



Name of Country and Jurisdiction:

**Montenegro**



**What forms of legally recognized relationships are available?**



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Montenegro	<ul style="list-style-type: none"> <li>Constitution of Montenegro: <i>“Marriage may be entered into only on the basis of a free consent of a woman and a man”</i> (Art. 71, para. 1).</li> <li>2007 Family Act: <i>“Marriage is concluded by the consent of a woman and man before the competent state authority”</i> (Art. 17).*</li> </ul>	No
Cohabiting union	Montenegro	2007 Family Act: <i>“Cohabiting union: (1) A union of a man and woman lasting for a longer period of time (cohabiting union) has been equalled with marital union regarding right to alimentation and other property related legal relations. (2) A cohabiting union will not be valid in accordance with paragraph 1, if at the time of its conception hindrances existed for the conclusion of a valid marriage”</i> (Art. 12).	No

\* With regard to the English translation and the numbering of the articles found in the online copy of the 2007 Family Act, please note that there are discrepancies between the passages and articles cited in that copy and those cited in the Legal Report prepared by an independent expert for the Council of Europe. The latter source was used for the chart above.

<p>Forthcoming changes</p>	<p>In May 2013, the Institution of Ombudsman presented to the Parliament of Montenegro an initiative for the adoption of a same-sex partnership law. It had not, however, been tabled in Parliament by the end of 2013.</p> <p>The government still said that it had plans to allow for same-sex marriages or partnerships as of 19 August 2014, but nothing has come of it so far. The government expects a law to come into effect “no later than 2018.”</p>
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## ■ Sources:

### Primary

- Constitution of Montenegro, adopted 19 October 2007, *available at* [https://www.constituteproject.org/constitution/Montenegro\\_2007.pdf](https://www.constituteproject.org/constitution/Montenegro_2007.pdf).
- 2007 Family Law, Official Gazette of Montenegro, no. 1/2007, of 9 January 2007, *available at* <http://www.lexadin.nl/wlg/legis/nofr/eur/lxwemnt.htm>.

### Secondary

- Tea Gorjanc Prelevic, Study on Homophobia, Transphobia and Discrimination on Grounds of Sexual Orientation and Gender Identity, Legal Report: Montenegro, *available at* [http://www.coe.int/t/Commissioner/Source/LGBT/MontenegroLegal\\_\\_E.pdf](http://www.coe.int/t/Commissioner/Source/LGBT/MontenegroLegal__E.pdf).
- “Montenegro Plans to Legalise Gay Marriages,” Balkan Insight, 19 Aug. 2014, <http://www.balkaninsight.com/en/article/monenegro-plans-to-legalize-gay-marriages>.
- ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2015, [http://www.ilga-europe.org/sites/default/files/01\\_full\\_annual\\_review\\_updated.pdf](http://www.ilga-europe.org/sites/default/files/01_full_annual_review_updated.pdf).