suppress poverty and to provide support and material assistance, with special focus on marginalized and vulnerable children and to guarantee the children's right to an adequate standard of living.

87 Vujovic S, Jovanovic J, Analysis of the situation of single parents in Montenegro, Association of Single Parents, Podgorica, December 2015.

88 Vujovic S, Jovanovic J, Analysis of the situation of single parents in Montenegro, Association of Single Parents, Podgorica, December 2015.

89 (E/K.12/MNE/1) report considered at the 48th, 49th and 50th meetings (E/K.12/2014 /SR.48-50), held on 13 and 14 November 2014, and adopted at 70 meeting, held on 28 November 2014.

90 The Committee urges the State party to submit its second periodic report, prepared in accordance with reporting guidelines adopted by the Committee (E/K.12/2014/SR.48-50).

91 C/MNE/CO/15 Session, Geneva, 3-21. October 2011.

92 Comments on the latest report of Montenegro from the 55th Session of the Committee on the Rights of the Child, held in the period between 1.09-13.10.2010.



5. EXAMPLES OF GOOD PRACTICE IN PROVIDING MATERIAL SUPPORT

5.1. MATERIAL SUPPORT IN AUSTRIA

Upon the adoption of the Lisbon Strategy in 2000 that predicts significant changes of the fundamental pillars the European Union rests upon, it was the first time within the foundation of the Community that one of the pillars defines social regimes and social sphere with its specificities. However, the organizational policy of formal and material terms and conditions for material support is within the competence of the Member States and it differs from one another.

Social security and material support systems in Austria are based on the Bismarck model of the welfare state that has been modified and adapted to the current socio-political, industrial, social and economic circumstances with an aim of achieving sustainability and efficiency of the material support. The base of this model, in terms of protection from different social risks, remained unchanged, particularly in terms of procedures and ways of financing the social security systems. Funds are mostly collected from the contributions of insured persons, namely employees and their employers, as well as from grants from the state budget, taxes, annuities and other financial sources.

Another characteristic of the Austrian material support system is that the jurisdiction and responsibility over it is delegated among several levels of the government, i.e. central, regional and local. Thus, the principle of decentralization is much implemented in practice, particularly through the procedures of determining the amount of the material support and provision of specific support services. Therefore, the regional levels are responsible for health protection, many of the social services, support and children aid, as well as establishing the "means-test" schemes.

Official legal documents and practical social policy of Austria in general, classify financial benefits to - social security and universal benefits. This classification is based on two criteria. The first one is the activity status (whether the person is employed, retired, inactive, etc.) and the other is the amount of revenues they possess. Social insurance includes insurance in the case of various risks such as disability, death and pregnancy that are funded from joint contributions by employers and employees. Social insurance also includes pension, disability and health insurance. Within our social policy, security systems are a broader category compared to material support as a form of social assistance.



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The second group of monetary benefits are universal benefits. Comparing to our system, universal benefits would be social benefits, i.e. social assistance. The difference is considerable. Firstly, as their name implies, these are the benefits that all Austrian citizens can obtain, if they meet previously mentioned terms (insufficient income, assets and activity status). In our system, social (financial) benefits are very restrictive. For example, employed persons, regardless of their revenue, are not eligible for financial assistance.

This division is understandable if we are aware that the right to social assistance in Austria is entitled to the people with certain activity status, but is insufficient to satisfy all the needs and provide a minimum quality of life. Therefore, the person does not necessarily have to be in a situation that has no certain income, but it is important that incomes are insufficient and do not meet minimal requirements.

The social assistance system in Austria consists of: financial (monetary) assistance, assistance in kind and assistance in services from the social protection field. However, about 70% of the total benefits are monetary benefits with a growing tendency of in-kind benefits (especially for child care, stationary and ambulatory objects for the sick, persons with disabilities, assistance in the form of care).⁹³

The requirements for obtaining financial assistance are based on the principle of lesser desirability, which means that the monetary social assistance is provided only when the recipient is not employed or it is employed but with low salary, and besides that has no personal capital in terms of real estate that can be valorised, and the recipient is still in the need of social assistance. The official policy of financial assistance therefore considers that any form of employment is better than receiving financial assistance.

Within the universal benefits, the special accent is put on the benefits relating to family and children. In fact, the most of material support is directed to the protection of these categories of population. The third form of the universal benefits is related to the protection of the elderly, which, in addition to financial assistance, are eligible for and receive long-term care and assistance services.

The family assistance is particularly directed to the following groups: married couples with or without children, married couples with one child, married couples with two children, married couples with three children, single parent, and single parent with one child, single parent with two or more children, etc. The family allowance is a universal monetary benefit for children regardless of the recipient's income. The amount of the family allowance depends primarily on the age and number of children in the family. It is funded by a special fund FLAF. The majority of FLAF resources are obtained from the contributions on salaries, although they are funded from the tax revenues.⁹⁴

Even though the amount of the material support is officially determined, it is not definite at the national level, because local units and regions have the competence from which they have the authorisation to determine the amount of the social assistance by themselves, and that amount cannot be lower than officially determined one. The amount of material support is dispositive and it depends on the fulfilment of conditions, circumstances that further complicate life as well as on the social worker discretion which, based on their expert assessment, determine the amount of the material support. The range of amount of material support is determined locally/regionally. The official amounts consider covering only certain needs: food, personal hygiene, heating and lighting, small household appliances, adequate education and social life participation. Other needs (apartment, clothes, and utilities) are covered with additional monetary or in-kind transfers.

Child allowance is the right exercised by all minors, regardless of the amount of income they parents have and regardless of their financial status. Parents who are Austrian citizens have the right to family allowance for their children until they become adults, regardless their income, if they have residence in Austria and if the child is a permanent resident of Austria. The family allowance can be granted to children until they become adults, or, in the case they are being trained for the future employment, until they turn 24 years of age.

There are exceptions when child/family allowance is granted to 25 years of age. There is no age limit for adult children who are incapable to financially support themselves independently.⁹⁵

There are two conditions for the child allowance eligibility. The first one is the age of the child, and the second is the number of children in the family and the calculation is made according to a special scale, and it varies depending on the age of the child. However, besides the basic monthly compensation, the families receive additional amount in relation to the number of children they have. The amount ranges from 13 euros for two children, to almost 100 euros for four children. For each additional child they receive 50 euros. Children with disabilities (sensory, motor and intellectual) receive an additional allowance of 140 euros monthly.

⁹³ Federal Ministry of Labour, Social Affairs and Consumer Protection, Social protection in Austria, Vienna, 2014, p. 9

⁹⁴ Federal Ministry of Labour, Social Affairs and Consumer Protection, Social protection in Austria, Vienna, 2014, p. 16

⁹⁵ Service of the Parliament of Montenegro, Social support in the EU Member States, 2013, p. 10.



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Table shows the type and the amount of the material support in 2011:

Austria ⁹⁶	Child allowance varies depending on the age of the child. General conditions for the exercise of this law are that a child is resident of Austria and a minor, and that parents' income are not limited for the purpose of exercising this right. Child allowance is paid monthly.	<ul style="list-style-type: none">a. General family allowance – 105.40b. Children (age 3-10) – 112.70c. Children (age 10-18) – 130.90d. Children (over 19 years of age) – 152.70	Besides basic monthly compensation, the amount a family receives:
			<ul style="list-style-type: none">e. 12.80 for two children,f. 47.80 for three children (12.80 + 35.00),g. 97.80 for four children (12.80 + 35.00 + 50.00) andh. 50.00 for each additional child.i. For children with severe disability the additional allowance starts from 138.30 euros monthly.

5.2. MONETARY SUPPORT IN CROATIA

In its Constitution, the state of Croatia is defined as a social state, which means that has an obligation to protect its citizens from various risks (illness, disability, illness and accidents at work, poverty, unemployment, etc.), to help them not to reach the state of social exclusion and to provide them with minimum resources necessary for life.

Social security systems, among which social protection and material support systems stand out, are much similar to our social security system. This comes from the inherited institutions of the state interventionism in the field of the social policy of the former SFRY.

Croatia is the leading state in the region when it comes to establishment and implementation of the material support system directed to the most vulnerable categories of the population, created by the Ministry of Social Policy and Youth with its bodies.

Systems of material (financial) assistance are based on two criteria when deciding which category is eligible for some form of the social assistance. The first one is material shortage due to which poverty occurs, and the second criteria includes additional risk categories such as: children and youth without parental care, children and youth with behavioural problems, family violence victims and human trafficking victims, as well as asylum seekers and foreigners under subsidiary protection.

The system of financial support consists of the following forms of material support: guaranteed minimum allowance, housing cost allowance, heating allowance, one-time allowance, allowance related to education, unemployment allowance, personal disability, care and assistance allowance.

Guaranteed minimum allowance is the right to the amount of money that satisfies the basic needs of a single person or a household that do not have enough resources to meet their basic needs.⁹⁷In fact, this form of financial support is the most important one and it requires the most of the funds, and according to its content, for the most part corresponds to the family allowance as a form of support in our country. However, they differ in conditions, population coverage and the amount of the allowance.

First of all, the amount of the guaranteed minimum allowance, as well as other forms of material support, is determined as a percentage of the base, and it is therefore very important to understand how the base is determined and by whom. The Government of the Republic of Croatia decides upon the base on which the minimum amount guaranteed is calculated.⁹⁸ That base amounted to 107.00 euros for 2015.

Secondly, the amount of the material support in our country is fixed, according to the number of family members, regardless the difficult life conditions of the individual and his family. Croatian system has a clear classification that contains the amount of the guaranteed assistance according to the specific state and activity of the individual, whether he/she is single person or a family member.

The amount of the guaranteed minimum allowance for a single person is determined in the following amounts – single persons incapable to work receive 115% of the base, while single person capable to work receives 100% of the base. The amount of the guaranteed minimum allowance for a household represents the sum of the share of each household member, with the share of the household members amounting

⁹⁶ Data were taken from the answers provided by the states via ECPRD answers.

⁹⁷ Law on Social Care, no. 157/13, 152/14 and 99/15, article 26

⁹⁸ Law on Social Care, no. 157/13, 152/14 and 99/15, article 27, p. 1



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to – single parent receives 100% of the base, adult member receives 60% of the base and the child receives 40% of the base, the child of a single parent receives 55% of the base.⁹⁹

Thirdly, unlike our system which ensures the right to material support for the duration of nine months if the recipients are capable to work, and upon the expiration of three months, they can again be eligible for financial assistance, the right to the guaranteed minimum allowance is not limited, but has a clear reasons due to which the right to this form of financial assistance terminates.

The forms of material support such as one-time financial support, personal disability allowance, care and assistance allowance, exist in our system of material support, but the procedures are more demanding, whilst the amount of the financial allocation is smaller.

Two types of allowances are of a special importance: housing costs allowance and allowance related to education, which do not exist in our system of material support, but are very important for encouraging additional empowerment of the materially affected individual not to fall in the state of poverty and social exclusion.

Housing cost allowance includes the costs of rent, utilities, electricity, gas, heating, water and other expenses. Individuals who receive guaranteed minimum allowance as additional support, with an aim to achieve minimum quality of life, exercise this form of allowance.

Local self-government units have jurisdiction over the realization of this right. The local unit approves the amount up to half of the amount of the guaranteed minimum allowance for the single person or household. However, it can be granted up to the amount of the guaranteed minimum allowance if the social work centre holds the opinion that it is the only way of preventing separation of children from their parents.¹⁰⁰

⁹⁹ Law on Social Care, no. 157/13, 152/14 and 99/15, article 30, pp. 1 - 2

¹⁰⁰ Employment, Social Affairs and Inclusion, Social Assistance in u Croatia, European Commission 2015, Available at: <http://ec.europa.eu/social/main.jsp?catId=1104&langId=hr&intPagId=2471>.



6. CONCLUSIONS

Important international acts previously mentioned in Chapter 2, are not sufficiently concretized in our legislation, nor implemented, even though this is obliged by Montenegrin Constitution, which states that "ratified international treaties and generally accepted international law have primacy over national legislation and are directly applicable when they regulate relations differently from the internal legislation".¹⁰¹

Universal declaration on human rights, among other things, states that "everyone has the right to a standard of living that ensures health and well-being of oneself and their family, including food, clothing, housing, medical care and necessary social services (...) due to circumstances beyond their control", which indicated to the obligation of provision of basic living conditions for all citizens, while domestic national legal framework does not recognize the obligation to provide housing conditions for individuals who do not have sufficient material means for a decent life.

Also, the Charter of Fundamental Rights of the European Union principally recognizes the right to housing in order to ensure a decent life to all in the state of social need, in accordance to the regulation that is determined in the Union law and national legislation and practice.

Convention on the Rights of the Child stipulates the articles that ensure the provision of basic needs necessary for the survival of the child, such as the right to life, adequate standard of living, and the right to food, shelter and medical care.

According to the latest available data, at least every twelfth citizen on Montenegro lives below the poverty line. The data also show that not all of the families that are affected by poverty are also included in the social support. For some, the criteria for obtaining material support are set too high, both in terms of required documentation which collection sometimes requires significant investment of money, and in the terms of the possession of other property characteristics. What is observed in practice, in terms of documentation, is the unequal treatment by the centres for social work as well as the uneven list of the necessary documents.

At the same time, some social protection policies are not in accordance with the aim to use the activation programs to empower citizens affected by poverty to start making income independently. So, for example, life annuity program for mothers who gave birth to three or more children, which, even if it brings improvement of financial situation for certain number of families, it directs the attention towards women who have adult children, but low salaries and pensions, ignoring the disadvantage of the single mothers and fathers with minor children who are employed without proper contract, unregistered, whose employees, especially in times of transition, did not pay contributions, and large families with small children who are faced with poverty, it sends a message that some sort of reward and relief may come after 15, 20 or 25 years.

Law on Social and Child Protection, Article 22, states that a person, to be eligible for FMS, must not own, or if it owns, must not use the agricultural land and commercial forests in particular

¹⁰¹ Press release on the signing of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by Montenegro, Human Rights Action, Available at: <http://www.hraction.org/?p=257>



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area. This law prescribes that, according to the number of persons, agricultural land and commercial forests that they cannot own if they wish to exercise this right is: 20 acres for the individual, 30 acres for a two member family, 40 acres for a three member family, 50 acres for a four member family, 60 acres for a family of five and more members, to not own nor use land in another area of more than 2 hectare. This provision makes the person or a family who does not have the opportunity, and is objectively prevented to cultivate the agricultural land, to sell the land, lease it or treat it in any other way that would ensure gain of tangible or intangible profit that would ensure them to satisfaction of basic needs, unable to exercise the right for material support for a family. 38.2% of respondents agrees with the fact that the possession of a land is a reason for the abolition of material support, while 17.9% of the respondents agrees that owning any land is a legitimate reason for the abolition of the material support.¹⁰²

The same Article contains the provision according to which one of the reasons for obtaining material support is that an individual or a family member does not own a motor vehicle, except a motor vehicle that is used for the transport of individual or family member which receives care and assistance allowance. According to this a family that, although living in a geographically remote areas, and where there is a need for the possession of a motor vehicle of minimum value or for the other justified reasons, does not have the right for a material support. 23.7% of the respondents agrees that the reason for the abolition of the material support is a possession of a car.¹⁰³

According to the national legislation, the right to child allowance as a fundamental right of the child protection is not only inaccessible to children, but it is also not intended for all socially handicapped children. As is represented in the Article 42 of the Law on Social and Child Protection, the exercising the right to child allowance is provided for up to three children in socially handicapped families that receive the right to social welfare. Thus, children in other economically disadvantaged families lose their child allowance, and therefore are unable to exercise one of the fundamental rights of a child. Also, according to 89.7% of respondents, all children in economically disadvantaged families should receive child allowance.¹⁰⁴

The measure of limited duration of the material support, regulated by Article 29 of the Law on Social and Child Protection, states that parents who are able to work, who financially support a child, unless the child is a healthcare beneficiary, are entitled to the material support for up to nine months in a year, if it they meet the conditions regulated by this law. With this type of provision, FMS beneficiaries are brought to a state of additional risk, because they are left without the minimum fee for the provision of basic human needs, for a period of three months, while children lose their right to free textbooks despite the fact that primary education is free for all students.

The following acts strategies, i.e. Action plans in a Social and Child Protection system, do not contain specific and clear indicators by which to adequately monitor the realization of the strategic objectives and the results achieved. However, evident achievements are gained through the adoption of numerous subordinate legislations, in order to simplify procedures for exercising the right to material support. The introduction of the usage of the Social Welfare Information System ("social card") is particularly significant.

Taking into account that the absolute poverty line in Montenegro amounted to 186.45 €¹⁰⁵ in 2013, and the average consumer basket 806.7 € in¹⁰⁶ December 2015, of which 253 € is spent on food and beverages, the conclusion is that the four member family with two children and with total material support lives below the absolute poverty line for a single person, and the fees from the material support cannot cover the food costs.

Although the system of social benefits do not cover all persons in need for social welfare, the report on MLSW for 2014, states that "due to the application of the new Act there was a slight decline in number beneficiaries of refund rights on the basis of maternity leave, material support and child allowance in comparison with the 2013"¹⁰⁷. In January 2015 1.121.001 € was spent on families with material support, while the child allowance amounted to 355.730 €. Beneficiaries of maternity leave received 1.305.632 €, and beneficiaries of the Care and assistance allowance received 742.411 €. In September 2014¹⁰⁸, and also in February 2015, the Ministry of Labour and Social Welfare has relocated 400.000 € intended for the payment of the material support. On 22 October 2015, the Government adopted the proposal that the Ministry of Labour and Social Welfare redirect 130.000 € from the short-term social welfare to Housing Authority Committee for resolving housing

102 NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015

103 NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015

104 NGO Juventas and SOS Hotline for women and children victims of violence, a representative survey of 1,034 adult respondents, CATI method, June 2015.

105 Available at: http://www.monstat.org/userfiles/file/analiza%20siromastva/2013/ANALIZA%20SIROMA%C5%A0TVA%20U%20CRNOJ%20GORI%20U%202013_godini.pdf

106 Available at: <http://www.monstat.org/cg/page.php?id=31&pageid=31>

107 Ministry of Labour and Social Welfare: Work Report for 2014, p. 32

108 Available at: <http://www.vijesti.me/vijesti/hra-upozorava-na-politiku-vlade-novac-za-socijalnu-zastitu-najugrozenijih-koristi-se-u-druge-svrhe-857627>



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issues of the employees in that department. Adopted proposal offers no explanation, nor does the website of the Ministry of Government contains rationale of this proposal in order to inform the public on the reasons for this decision, as it was warned by Action for Human Rights - AHR.¹⁰⁹

Measures for activating the capable beneficiaries of material support in the labour market are implemented by EAM. However, beneficiaries of social welfare, are not recognized as a category of less employable persons. Working-age beneficiaries of a material support have the same conditions for accessing the activation measures as the other unemployed persons.

Although the Strategy of Social and Child Protection provides the establishment of a system of informing public about the rights of social and child welfare, the full implementation of these measures, which are not limited to mere explaining of the procedures on the spot or at the counter, is still on hold.

The strategy for reducing poverty and social exclusion expired in 2012, and it has never been renovated. There was not an adequate assessment of its impact, and new measures were not provided for the following period. Strategy has replaced a number of new strategic documents in the field of social and child protection, the rights of persons with disabilities, rights of refugees, health, employment, etc.

However, the measures given throughout this document for economically and socially handicapped groups of the population, did not provide satisfactory results.

Based on these cited data, the authors of this publication were able to formulate a number of recommendations for the authorities, which are presented in Chapter 7.



7. RECOMMENDATIONS

1. Increase the number of employees in social work centres in order to increase the scope of services that can be provided to beneficiaries of material support.
2. The basis for the amount of family material support and child benefits should be determined in such way that it exceeds the amount for an adult family member who is recognized as a national absolute poverty line per equivalent adult (in 2013 it amounted to 176 € per equivalent adult person). This amount should be harmonized according to the range of the average wage and the minimum consumer basket in the country.
3. Amend the Law on Social and Child Protection¹¹⁰ in the number of children receiving child allowance from socially handicapped families so that all children from these families receive allowances, not only three children, as it stands in the current legal provisions. Related to this, Article 42 is to be amended and should state –the right to child allowance can be exercised by a child: a beneficiary of material support; a beneficiary of Care and assistance allowance; a beneficiary of a personal disability allowance; those without parental care; whose parent is - adoptive parent, guardian, foster parent, i.e. a person are responsible for the child care, upbringing and education as a beneficiary of the material support, being employed on the basis of an agreement on active overcoming the adverse social situations. The right to child allowance is granted to all children in the family.
4. Determine in the Law Social and Child protection a specific basis and the criteria for material support for single-parent families. It is proposed that base in the single-parent families' increases by the amount of 25% compared to families with both parents and the same number of children.
5. Introduce new, innovative, heterogeneous, comprehensive and sustainable programs of economic and social empowerment of families at risk of poverty at local and national level, with a special focus on single-parent families, Gypsy and Egyptian families of persons with disabilities, families with refugee status and displaced persons. Some of the topics that should be particularly addressed are: family planning, parental role in the prevention of drop-out from school, human rights, the competence of institutions, training for the labour market. Ministry of Labour and Social Welfare and local governments should start drafting concrete plans that contain separate budgets for the implementation of these services.
6. Minimize the effects of limited duration of the material support,¹¹¹ through active involvement of beneficiaries in the labour market or to enable another form of engagement of working-age individuals, and if such possibility is not provided, material support should not be interrupted. It is proposed to amend Article 29 of the Law on Social and Child Protection, to state as follows: Parents who are capable of work and who are supporting a child, unless the child is a beneficiary of allowance for care and assistance, is entitled to a material support for up to nine months in a year, if they meet the conditions provided by

¹¹⁰ Current provision of conditions for the realization of child benefits is contained in Article 42 as follows: the right to a child benefits can be exercised by a child: a beneficiary of a material support; a beneficiary of Care and assistance allowance; a beneficiary of a personal disability benefit; without parental care; whose parent, adoptive parent, guardian, foster parent, or a person to who was responsible for the child care, upbringing and education as a beneficiary of a material support, being employed on the basis of an agreement of an agreement on active overcoming the adverse social situations. The right to child benefits is granted to all children in the family.

¹¹¹ The provision of a limited duration of the material support is contained in article 29 to read as follows: Parents who are capable to work, are supporting a child, unless the child is a beneficiary of Care and assistance allowance, is entitled to a material support for up to nine months in a year, if they meet the conditions provided by law.



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law, and if, during those 9 months, they rejected offered employment through activation measures. If the employment was not offered through the activation measures, the beneficiary is entitled to a material support for a period of 12 months during the year. Bearing in mind that, during the public hearing on the Draft, Law on Social and Child Protection, Action for Human Rights proposed the postponement of this Article of the Law.¹¹²

7. It is necessary to gradually introduce the activation of beneficiary material support. The activation programs could enable a clear separation of a beneficiary material support who is engaged in the grey economy, from those who do not have an income. It is important to thoroughly examine the purposefulness of the existing practices of public works and other activation measures.¹¹³
8. Amend the Regulation on the less employable persons categories, in order to recognize the working age beneficiaries of the material support, that use FMS for more than 2 years, as a category of less employable persons for whose employment the employer can receive certain subsidies. It is proposed to amend Regulation, Article 2, paragraph 1, to state as follows: Subsidies under Article 1 of this Regulation, may be exercise by the employer who employs a person: older than 50 years of age or who lives as a single person with one or more dependents; who has not been employed in the previous six months; who did not complete secondary education or professional qualification or who completed their regular education, and did not have an employment in the following two years; who is a beneficiary of material support for more than two years; who belong to the Gypsy and Egyptian population; who participates in public works programs.
9. Define and implement additional mechanisms and measures for monitoring the beneficiaries of the material support, in order to distribute the material support to those in the biggest need for help.
10. Increase the coverage of beneficiaries of social housing within the population of FMS beneficiaries who are tenants.
11. Allow the possession of agricultural land¹¹⁴ if the person is not able to cultivate, rent or sell it (no market value). It is proposed to amend the Act, article 22, item 5, to state as follows - In Article 22, Item 5, regulates the size of agricultural land and commercial forests by the number of persons that cannot have it in possession, as a condition to exercise right to FMS, specifically: 20 acres for an individual, 30 acres for a family of two members, 40 acres for a family of three members, 50 acres for a family of four members, 60 acres for a family of five or more members, or does not own i.e. does not use other land area of more than 2 ha. If the family is unable to cultivate, sell or lease agricultural land and commercial forests, owning them will not be an obstacle for achieving the right to material support.
12. Enable the usage of the car¹¹⁵ for all FMS beneficiaries, up to a certain value and a certain number of members, and not only enabling the possession of the motor vehicle to the family that use it for transporting an individual or a family member who is the beneficiary of Care and assistance allowance. It is proposed to amend article 22, Item 14, to state as follows: an individual i.e. a family member is the owner of the motor vehicle to a maximum value of up to 600 €, except in a family in which the member of the family is a beneficiary of Care and assistance allowance, where the maximum value of the motor vehicle is not limited.
13. In the following strategic acts, i.e. action plans in the system of a social and child welfare, specific and clear indicators, which would adequately monitor the realization of the strategic objectives and the achieved results, should be introduced.
14. Promote examples of best practices of the Rules on the allocation of material support to socially handicapped categories of the population at the local level.
15. Obligate all local governments to create local plans for improving the social inclusion through the instructions on the unique treatment in the process of development, adoption and implementation of local plans of social services, which will provide a detailed analysis of the current state and the needs of the community for social services and child protection, as well as the future plan on the improvement of social inclusion and meeting the needs of vulnerable groups.

¹¹² <http://www.hracion.org/wp-content/uploads/HRA-predlog-amandmana-na-Nacrt-zakona-o-socijalnoj-i-djecijoj-zastiti.pdf>

¹¹³ Markoc, Martina: Report on monitoring the implementation and effects of the Social and Child Protection System Development Strategy, Juventas, 2015.

¹¹⁴ In Article 22, Clause 5, regulates the size of agricultural land and commercial forests by the number of persons that cannot have it in possession, as a condition to exercise right to FMS, specifically: 20 acres for an individual, 30 acres for a family of two members, 40 acres for a family of three members, 50 acres for a family of four members, 60 acres for a family of five or more members, or does not own i.e. does not use other land area of more than 2 ha

¹¹⁵ Article 22, point 14, to state as follows: an individual i.e. a family member is the owner of the motor vehicle to a maximum value of up to 600 €, except in a family in which the member of the family is a beneficiary of Care and assistance allowance, where the maximum value of the motor vehicle is not limited.



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16. To ensure the scope of the most vulnerable population, with the material support. In addition to this, it is necessary to reduce administrative barriers to citizens who do not have all necessary documents and who have a difficulty in gathering the necessary documents, and increase the accessibility of social workers in the field. For example, the frequent lack of certificate of not owning immovable property in the country of origin of the Gypsy refugees who are living in extreme poverty, and also lack of personal documents which are in need of support in order to be provided.
17. Conduct research on the characteristics and needs of the FMS's beneficiaries and the effects of long term use of a material support, especially on the children and, based on the results of research, to create practical measures to overcome the problem.
18. Introduce the possibility of a material support payment through commercial banks.
19. Introduce the possibility of getting free school supplies for primary school students whose parents are beneficiaries of the material support.
20. Make available the operational guidance for the application of the Rule on more detailed conditions for the exercise of basic material support of Social and Child Protection.¹¹⁶
21. Unify practice of social work centres in order to apply an equal methodology for access to rights in the area of the material support, in all of the centres. It is necessary to specify a single list of documents that must be submitted in order to apply for exercising the right to social protection.¹¹⁷
22. Implement additional training for social work centres in relation to human rights and discrimination prohibition. It is necessary to include this kind of training in the program of professional training of interns to work with a particular emphasis on service activities (centres for social work, medical workers, police officers, and teachers). These programs need to be accredited at the relevant institutions.¹¹⁸
23. Standardize and accredit assistant's occupation in the social welfare for the GE population. Persons with this type of occupation will be the mediators between the GE population, services and social protection institutions.¹¹⁹
24. Develop an information system on the rights of social and child protection.¹²⁰
 - » To promote this system through the media;
 - » Count the number of visits of this site (system) or create some other method of verification that would confirm the increased awareness of citizens.
25. Introduce a licensing system for organizations that provide social services and child protection, as well as the professional workers.¹²¹
 - » Regulate the detailed conditions for the license issue, license renewal, suspension and confiscation of license from the organizations and professional workers;
 - » Report on MLSW operation, on the number of issued, renewed and confiscated licenses.
26. Adoption of a document - Strategies to reduce poverty and social exclusion and the Action Plan for its implementation.
27. The establishment of the body for monitoring the implementation of the Strategy and related strategies in the field of employment, education, health and social inclusion.
28. Evaluation of the socio-economic impact of existing and proposed Draft Law in the areas of employment, education, health and social inclusion and their modification in accordance with the Millennium Development Goals to reduce poverty and social exclusion.

¹¹⁶ Integrated Action Plan for implementation of Strategy for permanent solutions relating the refugees and internally displaced persons in Montenegro with special emphasis on Konik area in 2014, Ministry of Labour and Social Welfare, 2014.

¹¹⁷ Colakovic, Jelena and others: Report on implementation of the Strategy for permanent solutions for issues related to refugees and internally displaced persons in Montenegro, with special emphasis on Camp Konik, Juventas, 2016

¹¹⁸ Colakovic, Jelena and others: Report on implementation of the Strategy for permanent solutions for issues related to refugees and internally displaced persons in Montenegro, with special emphasis on Camp Konik, Juventas, 2016

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid.



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