



STATEMENT ON MONTENEGRO

MEDEL has received concerning news that Montenegrin authorities adopted Amendments to the Law on Pension and Disability Insurance, which significantly lowered the pension age for judges, as opposed to the appropriate provisions of the Montenegrin Labor Law. Aside from that, the said Amendments stipulate lower retirement age for female judges, meaning that different retirement ages depending on gender have been introduced.

MEDEL would like to point out that:

- direct or indirect discrimination based on gender is subject to prohibitions, in particular, according to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol 12, Article 1,
- any discrimination within the judiciary may result in infringement of the independence of a judge, and the judiciary as a whole,
- the tenure of office of judges is a crucial guarantee of independence of the judiciary and individual judges, and thus cannot be infringed.

Bearing all this in mind, MEDEL considers that the Amendments to the Montenegrin Law on Pension and Disability Insurance discriminate against female judges, and do not reflect European values.

Moreover, lowering the mandatory retirement age is in conflict with the security of tenure of office of judges, which is a central element of European standards, and violates the obligation under Article 19(1), Paragraph 2 of the Treaty on European Union, as determined by the Court of Justice of the European Union in the case of *Commission v. Poland (C-619/18)*.

Given the fact that Montenegro is a country dedicated to European integration and values, MEDEL emphasizes that non-discrimination and gender equality are European Union's core values, which must be respected in Montenegro as well.

MEDEL therefore calls upon:

- **the Council for the Judiciary of Montenegro to undertake its essential role in defending the independence of the judiciary and individual judges, as stated in the CCJE Opinion No. 24(2021), Article 19,**
- **the Constitutional Court of Montenegro to take a stand on the 2020 initiative of the Montenegrin Association of Judges and Council for the Judiciary, which challenged the constitutionality of the said Montenegrin Law on Pension and Disability Insurance,**
- **the authorities of Montenegro to repeal the Amendments to the Montenegrin Law on Pension and Disability Insurance.**

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