

**MONTENEGRO (2017)**
**THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR**  
*Protocol of 2014 (P029) to the Forced Labour Convention*

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: the Montenegro Employers Federation (MEF), the Confederation of Trade Unions of Montenegro (CTUM) and the Union of Free Trade Unions of Montenegro (UFTUM) have been consulted in the reporting process through the communication of the Government's report for their opinion and comments.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Montenegro has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	<b>2017 AR:</b> According to the Government, the ratification of the Protocol is likely as all relevant institutions and social partners such as the Ministry of Labour and Social Welfare, the Social Council of Montenegro, the Labour Inspectorate, the Agency for Peaceful Settlement of Labour Disputes, all representative social partners and the Parliament of Montenegro have indicated their positive opinion on ratification of this instrument with the exception of the Montenegrin Employers Federation that considers the ratification of the Protocol as unnecessary.
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<b>2017 AR:</b> The Government indicated that there are national policies and plans of action aimed at suppressing all forms of forced or compulsory labour as well as setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour.	
	<b>Measures taken or envisaged for systematic and coordinated action</b>	<b>2017 AR:</b> The Government reported that it had adopted a new Strategy for Combating Trafficking in Human Beings/Children for the period 2012-2018. This strategic document defines the objectives, principles and directions in the fight against human trafficking and specific measures to improve the efficiency of the established system for combating trafficking in human beings/children in the public, private and civil sectors. It focuses on six key areas: 1. Prevention and education; 2. Identification of victims of trafficking; 3. Assistance, protection and reintegration of victims; 4. Effective prosecution; 5. International cooperation; 6. Coordination and partnership.  The objectives of the Strategy are aligned with the goals set by the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings, the recommendations of the relevant actors at the international level, as well as the NATO program for combating human trafficking. At the same time, a functional link was provided with the already adopted strategies and plans relating to the following areas: the fight against organized crime	

		<p>and corruption, integrated border management, illegal drug trafficking and combating illegal migration, the National Action Plan for the "Decade of Roma Inclusion 2005-2015," National Plan of Action for Gender Equality in Montenegro. Compliance with the relevant international standards was also monitored (Conventions of the United Nations and the Council of Europe), as well as other international instruments in this field, including the acquis of the European Union ("acquis communautaire").</p> <p>In order to implement the Strategy, three action plans have so far been adopted (for 2012-2013, the years 2014, and 2015). Government Working Group for monitoring the implementation of the Strategy for Combating Trafficking in Human Beings and individual action plans is responsible for the monitoring and evaluation of the implementation of the Strategy. The Working Group is chaired by Head of Office/National Coordinator for Combating Trafficking in Human Beings and is composed of representatives of relevant ministries at the levels of assistant ministers, representatives of the Police Directorate, the Supreme Public Prosecutor's Office, the Supreme Court, the Administration for Inspection Affairs, the Office of the Ombudsman, the General Secretariat of the Government, civil society, as well as international organizations IOM, OSCE, UNICEF and the US Embassy in Montenegro, as an observer.</p> <p>The Working Group is tasked to monitor and promote the activities of the competent institutions in the implementation of the Strategy for Combating Trafficking in Human Beings; prepares semi-annual reports on the implementation of the Action Plan to combat trafficking in human beings, identifies priorities, timeframes and deadlines for implementation and assesses the results achieved in the implementation of the Strategy for Combating Trafficking in Human Beings; if necessary, prepares individual action plans to combat trafficking in human beings and ensures their implementation. The Working Group reports to the Government of Montenegro.</p> <p>After revising the Agreement on Cooperation between state institutions and NGOs in the fight against trafficking in human beings, which includes national referral mechanisms for action as concerns cases of trafficking, Coordination Team for monitoring the implementation of the Agreement has been established, which is also an operational team that takes concrete activities (in accordance with the Agreement) in relation to the identification, assistance and protection of victims of trafficking. This team consists of representatives and contact persons of all relevant institutions and organizations signatories to the Agreement (the Ministry of Interior, the State Prosecutor's Office, Supreme Court, the Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education, Office for Combating Trafficking in Human Beings, PI Center for Protection of Children and Family Bijelo Polje, Montenegro Red Cross and six non-governmental organizations). At the constituting meeting of the Coordination Team in the revised composition, a work plan was made for the Coordination Team, which provides that the team shall meet at least 2 times a year, during which it will assess the success of the implementation of the Agreement in practice, while the team will further ad hoc meet in those situations when at the territory of Montenegro potential victim of trafficking is identified. Potential victim of human trafficking may be identified by all signatories to the Agreement, of which the contact person of the Police Directorate shall immediately be informed. A contact list of people who are required to be accessible to this team 24 hours a day was created and distributed in cases when it is necessary to provide assistance and protection to the victims of trafficking. It was also agreed to organize round tables at local level during 2015, at which the members of the Coordination Team will remind their colleagues</p>
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		<p>at the local level of the obligations concerning the handling of cases of human trafficking stemming from the Agreement, with a particular focus on identifying and providing assistance and protection to potential victims/victims of trafficking in human beings.</p> <p>The Government Office for Combating Trafficking in Human Beings and the Union of Employers of Montenegro signed the Protocol on Cooperation in 2011, which provides for joint activities to timely inform both employers and employees, or persons with whom employment contract concluded, of the phenomenon of trafficking. Also, the Protocol defines joint activities to raise awareness of the general public about the phenomenon of trafficking in persons, with special emphasis on the prevention of cases of labor exploitation. The economic independence of people that came out of the trafficking chain is a key factor in their full reintegration into society. In this regard, this Protocol enabled them attend training to perform appropriate tasks and provided for priority in their employment in accordance with the needs of employers. Protocol on Cooperation between the Office for Combating Trafficking in Human Beings and the Union of Employers is available at the following link:  <a href="http://www.antitrafficking.gov.me/kancelarija/projekti/117129/P-R-O-T-O-C-O-L-on-cooperation-between-the-Office-for-the-Fight-Against-Trafficking-in-Human-Beings-and-the-Union-of-Employers-o.html">http://www.antitrafficking.gov.me/kancelarija/projekti/117129/P-R-O-T-O-C-O-L-on-cooperation-between-the-Office-for-the-Fight-Against-Trafficking-in-Human-Beings-and-the-Union-of-Employers-o.html</a></p>
	<p><b>Measures taken or envisaged to prevent all forms of forced labour</b></p>	<p><b>2017 AR:</b> According to the Government, the following measures have been taken:</p> <p>a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers:</i></p> <p>Campaign "Stop Human Trafficking" including broadcasting of the TV clip "Stop Human Trafficking", which also promotes the Government's anti-trafficking SOS line (11 66 66) have been carried out. In order to mark July 30 – the World Day against Trafficking in Persons and 18 October – the European Anti-Trafficking Day campaigns were organized in collaboration with other state bodies and NGOs to raise awareness of young people about the phenomenon of human trafficking. Informer for health workers on human trafficking has also been published and promoted. The Office for Combating Trafficking in Human Beings, in cooperation with the Ministry for Human and Minority Rights, has conducted a campaign for protection against domestic violence, begging, and combating illicit marriage in 10 Montenegrin municipalities. The campaign included lectures for representatives of the RE community. Promotional material tailored for children and translated into the Roma and Albanian languages have been distributed.</p> <p>b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law:</i></p> <p>Montenegrin Criminal Code covers offenses that criminalize human trafficking, namely: Art. 444 Trafficking in Human Beings, Art.445 Trafficking in Children for Adoption and Art. 446 Submission to Slavery and Transportation of Enslaved Persons.</p> <p>The Criminal Code of Montenegro Article 444 defines the forms of this crime - labor exploitation, commercial, sexual exploitation and begging, taking away a body part for transplanted, use in armed conflicts, the commission of crimes and submission to servitude, while a separate article 445 of the Code defines the criminal offense of trafficking in children. The basic form of the offense of trafficking in human beings is punishable by imprisonment of one to ten years.</p>

		<p>The amendments to the Criminal Code of 2013 in respect of Article 444 introduced a new form of exploitation, incurred as a result of commission of a crime of trafficking in human beings, as follows: - "slavery and practices similar to slavery" and - "the conclusion of unlawful marriage." They also introduced a provision, which deals with the irrelevance of the consent of the victim of trafficking to the intended exploitation. Among aggravating circumstances for sentencing, a provision was introduced involving the commission of offense by the official person while performing his/her duties. The term victim of the offense was introduced in Article 142, paragraph 11, which is particularly important because it will contribute to a better realization of the rights of victims on various grounds.</p> <p>d) <i>Supporting due diligence by the public and private sectors:</i></p> <p>An Agreement on Cooperation between the Union of Employers of Montenegro and the Office for Combating Trafficking in Human Beings has been signed. The key objectives of the Agreement are: a) raising awareness of the general public about the phenomenon of trafficking in persons with special emphasis on the prevention of cases of labor exploitation - by organizing and implementing promotional videos, public campaigns, public events; b) implementation of joint seminars, round tables, forums in order to strengthen capacity, and sensitize employers in relation to the possibility of identifying potential victims of trafficking, and procedures of reporting of any suspicion of its existence; and c) implementation of activities aimed at timely informing employers, employees, or persons with whom labor contracts are concluded on all the rights and obligations arising from employment they are entitled to in accordance with applicable regulations in Montenegro (especially foreign nationals who are engaged to perform low-skilled seasonal jobs in construction and tourism industries).</p> <p>g) <i>Education/vocational training:</i></p> <p>In the area of education, in cooperation with the Human Resources Management Authority - an institution that is primarily responsible for the education of civil servants and employees, the following programs were created, accredited and implemented:</p> <p>"Strengthening awareness about the phenomenon of human trafficking at the local level", intended for councilors of local parliaments and local government representatives. Within the program, it was planned to organize three one-day trainings per year. During 2016, all three planned trainings were realized, attended by 41 councilors. Training sessions were held in Podgorica (June 4), Bar (1 June), and in Bijelo Polje (7 June). Lecturers at the trainings were representatives of the Government Office for Combating Trafficking in Human Beings, who are trainers of Human Resources Management Authority on this issue.</p> <p>"The role of healthcare workers in the fight against human trafficking" is intended for healthcare professionals from the entire territory of Montenegro. Within the program it was planned to organize three one-day trainings per year. During 2016, two planned trainings were realized, which were attended by 44 health workers. Training sessions were held in Bar (19 October) and in Bijelo Polje (30 September), while training program for healthcare employees in the central region is planned for 4 November.</p> <p>"The Role of the Centers for social work and inspection services in the fight against human trafficking." As part of the program, it is planned to implement three two-day training sessions for representatives of inspection services and employees in the Centers for social work on the territory of Montenegro. During 2016 all three planned sessions were realized, attended by a total</p>
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	<p><b>Measures taken or envisaged to protect victims of forced labour</b></p>	<p><b>2017 AR:</b> According to the Government: In all courts that may handle any cases of trafficking in human beings, there are established Services to support victims of trafficking - which have a role to encourage victims to participate in criminal proceedings, and provide legal assistance. In the Shelter for victims of human trafficking, which is financed from the budget of the Office for Combating Trafficking in Human Beings - the victim is provided with security, medical, psychological and sociological, legal and every other assistance and protection, with 24 hours assistance by the activists of the Shelter. In accordance with the Law on Social and Child Protection and the Agreement on Cooperation between the institutions and NGOs in the fight against trafficking in human beings - every victim of human trafficking - has the right to one-off financial assistance by the Centre for Social Work. At the same time, the Law on compensation for victims of trafficking in persons provided the procedures for compensation to victims of human trafficking. In accordance with the Agreement on cooperation of institutions and NGOs in the annex referring to the Ministry of Health - it is envisaged that all potential victims and the victims of a crime of trafficking in persons (both domestic and foreign citizens) are entitled to free healthcare on the territory of Montenegro, based on the principle of urgency and priority. The Agreement on Cooperation of institutions and NGOs and the Protocol with the Union of Employers provided concrete opportunities in terms of adequate reintegration and rehabilitation of victims of trafficking in persons. Implementation of the Agreement operates in a manner that every victim of human trafficking has special treatment, in the sense that Coordination Team consisting of representatives of all institutions and NGOs signatories to the Agreement on Cooperation – shall gather always when a victim of human trafficking appears and shall decide on designing reintegration programs on individual principle - because every case is different and requires special procedures.</p> <p>Protection of witnesses and victims of human trafficking is guaranteed through consistent implementation of the Witness Protection Law and the Code of Criminal Procedure, as well as the establishment of the Support Services to Victims/Witnesses to the crime of human trafficking, as well as Special Service within the framework of the competent courts in Montenegro. A trafficking victim who has the status of a witness/injured party shall enjoy all the rights provided for by procedural laws, and judges participating in the work of the council, which is responsible for decision-making in these criminal cases, shall exclusively apply the relevant provisions of the law and respect all the rights of witnesses/injured parties in the proceedings. When it comes to the examination of victims and witnesses of human trafficking, in accordance with Art. 113 of the CPC, the witnesses shall be examined separately and without the presence of other witnesses. When hearing a minor, particularly if he/she is damaged by the offense, action shall be taken with due care, so as not to cause an adverse effect on the minor's mental condition. If necessary, the minor shall be examined with the help of a psychologist or other professional. Also, the injured</p>

		<p>party, who is the victim of criminal acts against sexual freedom, and a child heard as a witness, shall have the right to testify in a separate room before a judge and a clerk, while a prosecutor, accused and a defense counsel shall have the right to view the broadcast from another room, with the possibility to ask questions to the witness, of which the court shall inform them, and which shall be noted in a record.</p> <p>Protection of victims of trafficking: The Government of Montenegro, through the budget of the Office, fully finances all expenditures that are necessary for the smooth functioning of the Shelter for Victims of Human Trafficking - facility lease expenses and other household expenses, expenses for food, clothes, shoes, hygiene products, medicines and other items necessary for the residents, as well as the salaries for the activists of NGO "Montenegrin Women's Lobby", who are employed at the shelter. In the government shelter, all victims are treated equally, regardless of whether Montenegrin or foreign citizens. In 2012, the government shelter was relocated to another facility, which is able to accommodate 15 people, with the possibility of separate accommodation for adults and children. For every victim of human trafficking, the individual protection plan shall be drafted -in accordance with the best interests of a child, and his/her desires.</p>
	<p><b>Measures taken or envisaged to facilitate access to remedies</b></p>	<p><b>2017 AR:</b> According to the Government: In cooperation with the OSCE Mission, Montenegro will during 2017 develop guidelines on impunity of victims of human trafficking, which will be intended for law enforcement bodies. The basic form of human trafficking under Article 444, paragraph 1 of the Criminal Code, with the aim of labor exploitation and forced labor, is punishable by imprisonment of one to ten years. In addition, Article 224 of the Criminal Code stipulates the criminal offense of violation of labor rights, which consists in a conscious non-compliance with laws or regulations, collective agreements and other general acts on labor rights. The result is the denial or the restriction of the rights of other people. The basic form of this offense is punishable by imprisonment up to two years. In order to unify activities conducted within the jurisdiction of the Police Directorate, in 2014, the action with the working title "Trafficking" has been started, which implies the planned action by the Crime Investigation Unit of the Police and Border Police Unit, as well as cooperation with the Department of General Jurisdiction. The objective of the action is coordinated action of stakeholders in the area of preventive action, data collection, cooperation with other competent authorities (labor inspection), the identification of potential victims, increased number of prosecuted criminal cases. Montenegro has so far recorded 2 cases of labor exploitation (2004 and 2005), in which it registered a total of 10 victims of labor exploitation, of which 6 males, originating from Ukraine and 4 males originating from Bangladesh. The perpetrators in both cases were imposed with final convictions and they are punished by imprisonment.</p>
	<p><b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b></p>	
	<p><b>Cooperation with other Member States, international / regional organizations or NGOs</b></p>	<p><b>2017 AR:</b> The Government stated that it cooperates with other member States, and international, regional and non-governmental organisations. In order to intensify bilateral cooperation with countries in the region in the field of prevention, identification of victims of trafficking and prosecution of traffickers, the Government Office for Combating Trafficking in Human Beings initiated the signing of the Protocol on Cooperation in the fight against trafficking in human beings with the countries of the region, i.e. with those countries whose</p>

		<p>nationals in most cases appear as victims or perpetrators of a crime of trafficking in Montenegro.</p> <p>Accordingly, the National Coordinators for combating trafficking in Montenegro and Kosovo on 24 April 2014 signed the Protocol on Cooperation between the Government of the Republic of Kosovo and the Government of Montenegro in the fight against human trafficking and improving the identification, reporting, referral, cooperation in criminal matters, and the voluntary return of victims and potential victims of trafficking. This Protocol in a special manner determines the issues relating to the identification of victims and potential victims of trafficking and persons who are forced to work, especially during the construction and tourist season, cooperation in criminal matters, and the process of voluntary return of victims and potential victims of trafficking.</p> <p>Furthermore, on 8 December 2014, the National Coordinators of Montenegro and the Republic of Albania in Tirana signed a Protocol on strengthening cooperation in the fight against human trafficking and improved identification, reporting, referral, and assisted voluntary return of victims / potential victims of trafficking. The drafting of the Protocol on Cooperation in the fight against human trafficking with the Republic of Serbia, at the initiative of the Government Office for Combating Trafficking in Human Beings, is in progress. In Cooperation with international organizations (OSCE, IOM, UNODC, ICMPD), a large number of regional projects aimed at strengthening the mechanisms of international cooperation, have been implemented.</p>	
	<b>Promotional activities</b>		
	<b>Special initiatives/Progress</b>		
<p><b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b></p>	<p><b>According to the social partners</b></p>	<p><b>Employers' organizations</b></p>	
		<p><b>Workers' organizations</b></p>	
	<p><b>According to the Government</b></p>	<p><b>2017 AR:</b> The Government did not specify the challenges in the area of forced labour. However, it indicated that the Government Office for Combating Trafficking in Human Beings, as one of its priorities outlined measures to combat labor exploitation, as defined by the National Strategy for Combating Trafficking in Human Beings. What is recognized as necessary to achieve positive results in the area of human trafficking for labor exploitation, is continuous training, education and professional training of entities that are directly or indirectly responsible for the issues of combating trafficking for labor exploitation, as well as the protection of its Members, with special emphasis on promoting a multidisciplinary approach.</p>	
<p><b>TECHNICAL COOPERATION NEEDS</b></p>	<p><b>Request</b></p>	<p><b>2017 AR:</b> The Government indicated that it requires ILO technical cooperation in the following areas:</p> <p><i>Importantly:</i> a) Capacity building for the competent authorities; b) Inter-institutional coordination; c) Promotion of fair migration policies; d) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; e) Awareness-raising and mobilization activities; f) Vocational training, job-creation and income-generation programmes for at-risk populations; g) Basic social security guarantees; h) Capacity building for employers' and workers' organizations; i) Promotion of freedom of association and</p>	



		<p>collective bargaining to enable at-risk workers to join workers' organizations; and k) Exchange of experiences between countries or regions; international cooperation.</p> <p><i>Less importantly:</i> a) Collection and analysis of data and information; b) Strengthening the legal framework; and c) Guidance on the development of the national policy and plan of action.</p>
	<b>Offer</b>	<b>NIL.</b>