

# Montenegro

*The Government of Montenegro has established a legal framework to prevent the worst forms of child labor. However, there is no list of hazardous tasks or occupations prohibited for children, and gaps remain in the monitoring and enforcement of laws, as well as the development of government policies on the worst forms of child labor. Children continue to work on the street, in forced organized begging, and construction. Roma children are particularly vulnerable to this kind of exploitation.*



## Statistics on Working Children and School Attendance

| Children                  | Age       | Percent |
|---------------------------|-----------|---------|
| Working                   | 5-14 yrs. | 12.9%   |
| Attending School          | 5-14 yrs. | 87.8%   |
| Combining Work and School | 7-14 yrs. | 87.7%   |

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Montenegro, particularly Roma children, are exploited in the worst forms of child labor.<sup>3429</sup> These children work on the streets, in the construction sector, and are engaged in forced, organized begging in order to provide financial support for their families.<sup>3430</sup> Children working on the streets may be exposed to a variety of dangers, including severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Montenegrin children, primarily poor women and young girls, are trafficked for forced labor and commercial sexual exploitation. Montenegro is largely a transit country for trafficking victims en route to other countries, and to a lesser extent, a source and destination country for human trafficking victims. Children are also subjected to forced prostitution in Montenegro.<sup>3431</sup>

In some farming communities, young children also work in agriculture.<sup>3432</sup> This work may involve

harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

## Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2006 establishes the minimum age for work at 15, and the minimum age for hazardous work at 18.<sup>3433</sup> However, there is no list of hazardous tasks or occupations that are prohibited to children.

The Constitution guarantees children special protection from psychological, physical, economic, and any other kind of exploitation or abuse. It also explicitly bans forced labor.<sup>3434</sup>

Articles 209 and 210 of the Criminal Code prohibit the enabling or procurement of a child for sexual acts and the recruitment, sale, and incitement of persons for the purposes of prostitution. The Criminal Code stipulates greater penalties for those who perpetrate this act against a minor.<sup>3435</sup> Articles 444 and 445 of the Criminal Code explicitly ban trafficking in children for the purposes of labor and commercial

sexual exploitation, forced prostitution or begging, pornography, and organ harvesting, as well as trafficking in children for adoption.<sup>3436</sup>

In late 2009, the Montenegrin Parliament passed the Law on Labor Inspection, which empowers labor inspectors to suspend or shut down employers who have violated labor laws.<sup>3437</sup> An amendment to the Labor Law, passed in 2008, authorizes labor inspectors to issue monetary penalties for violation of labor provisions.<sup>3438</sup>

|   |  |     |
|---|--|-----|
|    | C138, Minimum Age  | ✓   |
|   | C182, Worst Forms of Child Labor   | ✓   |
|    | CRC  | ✓   |
|   | CRC Optional Protocol on Armed Conflict  | ✓   |
|   | CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography | ✓   |
|   | Palermo Protocol on Trafficking in Persons   | ✓   |
|  | Minimum Age for Work   | 15  |
|   | Minimum Age for Hazardous Work   | 18  |
|  | Compulsory Education Age   | 14  |
|   | Free Public Education  | Yes |

**Institutional Mechanisms for Coordination and Enforcement**

The Office of the National Anti-Trafficking Coordinator is the major entity responsible for overseeing efforts to combat human trafficking, including trafficking of children. It regularly reports on the progress being made concerning these issues.<sup>3439</sup> However, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

Montenegro has other institutional mechanisms in place to protect children. In July 2009, the Deputy Ombudsman for Children’s Rights was appointed specifically to address issues concerning children.<sup>3440</sup> The Council on Child Rights was also formed at this time, and it has begun to meet on an ad hoc

basis. However, the Council on Child Rights has no systematic work program.<sup>3441</sup> Furthermore, it is unknown whether the Deputy Ombudsman and the Council on Child Rights have any role or responsibilities for addressing child labor in particular.

The Ministry of Labor and Social Welfare’s, Labor Inspectorate is responsible for enforcing child labor laws.<sup>3442</sup> It has 40 inspectors who are responsible for monitoring conditions in workplaces throughout the country.<sup>3443</sup> In 2009, the Labor Inspectorate conducted over 13,000 labor inspections and found approximately 8,000 violations of labor standards.<sup>3444</sup> However, it did not disclose whether any of these violations involved children. Furthermore, there is no central database for child labor inspections, violations reported, and penalties imposed.<sup>3445</sup>

The Government of Montenegro does not provide awareness or victim identification training to the officials who are charged with enforcing child labor laws.<sup>3446</sup> In addition, the Government does not appear to provide the Labor Inspectorate with a national registry of enterprises in Montenegro.

Government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor, Montenegrin courts, the Ministry of the Internal Affairs and the Police Directorate, as well as the Ministries of Health, Justice, Labor and Social Welfare, and Education.<sup>3447</sup> Anti-trafficking efforts within the Police Directorate are led by the organized crime department of the criminal police.<sup>3448</sup> The Government of Montenegro has established a unified system for collecting data on law enforcement through the Office of the National Anti-Trafficking Coordinator. The Montenegrin courts, Chief State Prosecutor, and the Police Directorate all contribute information to this database.<sup>3449</sup>

The Government of Montenegro investigated and prosecuted 14 suspects in cases that involved trafficking charges in 2009, although it is unknown how many of these cases involved children. Out of these 14 suspects, 11 were convicted by Montenegrin courts.<sup>3450</sup> The Government also arrested and initiated prosecutions against 10 Roma adults for allegedly organizing and forcing their own relatives, young Roma children, to beg on the streets.<sup>3451</sup>

In Montenegro, there have been allegations that some police officers are facilitating forced prostitution of

children.<sup>3452</sup> In February 2010, three police officers were arrested and charged for abuse of their authority for their suspected involvement in the forced prostitution of young girls.<sup>3453</sup>

## Government Policies on the Worst Forms of Child Labor

As part of the Strategy Paper on Poverty Reduction and Social Inclusion, the Government developed the National Strategy for Social and Child Protection 2008-2012 to ensure the essential rights of the most vulnerable groups of society, including Roma and their children.<sup>3454</sup> Additionally, the Government has adopted an Action Plan for the Decade of Roma Inclusion 2005-2015 and the Strategy for the Improvement of the Status of the RAE (Roma, Ashkali, and Egyptian) Population in Montenegro. These strategies aim to improve the living standards for Roma and others.<sup>3455</sup> The Government allocated approximately \$500,000 dollars for the first year of the strategy and pledged to allocate 0.2 percent of its total budget each year in order to finance activities prescribed by the strategy.<sup>3456</sup> The question of whether these strategies have an

impact on the worst forms of child labor does not appear to have been addressed.

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Montenegro funds the Center for Children and Youth, which provides temporary assistance for child victims of trafficking and organized begging, including psychological care, legal aid, and vocational training.<sup>3457</sup> The National Anti-Trafficking Coordinator's Office funds the center in Podgorica, an expense which accounted for approximately two-thirds of the annual anti-trafficking budget of 123,000 Euro (approximately \$168,000) in 2009.<sup>3458</sup>

The Government also sponsors public awareness campaigns and education initiatives for the Roma population, as well as general public awareness campaigns, public service announcement, and conferences on human trafficking.<sup>3459</sup> However, the Government of Montenegro lacks programs that target children who engage in potentially hazardous agricultural work or those engaged in construction activities.

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montenegro:

#### IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to include a list of hazardous activities and occupations prohibited to children.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide the Labor Inspectorate with a national registry of enterprises that operate within Montenegro's borders.
- Provide the Labor Inspectorate with the funding to create a national database of case involving violations of child labor law.
- Provide victim assistance and identification training to all relevant officers and government agents who are involved in efforts to combat the worst forms of child labor.

#### IN THE AREA OF POLICIES:

- Incorporate and streamline the elimination of the worst forms of child labor into all government policies pertaining to children, and in particular, the Roma minority.
- Assess the impact that social policies may have on addressing the worst forms of child labor.

#### IN THE AREA OF PROGRAMS:

- Implement programs that specifically address the problem of children working in agriculture and construction activities.

<sup>3429</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining work and school are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

<sup>3430</sup> U.S. Embassy- Podgorica, *reporting*, February 5, 2010. See also U.S. Department of State, "Montenegro," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136048.htm>.

<sup>3431</sup> U.S. Department of State, "Montenegro (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

<sup>3432</sup> U.S. Department of State, "Country Reports- 2009: Montenegro."

<sup>3433</sup> ILO NATLEX National Labor Law Database, *Labor Law 2008*, accessed January 25, 2010; available from <http://www.gov.me/files/1227178179.doc>.

<sup>3434</sup> ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, accessed July 19, 2010; available from [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_country=MGO&p\\_classification=01.01&p\\_origin=COUNTRY&p\\_sortby=SORTBY\\_COUNTRY](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MGO&p_classification=01.01&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY).

<sup>3435</sup> ILO NATLEX National Labor Law Database, *Criminal Code of the Republic of Montenegro 2004*, accessed September 29, 2010; available from <http://www.legislationonline.org/documents/action/popup/id/4168/preview>.

<sup>3436</sup> Ibid.

<sup>3437</sup> ILO NATLEX National Labor Law Database, *Law on Labor Inspection 2008*, accessed January 25, 2010; available from <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/81588/88702/F642528465/MGO81588.pdf>.

<sup>3438</sup> U.S. Embassy- Podgorica, *reporting*, February 5, 2010.

<sup>3439</sup> U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

<sup>3440</sup> Ibid.

<sup>3441</sup> Ibid.

<sup>3442</sup> U.S. Embassy- Podgorica, *reporting*, February 5, 2010.

<sup>3443</sup> Ibid.

<sup>3444</sup> U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

<sup>3445</sup> Labor Administration and Inspection Program, *Labor Inspection Country Profile: Montenegro*, [online] July 1, 2009 cited; available from [http://www.ilo.org/labadmin/info/lang--en/WCMS\\_114178/index.htm](http://www.ilo.org/labadmin/info/lang--en/WCMS_114178/index.htm).

<sup>3446</sup> U.S. Department of State, "Country Reports- 2009: Montenegro."

<sup>3447</sup> Ibid.

<sup>3448</sup> Ibid.

<sup>3449</sup> U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

<sup>3450</sup> U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

<sup>3451</sup> Ibid.

<sup>3452</sup> Ibid. See also U.S. Department of State, "Country Reports- 2009: Montenegro."

<sup>3453</sup> Ibid.

<sup>3454</sup> U.S. Embassy- Podgorica, *reporting*, February 5, 2010.

<sup>3455</sup> Ibid.

<sup>3456</sup> Ibid.

<sup>3457</sup> U.S. Department of State, "Country Reports- 2009: Montenegro." See also U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

<sup>3458</sup> U.S. Embassy- Podgorica, *reporting*, March 4, 2010.

<sup>3459</sup> U.S. Embassy- Podgorica, *reporting*, January 13, 2009. See also U.S. Department of State, "Country Reports- 2009: Montenegro."