



CRNA GORA
MINISTARSTVO FINANSIJA

Broj:02- 19581/

Podgorica, 26.12.2011.godine

MINISTARSTVO RADA I SOCIJALNOG STARANJA
- n/r ministra, dr Suada Numanovića -

Poštovani gospodine Numanoviću,

Na osnovu Vašeg akta, broj: 0501-430/22 od 22. decembra 2011. godine, kojim se traži mišljenje na *Nacrt zakona o socijalnoj i dječjoj zaštiti*, Ministarstvo finansija daje sljedeće

MIŠLJENJE

U dijelu generalnih primjedbi naglašavamo da Nacrt zakona o socijalnoj i dječjoj zaštiti predstavlja jedan od ključnih zakona sa potencijalno velikim fiskalnim uticajem, čije izmjena zakona. Takođe, prije usvajanja zakona koji ima veliki uticaj na budući razvoj sistema, smatramo da je potrebno donijeti plan reforme i procijeniti troškove reforme, kao i uticaj reforme na najugroženije pripadnike crnogorskog društva i uticaj na tržiste rada.

Nacrtom zakona se predviđaju i velike promjene u procesu pružanja socijalnih usluga, posebno u pogledu usluga smještaja, u okviru kojih će i ustanove socijalne i dječije zaštite pretrpjeti značajna prilagođavanja i podrazumijevaće značajna finansijska sredstva. S tim u vezi, predlog zakona treba da prati, okvirni plan potrebnih ulaganja u institucije socijalne i dječije zaštite u srednjoročnom periodu, da bi se ovakav koncept zakona primijenio.

U dijelu koji se tiče uticaja zakona na poslovni ambijent i podsticanje privatno javnog partnerstva, uvodjenje procesa akreditacije, licenciranja i postavljanja previsokih standarda za djelatnost socijalnih usluga koja je nedovoljno razvijena u Crnoj Gori, smatramo da će zakon obeshrabiti privatnu inicijativu i angažman civilnog sektora. To se posebno odnosi i na obaveze koje se nameću u pogledu upravljanja institucijama socijalne zaštite, kao i na propisivanje načina upotrebe prihoda institucija.

Takođe, nacrt zakona samo u dijelu promjene uslova za sticanje pojedinih prava socijalne zaštite iziskuje značajna finansijska sredstva, sa kojim država ne raspolaže.



Nacrt zakona ne previđa, izuzev u dijelu prekida tokom perioda od tri mjeseca, prava na materijalno obezbjeđenje porodice, ni jednu mjeru usmjerenu na aktivaciju korisnika ovog prava niti olakšanje transfera iz sive u regularnu ekonomiju.

U dijelu pojedinačnih primjedbi na tekst zakona, Ministarstvo finansija daje sljedeće komentare:

U članu 19 kriterijumi za dobijanje prava na materijalno obezbjeđenje porodice su promijenjeni na način da se povećala površina zemljišta koja je služila kao jedan od kriterijuma za odobravanje, kao i iznos minimalnog dohotka. Mišljenja smo da prekid u primjeni prava, od tri mjeseca, će značiti samo veće izdatke za budžet, ukoliko se ne predvide mjere aktivacije. U tom smislu potrebno je previdjeti stimulacije za korisnike MOP-a koji su zaposleni u oblasti sive ekonomije, npr. da u periodu od 1 godine zadržavaju pravo na dječje dodatke ili na MOP, u slučaju da se zaposle. Slično tome, za korisnike MOP-a, koji se zaposle tokom sezone, treba ostaviti mogućnost da primaju dječiji dodatak tokom zaposlenja i olakšati proces ponovne registracije za MOP. Ove mјere su usmjerene na smanjenje sive ekonomije kao i na aktivaciju korisnika MOP-a. Takođe, u procesu odobravanja MOP-a, imajući u vidu nedostatke pojedinih registara koji se koriste u procesu kao i visok obim sive ekonomije, potrebno je uvesti dodatne kriterijume, koji će služiti za pravilnije usmjeravanje ovog prava. Iznos sredstava koji se troši na MOP kao i obuhvat stanovništva, pokazuje da bi sa pravilnim usmjeravanjem, sva siromašna domaćinstva mogla biti korisnik MOP-a, što sada nije slučaj.

U članu 28, koji definiše pravo na njegu i pomoć, treba uvesti kriterijum testiranja dohotka u skladu sa preporukama eksperata Svjetske banke i UNDP-a. Test dohotka ne treba da bude zahtjevan kao u slučaju MOP-a, već jednostavniji.

U članu 37 preporučujemo limitiranje iznosa jednokratne pomoći.

Poglavlje VII.Ustanove dječije i socijalne zaštite potrebno je razmotriti. Način na koji se regulišu pitanja uspostavljanja ustanova, upravljanja ustanovama i radu ustanova se ne mogu na isti način primijeniti u javnom i privatnom sektoru. Na ovaj način će se ugušiti privatna inicijativa i interes privatnih pružaoca socijalnih usluga da se registruju. Takođe, težnja zakona jeste da se propisuju standardi i uslovi koje će zadovoljavati institucije, posebno u privatnom sektoru, dok sam javni sektor kao pružač usluga nije u stanju da poštuje standarde i uslove koje propisuje.

Član 91 potrebno je brisati. Usvajanje elaborata o opravdanosti osnivanja ustanove predstavlja administrativnu barijeru. Ukoliko su odredbe ovog člana usmjerene na institucije u privatnom vlasništvu, osnivač će prilikom osiguranja izvora finansiranja izraditi biznis plan, tako da je usvajanje dodatnog elaborata o opravdanosti suvišno. Ukoliko to primijenimo na druge djelatnosti, imali bi smo pravilo da prije registracije preduzeća vlasnik mora opravdati osnivanje preduzeća.

Na isti način, ne mogu se primijeniti isti principi u upravljanju pravila upravljanja institucijama u privatnom i državnom vlasništvu, institucije u javnom sektoru raspolažu

the first time in the history of the world, the people of the United States have been called upon to make a choice between two opposite ways of life, between two different philosophies, one of which emphasizes freedom and the other of which emphasizes slavery. I do not know which of them will win. A man's judgment is worth what he will give it.

It is for each one of us to decide, not for his neighbors, not for his countrymen, not for his party, nor for his class. The people must be free to vote their convictions, their opinions, their beliefs. If they do not do this, they will be slaves. They will be slaves to their fears, to their prejudices, to their ignorance. They will be slaves to those who would enslave them. They will be slaves to those who would control them. They will be slaves to those who would dominate them. They will be slaves to those who would rule them. They will be slaves to those who would govern them. They will be slaves to those who would manage them. They will be slaves to those who would lead them. They will be slaves to those who would guide them. They will be slaves to those who would instruct them. They will be slaves to those who would inform them. They will be slaves to those who would enlighten them. They will be slaves to those who would illuminate them. They will be slaves to those who would illuminate them. They will be slaves to those who would enlighten them. They will be slaves to those who would inform them. They will be slaves to those who would guide them. They will be slaves to those who would lead them. They will be slaves to those who would manage them. They will be slaves to those who would govern them. They will be slaves to those who would rule them. They will be slaves to those who would dominate them. They will be slaves to those who would control them. They will be slaves to those who would enslave them. They will be slaves to their fears, to their prejudices, to their ignorance. They will be slaves to those who would enslave them. They will be slaves to those who would dominate them. They will be slaves to those who would control them. They will be slaves to those who would rule them. They will be slaves to those who would govern them. They will be slaves to those who would manage them. They will be slaves to those who would lead them. They will be slaves to those who would guide them. They will be slaves to those who would instruct them. They will be slaves to those who would inform them. They will be slaves to those who would enlighten them. They will be slaves to those who would illuminate them. They will be slaves to those who would illuminate them. They will be slaves to those who would enlighten them. They will be slaves to those who would inform them. They will be slaves to those who would guide them. They will be slaves to those who would lead them. They will be slaves to those who would manage them. They will be slaves to those who would govern them. They will be slaves to those who would rule them. They will be slaves to those who would dominate them. They will be slaves to those who would control them. They will be slaves to those who would enslave them. They will be slaves to their fears, to their prejudices, to their ignorance.

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sredstvima poreskih obveznika, tako da upravljanje mora biti usklađeno sa propisima koji se tiču javnog sektora.

U članu 169 se navodi da su izvori finansiranja sredstva od igara na sreću. Budući da su sredstva od igara na sreću sredstva budžeta Crne Gore, smatramo da ne treba da se posebno navode.

Imajući u vidu da zakon predviđa i akreditaciju obrazovnih programa i ustanova, preporučujemo da se pribavi mišljenje Ministarstva prosvjete i sporta.

S poštovanjem,



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