

In 2011, Montenegro made a minimal advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the Government adopted amendments that strengthen legal protections against trafficking, such as creating a national mechanism for the compensation of victims of violent crimes. In addition, the Government, with assistance from UNICEF and UNDP, developed and adopted Action Plans for the Country Program 2012 -2016, which aims to address disparities and gaps in access to quality social services for children and families, among other efforts. Despite these efforts, gaps remain in the areas of laws, policies and programs. The Criminal Code lacks protections against the use, procurement or offering of children ages 14 to 18 for the production of pornography or pornographic performances. Although the Government continued to implement the National Strategy for Improvement of Roma Position in Montenegro 2008-2012, it allocated only \$428,000 of the \$2,857,000 that was pledged under the National Strategy for the reporting period. In addition, there are no programs that specifically address the problem of children performing work on the streets and children involved in forced begging. Further, results of research on child beggars' vulnerability to child trafficking have not been made publicly available. The worst forms of child labor continue to exist in Montenegro in forced begging and informal work on the streets, which mostly involves Roma children.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	12.9
Attending School	5-14 yrs.	87.7
Combining Work and School	7-14 yrs.	14.4
Primary Completion Rate		Unavailable

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS3, 2005.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Montenegro engage in the worst forms of child labor in forced begging and informal work on the streets, which mostly involves Roma children. This type of work includes washing car windows, sorting through rubbish and selling small



goods.(3, 4) Children working on the streets may be exposed to severe weather, harsh working conditions, dangerous machines and tools, traffic accidents and criminal elements.(5)

Although evidence is limited, young children reportedly work in agriculture, mostly to assist their families.(3) This work may involve using potentially dangerous machinery and tools, carrying heavy loads and applying toxic pesticides.(6)

Montenegro is a source, destination and transit country for children trafficked for forced labor and commercial sexual exploitation. Children are trafficked internally, and externally from and to other Balkan countries.(7)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2008 establishes the minimum age for work at 15 and the minimum age for hazardous work at 18.(8, 9) Article 104 of the Labor Law prohibits hard physical labor and underground or underwater work, as well as any other activities that may have harmful impact or increase the risk to a child's good health and life. The Labor Law also prescribes that it is unlawful to perform overtime work and night work.(8, 9) However, there is no comprehensive list of hazardous tasks or occupations that are prohibited to children.

The Constitution calls for special protections for children against psychological, physical and economic harm, and all other kinds of exploitation or abuse. Article 63 of the Constitution explicitly bans forced labor.(10) Article 446 of the Criminal Code prosecutes any act that submits another person

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into slavery and transports enslaved persons by imprisonment, and for a term of 1 to 10 years. If the offense involves a minor, the offender receives a harsher punishment of imprisonment for a term of 5 to 15 years.(11)

	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	15
	Free Public Education	Yes

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 children.(11) Article 444 of the Criminal Code explicitly bans trafficking of minors for the purposes of labor, commercial sexual exploitation, forced prostitution, forced begging and pornography.(11) Article 211 of the Criminal Code prohibits using, procuring or offering a child for the production of pornography or pornographic performances. However, that particular article applies only to children that have not reached the age of 14.(11, 12)

The Law on Labor Inspection empowers labor inspectors to suspend or shut down employers who commit gross violations of the labor laws.(13) A recent amendment to the Labor Law authorizes labor inspectors to issue monetary penalties for violation of labor provisions, including the employment of minors.(8)

On March 1, 2011 the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which the Government had ratified in 2010, became effective.(2)

The Government adopted several laws and amendments to existing criminal codes that relate to the legislation on trafficking during the reporting period. These include the Law on Juvenile Justice that aims to improve the treatment of juvenile offenders, and provides for adequate treatment to underage victims of crime. This action emerged from a need for a separate justice system and creating a more protective environment for juveniles.(14,15)

In addition, a law of free legal aid that was adopted in 2011 and took effect on January 1, 2012 applies to all citizens that include foreigners with permanent residence and persons with approved temporary residence. The Government adopted Amendments to the Law on Foreigners that permits foreign nationals, including minors, to temporarily stay in Montenegro for humanitarian reasons.(15) Furthermore, the Government ratified the European Convention on the Compensation of Victims for Violent Crimes, and adopted a law to establish a national mechanism for the compensation of victims of violent crimes on December 29, 2011.(15)

Article 75 of the Constitution stipulates that education is free and compulsory for children until age 15.(10, 16) The Government does not require mandatory military service and the minimum age for voluntary recruitment is 18.(17)

Institutional Mechanisms for Coordination and Enforcement

The Council for Children's Rights is the main body for coordinating and implementing the national plan to protect children's rights.(3, 18) The Council for Children's Rights consists of the President of the Council, the Minister of Labor and Social Welfare, and other relevant ministries, agencies and NGOs.(4).

The Labor Inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws.(18) It employs 35 inspectors who are responsible for monitoring conditions in workplaces throughout the country.(4) For the purpose of conducting inspections, the Ministry regularly provides the Labor Inspectorate with an updated registry of companies, enterprises and legal entities that are subject to taxation.(18) In 2011, labor inspections found no violations of child labor in the formal sector.(4)

In 2011, the Government implemented awareness-raising campaigns and training sessions for a range of professionals on how to better identify victims of human trafficking.(4, 7, 15) During the reporting period, the Government did not provide any child labor related training because it was not considered a problem.(4)

The Office of the National Anti-Trafficking Coordinator is the major entity responsible for overseeing efforts to combat human trafficking, including the trafficking of children. It regularly reports on the progress being made concerning these issues.(15, 18) However, no evidence was found of a coordinating mechanism to combat other worst forms of child labor.

The government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor, Montenegrin courts, the Ministry of Internal Affairs and the Police Directorate, as well as the Ministries of Health, of Justice, of Labor and Social Welfare, and of Education.(15) Anti-trafficking efforts within the Police Directorate are led by the organized crime department of the police.(15, 19) The Government has established a unified system for collecting data on law enforcement through the Office of the National Anti-Trafficking Coordinator. The Montenegrin courts, the Chief State Prosecutor and the Police Directorate contribute information to this database.(19) In addition, the authorities established a working group to observe the implementation of the national strategy for 2011-2016 to combat human trafficking in 2011.(7)

During the reporting period, the Government sentenced six persons to prison for trafficking charges and acquitted seven persons charged with trafficking. The Government identified three potential victims of human trafficking. Each victim was placed in a shelter and given necessary assistance, including legal and medical aid, counseling, and food and clothing items.(15)

In addition, as a result of operation “Beggar,” police charged 11 individuals with organizing the begging of children and removed 172 children from the streets.(15) There is little information available on what happened to children after they are removed from streets through operation “Beggar.”

Government Policies on the Worst Forms of Child Labor

The Government, with assistance from UNICEF and UNDP, developed and adopted the Action Plans for the Country Program 2012 -2016. The Program aims to address disparities and gaps in access to quality social services for children and families to conform to United Nations standards; harmonize the country’s legal framework with European Union and United Nations standards; implement and monitor policies relevant to child-focused governance and social inclusion; apply

the principles and standards of the Convention on the Rights of the Child by national and local authorities; and facilitate independent monitoring.(14, 20)

The strategies of the Government’s national action plan for the regional framework Decade of Roma Inclusion 2005-2015, and the National Strategy for the Improvement of Roma Position in Montenegro 2008-2012, were not fully implemented in 2011.(4) These policies aim to improve the living standards for the Roma and other minorities. The Government pledged to allocate 0.2 percent of its total budget each year to finance activities prescribed by the National Strategy in Montenegro.(19) For 2011, however, the Government allocated only \$428,000 of the \$2,857,000 that was pledged under the National Strategy.(18)

The Government continued to implement the Action Plan for the Implementation of the National Strategy on Anti-Trafficking, which was adopted in January 2010.(4)

The question if existing policies have had an impact on the worst forms of child labor remains unanswered due to the recent initiation of each of the policies.

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

The National Anti-Trafficking Coordinator’s Office continues to fully fund the shelter in Podgorica, an expense which accounted for \$52,224 in 2011. Each victim receives \$8 per day at the shelter.(15)

The Government also sponsors public awareness campaigns and education initiatives for the Roma population, as well as general public awareness campaigns, public service announcements and conferences on human trafficking. For example, the Government launched a campaign against child begging, “Let’s Teach Them Something New,” to suggest that no money should be given from the general public to children begging in the streets.(15) Despite this awareness-raising effort and the trafficking victims shelter in the capital city, there is no evidence of other services for children involved in the worst forms of child labor in street work and forced begging.

In addition, in May 2011 the National Anti-Trafficking Coordinator’s Office and Ombudsman’s Office conducted a study on the vulnerability of children begging in the streets to human trafficking.(15) According to the study, there were 330 child beggars on the street. However, some observers indicate that the number might be underreported.(4)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend article 211 of the Criminal Code to ensure that children up to age 18 are protected from the use, procurement or offering of a child for the production of pornography or pornographic performances.	2011
	Enact a list of hazardous activities and occupations that are prohibited for minors.	2009, 2010, 2011
Coordination and Enforcement	Ensure that children removed from the streets through operation "Beggar" are not placed in the position to re-enter into begging.	2011
Social Programs	Provide adequate funding for the social programs under the Decade of Roma Inclusion 2005-2015 and the National Strategy for the Improvement of Roma Position in Montenegro 2008-2012.	2010, 2011
	Make survey results and data related to Roma children and other children involved in worst forms of child labor publically available.	2011

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