

In 2012, Montenegro made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government adopted the Law on Social and Child Protection; the 2012-2018 National Strategy for Combating Human Trafficking and the corresponding Action Plan for its Accomplishments; and the 2012-2016 Strategy for the Improvement of the Position of Roma and other minorities in Montenegro. However, 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. In addition, there are no programs that specifically address the problem of children working on the streets and children involved in forced begging. The worst forms of child labor continue to be found in Montenegro in forced begging and informal work on the streets.



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		115.3

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2013.(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 are found in the worst forms of child labor in forced begging and perform informal work on the streets.(3, 4) Roma children are most commonly involved in these activities. This type of work includes washing car windows, sorting through rubbish, and selling small goods.(4) These activities are dangerous, as children perform many of them in the middle of busy intersections and streets, and in extreme heat or during seasonal downpours without adequate clothing.(5) Lacking either birth or citizenship documentation, a large number of Roma remain unregistered, which means they are not entitled to receive social protection or child support.(6, 7) The rate of unregistered children appears to be related to the costs of registration and lack of information and awareness of the process.(5)

Although evidence is limited, young children reportedly work in agriculture.(3) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(8, 9)

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.(10)

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.(11, 12) The Labor Law prohibits hard physical labor and underground or underwater work, as well as any other activities that may have a harmful impact on or increase the risk to a child's health and life. The Labor Law also prohibits children under 18 from performing overtime and night work.(11, 12) However, employees between 15 and 18 are sometimes assigned to dangerous work at night if the nature of work requires a continuation of work that was interrupted by natural disasters or to prevent damage to raw and other materials.(13)

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.(14) Article 446 of the Criminal Code prohibits any act that submits another person

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to slavery and that involves the transport of enslaved persons, penalizing such an act by imprisonment for a term of 1 to 10 years. If the offense involves a minor, the offender may receive a harsher punishment of imprisonment for a term of 5 to 15 years.(15)

International Conventions and Selected Laws on Child Labor and Education

	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 pimping and 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.(15) Article 444 of the Criminal Code explicitly bans the trafficking of minors for the purposes of labor, commercial sexual exploitation, forced prostitution, forced begging, and pornography.(15) In 2012, the Government amended this Article to include provisions on the criminalization of exploitation related to slavery and entering into an illicit marriage.(16) Other amendments include new regulations to treat a Trafficking in Persons victim's consent to exploitation as irrelevant and to consider it an aggravated offense for a public official to commit a crime during his official duties.(16) 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 who have not reached the age of 14.(15, 17)

The Law on Labor Inspection empowers labor inspectors to suspend or shut down employers who commit gross violations of labor laws.(18) An amendment to the Labor Law authorizes labor inspectors to issue monetary penalties for violation of labor provisions, including the employment of minors.(11)

The Law on Juvenile Justice, which is separated from the law for adults, provides for assistance to underage victims of crime.(6, 19)

The Government adopted Amendments to the Law on Foreigners that permit foreign nationals who are victims of trafficking, including minors, to temporarily stay in Montenegro for humanitarian reasons.(19) Furthermore, the Government ratified the European Convention on the Compensation of Victims for Violent Crimes and adopted a draft law to establish a national mechanism for the compensation of victims of violent crimes in 2011.(19) In December 2012, the Government convened a round table meeting during which a draft law was presented and discussed.(16)

The Government does not require mandatory military service and the minimum age for voluntary recruitment is 18.(20) However, the Government retains the law that permits or could result in mobilization of children under 18 in national armies in the event of war or other emergencies.(21)

Article 75 of the Constitution stipulates that education is free and compulsory for children until age 15.(14, 22)

Institutional Mechanisms for Coordination and Enforcement

The Council for Children's Rights is the main body for coordinating and implementing the National Plan of Action for Children.(3, 23) 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.(24) Reportedly, the Council met only once during the last reporting period and the issue of the worst forms of child labor was not discussed during that meeting.(3)

The Labor Inspectorate, formerly within the Ministry of Labor and Social Welfare, is responsible for enforcing child labor laws.(23) The Labor Inspectorate was transferred to become part of the new Inspection Administration, which is an independent body, in June 2012. The Ministry of Labor and Social Welfare is still responsible for the protection of children's rights and child labor cases are still referred to the Ministry and the police for further consideration.(3)

The Inspection Administration employs 35 inspectors who are responsible for monitoring working conditions in workplaces throughout the country.(3, 24) For the purpose of conducting and planning inspections, the Ministry regularly provides the Labor Inspectorate with an updated registry of companies, enterprises, and legal entities that are subject to taxation.(23, 25) In 2012, the Inspection Administration carried out 12,154 labor inspections. Although 8,359 violations were found, none involved child labor.(3)

In 2012, two inspectors from the Inspection Administration received a week of specialized training on trafficking in persons for labor exploitation.(3) During the reporting period, the Government did not provide any child labor related training because it was not considered a problem.(3)

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.(3) It regularly reports on the progress being made concerning these issues.(19, 23) Forced begging cases are the responsibility of the Ministry of Interior, the Ministry of Labor and Social Welfare, and the National Office for Combating Human Trafficking.(3)

The government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor; Montenegrin courts; the Ministry of Internal Affairs and its Police Directorate; as well as the Ministries of Health, Justice, Labor and Social Welfare, and Education.(3, 19) Anti-trafficking efforts within the Police Directorate are led by the organized crime department.(19, 26) 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.(26)

During the reporting period, the Chief State Prosecutor filed charges against one person for human trafficking that involved two minors and seven adults. One more minor girl was trafficked from Montenegro to Serbia, but was returned by the Serbian government.(16) The Government offered assistance and shelter to all victims.(16)

Police continued with Operation Beggar in 2012.(25) The law prescribes fines ranging from \$650 to \$1,970 or 60 days in prison for organizing, inciting, or forcing others to beg.(25) There were 79 children caught begging, but charges were not filed against anyone for forcing children to beg in 2012.(25)

Generally, the police inform parents of children who are caught begging. Otherwise, children are referred to a shelter and afterwards to local social welfare centers.(25) It is unclear whether these children returned to begging.

Government Policies on the Worst Forms of Child Labor

While the Government does not have a child labor policy, it has adopted several policies that serve vulnerable children. The National Plan of Action for Children promotes and protects children's rights in the areas of social services, child protection, health services, education, and other areas relevant for their protection.(3) During the reporting period, the Government adopted a 2012-2016 Strategy for the Improvement of the Position of Roma and other minorities in Montenegro.(3) The Strategy is the plan for the Decade of Roma Inclusion 2005-15.(25) The Ministry for Minority and Human Rights is responsible for the implementation of this strategy.(3) Among other topics, the Strategy addresses issues such as Montenegro's legal framework, education, employment, child protection, housing, and participation in public life.(3) The Government appropriated \$614,000 during 2012, however there were no significant measures to advance the Strategy.(25)

In 2012, the Government, with assistance from UNICEF and UNDP, developed and adopted the Action Plans for the Country Program 2012-16.(6) The Program aims to address disparities and gaps in access to quality social services for children and families to conform to UN standards; harmonize the country's legal framework with EU and UN 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 using national and local authorities; and facilitate independent monitoring.(6, 27)

The Government adopted a new 2012-18 National Strategy for Combating Human Trafficking and the corresponding Action plan for its Accomplishments.(3) The coordinating body for the implementation of this Strategy, which includes a focus on child trafficking, is the National Office for Combating Human Trafficking. The Strategy focuses on prevention and education; the identification, assistance, protection, and reintegration of victims; efficient prosecution; international cooperation; and coordination and partnership.(3) The question of whether the above policies have had an impact on the worst forms of child labor remains unanswered due to their recent adoption.

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The Government of Montenegro is currently implementing the Strategy for the Development of Social and Child Protection for 2008-12. The new Strategy for 2013-17 is being drafted.(13) The main objectives of the Strategy are building an integrated social and child protection system by developing efficient service networks and building capacity.(13) More specifically, the social protection called for in the Strategy includes monthly social assistance, health care, and child allowances conditioned on school attendance. There were approximately 20,000 children benefitting from family and child allowances.(13) Older children who are registered as unemployed are offered employment through re-training services and additional training.(13) For better protection of children without parents, the Government adopted the Strategy for the Development of Foster Care along with the Action Plans for the Country Program 2012-16.(13)

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

The Office of the National Anti-Trafficking Coordinator continues to fully fund the shelter in Podgorica, an expense which accounted for approximately 50 percent of the total budget of \$182,000. Each victim receives \$10 per day at the shelter.(16) The Government has a national mechanism to identify and refer victims of trafficking to shelters.(16)

Research suggests that the Government also supports social welfare centers that provide social, child, and family protection. Foreign citizens are entitled to one-term financial assistance and the right to be assigned a guardian.(16)

The Office of the National Anti-Trafficking Coordinator organized numerous training on trafficking for judges,

prosecutors, and law enforcement officials.(16) The Government participated in the Council of Europe campaign against childhood violence, “One of Five,” which addressed children vulnerable to different forms of exploitation, including trafficking, begging, and forced marriage, among other forms.(16) Despite this awareness-raising effort and the trafficking victims’ shelter in the capital city, there is no evidence of other services provided for children involved in the worst forms of child labor in street work and forced begging.

The Ombudsman’s Office, together with an NGO, contributed to drafting a regional report on child begging issues.(25)

The Government, along with the European Commission, UNDP, and UNICEF, implemented the project “Social Welfare and Child Care System Reform: Enhancing Social Inclusion” under the Strategy for the Development of Social and Child Protection for 2008-12.(13) The project began in January 2011 and is expected to continue until June 2013.(13) It is unknown how this project has impacted the worst forms of child labor.

Under the Law on Social and Child Protection, the Government allocated approximately \$76 million to the Ministry of Labor and Social Welfare for monthly social assistance, child support, personal disability, institutional care, and the care and assistance of other persons.(13, 25) The impact of these actions on the worst forms of child labor is currently unknown. All social protection programs aim to protect at-risk children from economically disadvantaged families; children with physical, mental and sensory disabilities; abused and neglected children; orphans; and children with behavioral disorders.(13)

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, 2012
	Prevent employees between 15 and 18 years of age from being assigned to work at night.	2012

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Organize more frequent meetings of the Council for Children's Rights to discuss and coordinate government efforts to combat the worst forms of child labor or to establish another body to coordinate such efforts.	2012
	Ensure that children removed from the streets are not placed in the position to re-enter into begging.	2012
Policies	Evaluate the impact the Strategy for the Development of Social and Child Protection for 2008-12 has had on the worst forms of child labor.	2012
	Fully fund and implement the National Strategy for the Improvement of the Position of Roma and other minorities in Montenegro.	2010, 2011, 2012
Social Programs	Make survey results and data related to Roma children and other children involved in the worst forms of child labor publically available.	2011, 2012
	Assess the impact of the Strategy for the Development of Social and Child Protection on children found in the worst forms of child labor.	2012
	In cooperation with NGOs, address the cost of social programs and strengthen efforts to provide access to information about how to register and apply for social protection programs.	2012

REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total*; accessed February 4, 2013; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 5, 2013. Reliable statistical 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 on children's work in general are reported in this chart, 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.
- U.S. Embassy- Podgorica. *reporting, February 6, 2013*.
- U.S. Department of State. "Montenegro," in *Country Reports on Human Rights Practices- 2012*. Washington, DC; April 19, 2013; <http://www.state.gov/documents/organization/204530.pdf>.
- U.S. Embassy- Podgorica. E-mail communication to USDOL official. June 24, 2013.
- UNICEF. *Montenegro: Country Programme Document: 2012-2016*; September 15, 2011. http://www.unicef.org/about/execboard/files/Montenegro_final_approved_2012-2016_20_Oct_2011.pdf.
- European Commission. *Commission Staff Working Document Montenegro 2012 Progress Report*. Brussels; October 10, 2012. http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/mn_rapport_2012_en.pdf.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/pulic/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- International Labour Office. *Farming*, International Labour Organization, [online] January 31, 2012 [cited October 26, 2012]; http://www.ilo.org/ipecc/areas/Agriculture/WCMS_172416/lang-en/index.htm.
- U.S. Department of State. "Montenegro" in *Trafficking in Persons Report- 2011*. Washington, DC; June 19, 2012; <http://www.state.gov/j/tip/rls/tiprpt/2012/>.
- Government of Montenegro. *Labor Law*, No. 49/08, enacted 2008. http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=MGO&p_classification=01.02&p_origin=SUBJECT.
- ILO Committee of Experts. *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Montenegro (ratification: 2006) Submitted: 2010* accessed January 31, 2012; <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24817&chapter=9&query=%28montenegro%29+%40ref%2Bchild&highlight=on&querytype=bool&context=0>.
- The Government of Montenegro. *U.S. Department of Labor Request for Information on Child Labor and Forced Labor*; December 14, 2012.
- Government of Montenegro. *Constitution of the Republic of Montenegro*, enacted October 22, 2007. 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.
- Government of Montenegro. *Criminal Code of the Republic of Montenegro* no. 70/2003, and correction, no. 13/2004, enacted 2004. <http://legislationline.org/documents/section/criminal-codes>.

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16. U.S. Embassy - Podgorica. *reporting, February 15, 2013.*
17. ILO Committee of Experts. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Montenegro (ratification: 2006) Submitted: 2010* accessed January 30, 2012; <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25312&chapter=9&query=%28montenegro%29+%40ref%2Bchild&highlight=on&querytype=bool&context=0>.
18. Government of Montenegro. *Law on Labour Inspection*, enacted December 22, 2008. <http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/81588/88702/F642528465/MGO81588.pdf>.
19. U.S. Embassy- Podgorica. *reporting, February 29, 2012.*
20. Coalition to Stop the Use of Child Soldiers. "Montenegro," in *Child Soldiers Global Report 2008*. London; 2008; http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.
21. Child Soldiers International. "Appendix II: Data Summary Table on Recruitment Ages of National Armies," in *Louder than Words: An Agenda for Action to End State Use of Child Soldiers*. London; 2012; http://www.child-soldiers.org/global_report_reader.php?id=562.
22. Government of Montenegro. *State in the Field of Education of Children with Special Needs in Montenegro*. Podgorica, UNESCO; June 14-16, 2007. <http://bit.ly/y4hX7R>.
23. U.S. Embassy - Podgorica. *reporting, March 1, 2011.*
24. U.S. Embassy- Podgorica. *reporting, January 17, 2012.*
25. U.S. Embassy- Podgorica. *reporting, April 2, 2013.*
26. U.S. Embassy- Podgorica. *reporting, March 25, 2011.*
27. Government of Montenegro. *Montenegro Champion of UN Reform*, Government of Montenegro, [online] [cited January 16, 2012]; <http://www.gov.me/en/News/111030/Montenegro-champion-of-EU-reform-UN-official-says-at-signing-of-cooperation-action-plans.html>.