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NEWS REPORT

Country:	Montenegro
Title:	Reduction of lifelong pension fees for mothers of three and more children
Date:	3 February 2017
Expert:	Ivana Jelić
<u>Context</u>	
Issue at stake:	Public polemics and protest of mothers of three and more children against the Government's decision to reduce the pensions, according to the adopted budget for 2017, and constitutionality of such a decision
Ground of discrimination:	Sex
Source:	Policy development
Field:	Other
Applicable law:	Law on Social and Child Protection, <i>Official Gazette of Montenegro</i> , Nos 27/2013, 1/2015, 42/2015, 47/2015.

Content

Policy development: According to the Law on Amendments to the Law on Social and Child Protection in July 2015 (articles 54a and 54b), it has been established that lifelong pension fees are to be paid to mothers of three children after 25 years of employment, or to mothers of four and more children after 15 years of employment. The amount of the fee was 70 % of the average net salary in Montenegro. Although the implementation was problematic due to the financial crisis, and the fact that the law has to be enforced in an equal and non-discriminatory manner, the fees were paid to the beneficiaries during 2016.

On 18 December 2016, the Government of Montenegro adopted the budget for 2017 in which the above mentioned pension fees were reduced by 25 %. Concretely, the fees of EUR 336 were reduced to EUR 264 and those of EUR 192 were reduced to EUR 144. The Government justified these measures, as well as other measures such as one reducing the salaries of high public officers, with financial restrictions and the need for financial rationalization. That decision caused a lot of protest of affected mothers and public polemics.

In the meantime, the decision of the Constitutional Court of Montenegro concerning the Initiative to review the constitutionality of the provisions of Articles 54a and 54b of the Law on Amendments to the Law on Social and Child Protection (the case was registered by Constitutional Court – Case no. *U-I br. 6/16.*), submitted by citizens, has been pending. The decision is to be brought as soon as the Parliament submits its statement concerned, as was announced by the Court.

In addition, new initiatives on the constitutionality of the Government's decision have been announced in respect to the issue of acquired rights and retroactive effect of the

decision to reduce fees for mothers who had received the decisions on their lifelong pensions by the Ministry of Labour and Social Care, according to the valid Law on Social and Child Protection.

Key points of analysis: The acquired rights of the mothers concerned and the legal certainty are in focus. Mothers have been placed at a disadvantage, especially those who gave up their salaries in order to adhere to these (at the time) better pension fees. It is problematic, however, if the amount of the pension could be treated as acquired right having in mind that the right to such a pension was not abolished by the Government's decision.

Internet link sources:

https://www.youtube.com/watch?v=mx5CuW2_KMY

<http://www.pcnen.com/portal/2017/01/18/usscg-neustavno-umanjivanje-naknade-za-majke/>

<http://www.vijesti.me/vijesti/smanjuju-naknade-za-majke-i-plate-funkcionera-nove-akcize-za-gorivo-916856>

<http://www.vijesti.me/vijesti/majke-iz-bijelog-polja-vlada-ugrozava-najugrozenije-u-crnoj-gori-918633>

<http://volimpodgoricu.me/2016/12/21/majke-ogorcene-zbog-smanjenja-naknada-protesti-ispred-vlade/>

<http://rs.n1info.com/a215431/Svet/Region/Smanjene-naknade-za-majke-sa-troje-i-vise-dece-u-Crnoj-Gori.html>

<http://www.dan.co.me/?nivo=3&rubrika=Vijest%20dana&datum=2016-12-22&clanak=578712>, all accessed 25 January 2017.