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2022 Trafficking in Persons Report: Montenegro

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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Montenegro (Tier 2)

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Montenegro remained on Tier 2. These efforts included providing comprehensive training on victim identification and assistance to relevant officials and adapting procedures at the anti-trafficking shelter to mitigate the spread of COVID-19. The government adopted the national action plan (NAP) for 2021, and government coordinating bodies met consistently. However, the government did not meet the minimum standards in several key areas. The government investigated fewer cases and prosecuted fewer suspects. The government decreased victim protection efforts, including allocating fewer resources to the NGO-run shelter, identifying fewer victims,

and lacking efforts to proactively identify victims among asylum-seekers, irregular migrants, and seasonal workers.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code.

Increase proactive identification efforts for trafficking victims and screen for trafficking among individuals in commercial sex, irregular migrants, asylum-seekers and refugees, seasonal workers, and other at-risk populations.

Allocate sufficient resources to the anti-trafficking shelter.

Establish victim confidentiality and privacy measures at the shelter and ensure the shelter adheres to high victim protection standards.

Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions, including collecting evidence on subtle forms of coercion or the use of specialized investigative techniques.

Increase access to justice and victim-witness protection for victims, including access to experienced attorneys and Romani interpreters.

Integrate Romani groups into decision-making processes regarding victim protection.

Create and finance an accessible compensation fund and inform victims of their right to compensation during legal proceedings.

Regulate and monitor labor recruitment agencies.

PROSECUTION

The government maintained law enforcement efforts. Article 444 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties ranging from one to 10 years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated two cases, compared with four cases in 2020. The government prosecuted three

defendants, compared with prosecuting five defendants in 2020. Courts convicted one sex trafficker, compared with one trafficker in 2020. The judge sentenced the trafficker to one year and two months' imprisonment, compared with a trafficker receiving 10 years' imprisonment for forced begging in 2020. An appeals court reversed two acquittals of alleged traffickers and returned the case for retrial. The government reported the pandemic reduced judicial and prosecutorial staff and delayed trials, which was exacerbated by attorneys going on strike and further suspending and/or delaying courts from May to July 2021.

The government maintained a multi-disciplinary task force to proactively investigate trafficking. The Department of the Suppression of Criminal Offenses of Trafficking in Persons and Smuggling (DSCOTPS) within the Police Directorate (PD) conducted proactive investigations. Law enforcement conducted raids on bars, nightclubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations in 2021 or 2020. According to authorities, they prosecuted possible sex trafficking cases under other offenses, such as brokering in prostitution (Article 210), due to a lack of sufficient evidence. In previous years, Basic State Prosecutor's Offices (BSPO) stopped some potential trafficking investigations when they secured enough evidence to prosecute under Article 210 and did not investigate for more subtle forms of coercion or seek additional evidence through specialized investigative techniques; however, case referral procedures required the Higher State Prosecutor's Office (HSPO) to initially review all trafficking-related cases and refer cases not deemed as trafficking to BSPO. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. The government, in cooperation with international organizations, provided training to police, prosecutors, and labor inspectors, and also maintained institutionalized training programs for police, prosecutors, and judges on various anti-trafficking issues. The government signed a protocol of cooperation with Slovenian authorities to fight trafficking but did not report further efforts to implement the protocol.

PROTECTION

The government decreased victim protection efforts. The government officially identified three victims, compared with 48 in 2020, 39 in 2019, zero in 2018, and one officially identified victim in 2017. Of these, one girl was a victim of sex trafficking, and a boy and a girl were victims of forced labor. First responders carried out the preliminary identification of possible victims and then contacted police who recognized the individuals as potential victims. Police officers proactively screened foreign nationals and individuals in commercial sex for indicators of trafficking; however, police did not identify any victims through these efforts in 2021 or 2020. GRETA reported continuing gaps in screening and identifying victims among asylum-seekers and irregular migrants. Similarly, according to observers, police did not make identification efforts during the summer tourism season to screen the influx of seasonal workers from neighboring countries and did not consistently investigate information submitted by NGOs. The government maintained the Team for Formal Identification of Trafficking Victims (TFITV) to assess and officially recognize potential victims and coordinate victim care and placement. TFITV used standard operating procedures (SOPs) for identifying and referring victims to services, which eliminated the requirement for victims to cooperate with law enforcement in order to receive services. TFITV comprised a doctor, a psychologist, an NGO, police, a social worker from the Center for Social Work, and a representative from the Office for the Fight against Trafficking in Persons (TIP office); TFITV met 15 times and conducted eight field missions, compared with meeting 19 times and conducting eight field missions in 2020. The government provided training on victim identification and assistance to police, labor inspectors, health workers, social workers, and municipality representatives. In 2020, observers reported an NGO worker identified a potential foreign victim, but police refused to initiate the referral process without an approval from a health and sanitation inspector and threatened the victim and NGO worker with charges for not complying with pandemic mitigation measures. A health and sanitation inspector subsequently required the potential foreign victim and NGO worker to quarantine for 28 days, during which the potential foreign victim faced domestic violence. During the reporting period, an NGO-run shelter housed the potential foreign victim, and after persistent advocacy, DSCOTPS started an investigation and transferred the victim to the shelter.

In 2020, the Ministry of Finance and Social Welfare (MFSW) opened a call for proposals to establish a new anti-trafficking shelter (the shelter) and selected an NGO with the necessary licenses. The MFSW allocated €50,000 (\$56,690) to the shelter for operational costs, compared with €67,530 (\$76,560) in 2020. Centers for Social Work

also allocated €250 (\$280) per month for each victim accommodated at the shelter. However, GRETA reported that government funding for the shelter was not sufficient to cover operational costs that were approximately €70,000 (\$79,370). The shelter provided specialized services for both potential and officially recognized trafficking victims, including immediate needs, health care, psycho-social support, legal assistance, and reintegration assistance; the shelter housed eight potential victims (14 victims in 2020). The shelter could accommodate up to six victims at a time including adult males, adult females, and children, in separate living quarters. Adult victims could leave the shelter after a security and psycho-social evaluation by shelter staff. The shelter purchased personal protective equipment (PPE) and COVID-19 tests for staff and victims and adopted social distancing measures, including separate rooms for victims awaiting COVID-19 test results. The shelter reported experiencing further financial strain as a result of these purchases. MFSW operated local social and welfare centers and two regional institutions, which provided general services for victims of abuse, including trafficking victims. In 2020, a self-administered evaluation of the shelter's support services concluded beneficiaries and visitors of the shelter were satisfied with the quality of care, staff, and facility. However, other experts reported concerns with the shelter staff's lack of experience in victim protection, including unnecessary operational costs, cooperation issues, and victim confidentiality concerns. For example, the shelter published photos of victims on social media with censored faces but identifiable characteristics, such as clothes and location. Observers reported facing cooperation and collaboration issues specifically with the director of the shelter.

The law allowed foreign victims to acquire temporary residence permits from three months to one year with the ability to extend; no victims applied for temporary residence permits in 2021 or 2020. The law provided witness protection, free legal aid, and a psychologist to participate in prosecutions; no victims participated in prosecutions during 2021. However, observers continued to report the government assigned lawyers with little or no experience to victims, including lawyers with experience in only civil proceedings and not criminal proceedings. In 2020, prosecutors implemented victim-centered approaches for victims who participated in court proceedings, particularly child victims. For example, a child victim testified in the presence of a social worker with audio/visual equipment, while in a separate room from their perpetrator. The government operated support services for victims and witnesses in 15 first instance courts and two high courts that provided assistance during proceedings, including legal and logistical

assistance, and measures to prevent re-traumatization. Authorities hired interpreters when necessary from an official list of court interpreters, although the list did not include a Romani interpreter. Judges did not issue restitution in criminal cases or seize assets and property from traffickers towards restitution and/or compensation. Similarly, courts have not awarded any victims compensation in civil proceedings, partly due to civil proceedings lasting two to five years, discouraging victims from seeking compensation. The law on compensation of victims intended to provide financial assistance to victims of violent crimes will not go into effect until Montenegro becomes a member of the EU.

PREVENTION

The government maintained prevention efforts. The government implemented the national anti-trafficking strategy for 2019-2024 and adopted the NAP for 2021. The government maintained a coordination body for monitoring the implementation of the strategy and NAP, which is composed of PD, HSPO, the Ministry of Interior (MOI), and the Ministry of Justice, Human, and Minority Rights; the coordination body met six times with additional online meetings. The national coordinator led the TIP office and overall anti-trafficking efforts and chaired the trafficking in persons working group, which consisted of government agencies, civil society organizations, and the international community. The government allocated €96,102 (\$108,960) to the TIP office within the MOI, compared with €152,000 (\$172,340) in 2020. The TIP office published limited information on anti-trafficking efforts, but in previous years, experts reported difficulties in sharing and obtaining information from relevant government actors. The government maintained a cooperation agreement signed in 2020 between law enforcement, relevant ministries, and six NGOs to strengthen anti-trafficking efforts. The TIP office, with financial support from a foreign donor, organized an awareness campaign in eight cities and all border crossings for the general public. The MOI monitored implementation of six NGO projects to raise public awareness on trafficking after awarding approximately €40,000 (\$45,350) to these NGOs in 2020. The government continued to finance an NGO-run hotline for trafficking victims; the hotline received 2,961 calls, but most calls focused on obtaining information or reports of other forms of violence (1,657 calls, including five from potential trafficking victims in 2020). The Labor Inspectorate, which was trained on indicators of trafficking, inspected businesses and identified 945 workers with contract violations (351 in 2020) and resolved contract violations for 234 workers (97

in 2020). The government did not make efforts to reduce the demand for commercial sex acts. The government did not have procedures in place to regulate labor recruitment agencies.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad.

Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in the hospitality industry, including bars, restaurants, nightclubs, and cafes.

Children, particularly Romani, Ashkali, and Balkan Egyptian children, are exploited in forced begging. Romani girls from Montenegro reportedly have been sold into marriages and forced into domestic servitude in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo. Migrants from neighboring countries are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other Balkan countries. In 2020, traffickers recruited Taiwanese workers, confiscated their passports and restricted their movement, and set up a call center where they forced the Taiwanese victims to make fraudulent calls.

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