



Podgorica, 17 May 2013

## **PRESS RELEASE: Withdraw the Draft Law for serious revision**

Non-governmental organizations that have initiated the proclamation against the Draft Law on Social and Child Protection maintain their position that it is necessary to withdraw the text from parliamentary procedure and return it for serious revision, and then to organize a public debate.

We support the amendments proposed by the Socialist People's Party of Montenegro (SPP) and the Positive Montenegro, as they relate to deficiencies in the Draft Law that we oppose to.

Amendments of the Social Democratic Party of Montenegro (SDP) that were presented on the session of the Parliament on Tuesday are not even close to what is necessary in order to fix the fundamental defects of the Law.

SDP has proposed that the employers, who employ persons who are on maternity or parental leave, be reimbursed with maximum of two average salaries in Montenegro in the previous year, and in accordance with data of Monstat. Although this proposal provides a solution for those who earn up to two average salaries in Montenegro, and who constitute the majority, we oppose it on principle, because we believe that no person, in this case woman, should not be put in risk of being punished because she deserved to have a salary of more than two average salaries in the State.

After all, the goal to be achieved, i.e. the amount that would be saved this way is minimal and does not justify the abandonment of principled existing solution, which prescribes that the employer is reimbursed the full amount for maternity, i.e. parental leave.

Instead of the proposed punishment of the employer for his/her decision to hire a pregnant woman four months prior to her childbirth (up to three months before the commencement of the maternity leave) in a manner that the State does not reimburse the salary that the employer is required to pay to a pregnant woman before, or to mother or father after childbirth, the SDP has proposed that the employer be reimbursed in the amount of 30% of the salary. We completely oppose this proposal as well, because it also suppresses the employment of pregnant women in any case, what should not be the aim of this Law! If there is abuse in the form of fictional employment of pregnant women with the only aim to obtain reimbursement from the State, then such abuse should be prevented otherwise, by strengthening the inspection services,

the rule of law, not by de facto prohibition of employment of pregnant women and violation of their human rights! This proposal essentially represents a violation of labour rights and discrimination against women. In practice, this will also unduly prevent the employment of women, who had previously worked for a limited time. For the same reasons, we do not support the proposal to punish employers in any way for hiring a pregnant woman 6 to 12 months prior to the commencement of her maternity leave. We warn again that these proposals were likely discourage employers from hiring younger women, thus preventing gender equality in practice, to which the Government has otherwise committed, obviously only declaratively.

We also do not agree with the proposal of the SDP to change the disability benefits on the basis of “severe disability” to “disability of 70%”, because under the Law on Vocational Rehabilitation and Employment of People with Disabilities, a person with a “severe disability” is a person who has at least 50% disability so there is no excuse for this Law to exclude the right to disability benefits for persons with disabilities of 50-70%, and especially to associate this right with work ability, which is essentially contrary to the definition of disability from the aspect of human rights, i.e. the definition used in the Preamble to the UN Convention on the Rights of Persons with Disabilities. And in that sense and everything else, we support the proposals for amendments to the Draft Law by the Association of Youth with Disabilities of Montenegro and the Union of the Blind of Montenegro.

We are particularly shocked by the fact that the SDP does not mind the Article 29 of the Draft Law, which denies the right to basic social benefits of parents who are able to work but unemployed for 3 months a year! We fully support the amendments of SPP and Positive Montenegro that propose the deletion of this horrifying article that perpetuates poverty and grey economy, which would have particularly devastating impact on children, who would then be left even without the children's allowance!

In principle we support the proposal that the amount of social benefits should follow economic indicators and the cost of living, because this is the only way to ensure that these costs are somehow met. However, we consider the proposal of SDP in this section unnecessarily complicated. In addition, salaries in Montenegro have decreased, and even when they have a positive trend, it is much lower than the cost of living, which would mean in this moment that the amount of social benefits is decreased. The amount of material family benefit should be determined in relation to the absolute poverty line (as in Croatia) and/or the price of the consumer basket, and ensure that it is harmonized with the index of consumer prices (as in Serbia) i.e. the cost of living.

We support the proposal of the Croatian Civic Initiative to extend the children's allowance to all children in the family, and to increase the amount of the allowance, and to ensure that it progressively increases for every subsequent child as, for example, in Slovenia.

We repeat, the incompetence of the State to prevent and punish abuses in practice should not be an excuse for denying rights, especially the rights of vulnerable groups such as the poor, or women who are already in the permanent risk of discrimination in Montenegro's patriarchal society.

We remind that the current Draft Law is contrary to the obligation of Montenegro to fulfil the recommendations of the UN Committee for the Prohibition of Discrimination against Women, published on 21 October 2011, by October 2015. The Article 28 d) states that the “Committee recommends the State Party to effectively implement existing and adopt additional policies and targeted measures with established deadlines for achieving the set goals and indicators, in order to achieve essential equality of men and women in labour market, to improve employment of women, including women from RAE population, to eliminate occupational segregation and narrow the gap in salaries between men and women”.

The proclamation against the adoption of the Draft Law on Social and Child Protection was endorsed through signatures of about 7.5 thousand citizens. We continue to collect the signatures on the web portal [www.roditelji.me](http://www.roditelji.me). We submitted the 6,778 signatures to the President of the Parliament, with a request to inform the MPs on this number. The proclamation has so far been signed by about 50 NGOs in Montenegro and the Union of Free Trade Unions.

**Kind regards,**

**Human Rights Action**

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