



## **Non-payment of alimony is a problem for mothers-single parents**

### **Institutions refer to one another when asked to provide numbers**

*Ministry of labor and social care do not have numbers about single mother parents in Montenegro. In this Ministry they don't have data about single parent mothers who receive alimony payments*

**Sandra MILIĆEVIĆ/Lidija ROGANOVIĆ**

He organized a wedding, played soccer, tennis, lived a luxury lifestyle, he did not pay alimony to me and children but I was not able to prove it as nothing was registered on his name....a single mother tells us in anonymity as she doesn't want her name in media nor she wants children to read about it.

Montenegrin Law stipulates that parents must pay alimony until the age of 18 of the child, in case that the child is adult pursuing regular education until age of 26 – in practice, it is not so.

Ministry of labor and social care do not have numbers about single mother parents in Montenegro. They responded that the Law on social and children protection doesn't recognize single parent mother term.

Nevertheless, NGO „Women's Safe House“ lawyer Tijana Vuksanovic explains the definition of single parenthood: „ Article 19, ...of the Law on social and children protection covers both parents individually, including single parent mothers“

### **Former husbands often hide their assets**

Single-mother appeals to Montenegrin courts and prosecutors to give priority to legal files regarding alimony payment. She explains how her former husband paid alimony allowance, in conformity with legal requirements.

„Only for few months. After that he stopped so I submitted to the court a proposal for execution“, she explains.

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She further explains that the procedure foresees that the Public Executor provides the bank with data to block the bank accounts until alimony payment is completed.

„In my case , it was difficult as my former husband did not receive money through bank accounts. Another step was a proposition to use his asset for covering the alimony payment but it was not efficient. His car, home and appartments were all under his father's name.“, she said.

The only legal mechanism left was filing a criminal charge for not providing alimony payment.

„ I filed a charge with the Basic State Prosecution and afterwards we were summoned to give a statement“ , she says.

The process took long although there was understanding for her case by the Prosecutor's Office.

After a six month deadline, he did not pay his debt nor regular alimony payments. I had to be persistent as the legal procedure was continued after four months. He tried to compensate the amount by providing receipts from snickers buying and other children's needs, which is not allowed by law“ , she said.

At the main hearing she refused to grant her former husband's imprisonment. There was a conditional sentence issued to pay the remaining alimony allowance in the one year time or go to prison otherwise. The former husband complained on his bad material situation,while the real situation was different according to this single mother.

„He lived a luxury life but nothing was registered on his name“ , she said.

By chance, his material position changed after selling family estate for millions of euros.

„The estate buyer was supposed to pay the money at my former's husband bank account but it was blocked. To unblock it, he had to pay the remaining of alimony allowance. He paid only a part of it“ , she adds.

After that, for a short period, he paid alimony allowance and stopped again.. The motion for execution was once more initiated.

The struggle of this woman has been going on for four years in the court.

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### **Minimum amounts for living**

The lowest amount is 67 euros per child, if a parent is unemployed and has no means for living.

**Dejana Ponoš**, from NGO Parent's Association reminds us that with the end of marriage ends our marital role, but not parental.

„One of the recognized problems is low alimony allowance and non-payment of it. Mechanism for creating the alimony fund were not found, there's no will from the relevant institutions to do anything on this front“, said Ponos.

The Lawyer of the Centre for Women's Rights Tijana Zivkovic says that there are parents who avoid alimony payment on purpose, but also those who cannot do it out of objective reasons. Reasons can be illness or similar. She finds a solution in creating the alimony fund and harshening punishment measures.

„Existence of the alimony fund would secure fulfillment and protection of basic children rights, while the state should foresee mechanisms for retroactive payment from alimony provider, on whose behalf came the alimony allowances paid by the fund“, explained the lawyer.

Non-payment of the alimony is one of the hard forms of violence against women and children, according to Istanbul Convention, which Montenegro ratified. The lawyer Zivkovic explains what the alimony payers use to avoid payment.

„Working on black market, registering their immovable and moveable assets on other names, opening companies on other names and similar are some of the ways based on which alimony givers try to avoid obligations of paying alimony“, says Zivkovic.

### **The right of public to know**

Ministry of labor and social protection has no data on the number of single mothers in Montenegro. Ministry of labor and social care do not have numbers about single mother parents in Montenegro. They responded that the Law on social and children protection doesn't recognize the definition of the single-mother parent.

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They also don't have numbers about single mothers receiving alimony allowance. They referred to the courts as relevant institution for this matter.

Basic Court in Podgorica has no requested data and they directed us towards the Supreme Court. From the Supreme Court they responded that they don't have the data and added:

„ We suggest you refer to another Basic Courts, which are courts of first instance, as well as the Higher Courts in Podgorica and Bijelo Polje, as the second instance courts“

After receiving the answer from the Supreme Court, the Basic Court passed on data regarding the Court Decisions on alimony allowance non-payment.

„Until mid-October of 2020 five conditional sentences were issued based on Article 221 from the Criminal Code of Montenegro on non-payment of alimony support. In 2019, there were 49 sentences, six resulting in incarceration, 35 conditional sentences and 6 sentences regarding punishment of work in public interest“, these are data we were able to receive.

### **Huge burden for women**

Jovana Strugar, psychologist, says single mothers carry a huge burden of worry, warning that these women need additional support.

Strugar explains that single parenthood doesn't come only from broken marital relations, but also by death of one of the partners. It is important to develop strategies on the level of individual and the society.

„ A society can build strong institutional capacities for helping single parents (material assistance, kindergartens, etc.) to promote women empowerment, economic independence and create opportunities to enable women self-realization in different roles. Networks of family and friends may be of great help, offering its capacities“, said the psychologist.

Centre for Social Work in cooperation with the Employment Bureau have an action plan regarding job finding for single parents – users of material support. The Law on Social and Children Protection stipulates in Article 15: „ There is an evidence run about rights of users and support providers, in accordance with this Law“.

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We contacted the Center for Social Work and learned there was no data on how many users were employed as a result of cooperation between the Centre for Social Work and the Bureau for Employment.

Monstat data from 2011, on the other hand, show that there are around 25,000 families in Montenegro with a single mother with one child. There are over 5,000 families with a single father with one child.

In the first six months of 2020, there were 257 divorces, while 663 marriages were made. There were 841 divorces in 2019, while 849 in 2018, show Monstat data.

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