



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Montenegro
<b>Title:</b>	Abolition of lifelong pension fees for mothers of three and more children
<b>Date:</b>	24 July 2017
<b>Expert:</b>	Ivana Jelić
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Constitutional court decision on abolishing the lifelong pension fees for mothers of three and more children, and adopted Law on entering into force of concerned decision of the Constitutional court Sex, motherhood
<b>Ground of discrimination:</b>	
<b>Source:</b>	Constitutional court decision, legislation
<b>Field:</b>	Pensions
<b>Applicable law:</b>	Law on the Execution of the Judgment of the Constitutional Court of Montenegro U-I no. 6/16 of 19 April 2017, as adopted by the Parliament of Montenegro on 30 June 2017 (Official Gazette of Montenegro no. 42/17)

### **Content**

**Law:** On 18 December 2016 the Government of Montenegro has adopted the budget for 2017, in which the pension fees for mothers of three and more children were reduced by 25% (the pension fee was reduced from EUR 336 to EUR 264 for mothers of three children; and from EUR 192 to EUR 144 for mothers with more than three children,), and on 28 December 2016 the Law on Amendments to the Law on Social and Child Protection was adopted by the Parliament of Montenegro (Official Gazette of Montenegro no. 1/17). In April 2017 the Constitutional Court ruled on several applications questioning the constitutionality of the amended law, mainly claiming that the amended law was unconstitutional and that acquired rights of the mothers could not be abolished with retroactive effect.

The Constitutional Court brought its Decision on *Rejecting the Proposal for Determining the Unconstitutionality of the Provisions of Article 13 (Article 176.b) of the Law on Amendments to the Law on Social and Child Protection* (Official Gazette of Montenegro No. 1/17) and on *Non-accepting the Initiative for Assessing the Constitutionality of the Provisions of Article 1 (Article 54a paragraph 1) and Article 13 (Article 176b) of the same law, on 19 April 2017, U - I no. 6/16* (Official Gazette of Montenegro 31/17). The decision actually abolished the lifelong pension fees for concerned mothers. This caused a lot of protests of mothers and lot of public polemics, as well as certain announcements for seeking justice at the ECtHR in Strasbourg.

Consequently, the Law on the Execution of the Judgment of the Constitutional Court of Montenegro U-I no. 6/16 of 19 April 2017 was adopted by the Parliament of Montenegro

on 30 June 2017 (Official Gazette of Montenegro no. 42/17). The Law entered into force on the day of its publication in the Official Gazette on 30 June.

The Law stipulates the abolishment of the pension fees for the concerned mothers, but it stipulates temporary consequent compensation in duration of different periods depending on different situations in which mothers are. Namely, according to article 2, for beneficiaries who have terminated their employment in order to get the lifelong pension fees, the law establishes the right to a monthly compensation, in the net amount, from EUR 193 to 336 per month for certain period of three or five years, or until they get retired, depending on the circumstances related to their previous working status. This amount is increased for contributions for pension and disability insurance. Also, the beneficiaries have the right to health care during the period of receiving the compensation. According to article 5, the beneficiaries whose right on previous pension had been suspended in order to be able to apply for and use a lifelong pension fee based on the birth of three or more children, shall be enabled to continue exercising the right to a previous pension fee. According to article 6, the beneficiaries who were previously registered at the Employment Service as receiving a lifelong pension fee based on the birth of three or more children, shall be enabled to return to the register and use the rights of unemployed persons.

The Ministry of Labour and Social Welfare announced that the competent Centres for Social Work, which are in charge for implementation of the law at municipal level, will make decisions on suspension of execution of the decision on compensation based on the birth of three or more children by 12 July 2017.

**Key points of analysis:** The Law on the Execution of the Judgment of the Constitutional Court of Montenegro respected the Court's decision on abolishing the lifelong pensions for concerned mothers. Having in mind that the principles of restitution and compensation for the legitimate expectations of the mothers are respected by the law, there is no space for the claims of protesting mothers on violation of their acquired rights and legal certainty.

**Internet link source:**

<https://www.slobodnaevropa.org/a/28586111.html>

<http://rs.n1info.com/a243312/Svet/Region/Ustavni-sud-Crne-Gore-Naknade-za-majke-s-troje-dece-neustavne.html>

<https://www.glasamerike.net/a/crna-gora-ustavni-sud-majke/3817232.html>

<https://www.cdm.me/ekonomija/naknade-majkama-ukinute-evo-koji-je-novi-plan-vlade/>

<http://www.vijesti.me/vijesti/vlada-ukinula-naknade-za-majke-vracaju-na-socijalu-sa-biroa-i-penzije-941579>

<http://www.antenam.net/ekonomija/42877-mrss-majke-koje-su-primale-naknadu-od-17-jula-da-rjesavaju-status>

<http://www.antenam.net/ekonomija/43442-gosovic-drzavni-organi-nastavljaju-da-krse-prava-majki>

<http://www.vijesti.me/vijesti/zasto-je-ustavni-sud-promijenio-odluku-o-naknadama-za-majke-i-to-sakrio-od-javnosti-937704>

<http://www.vijesti.me/tag/protest-majke-144816>