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2019 Trafficking in Persons Report: Montenegro

MONTENEGRO: Tier 2 Watch List

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included drafting and adopting a national anti-trafficking strategy for 2019-2024 and a national action plan for 2019. The government established a multi-disciplinary task force to proactively investigate trafficking and changed case referral procedures to decrease the chances of trafficking cases prosecuted under other offenses. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period; the government did not convict any traffickers under its trafficking law for the fifth consecutive year and did not initiate any prosecutions. The government penalized one potential victim due to inadequate identification. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Montenegro was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Montenegro remained on Tier 2 Watch List for the third consecutive year.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code. • Increase proactive screening of potential victims, especially for women in prostitution, migrants, seasonal workers, and children engaged in begging. • Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Incentivize and encourage victim participation in investigations and prosecutions in a victim-centered manner. • Increase access to justice and victim-witness protection for victims. • 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. • Ensure the Office for the Fight against Trafficking in Persons has adequate independence, capacity, and impact to implement anti-trafficking efforts.

PROSECUTION

The government maintained inadequate 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 four cases (two in 2017). The government did not initiate any prosecutions (two in 2017). The government continued to prosecute two cases from previous years. The government did not secure any convictions under Article 444 for the fifth consecutive year. The government established a multi-disciplinary task force to proactively investigate trafficking. Additionally, law enforcement maintained a specialized trafficking unit within the Police Directorate and two task forces targeting forced child begging and sex trafficking; the forced child begging task force charged one suspect. 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.

Experts continued to report authorities investigated and prosecuted possible sex trafficking cases under other offenses, such as brokering in prostitution (Article 210). In previous years, basic prosecutors stopped some 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, the government changed case referral procedures by requiring the Supreme Prosecutor's Office to initially review all trafficking-related cases and then downgrading cases not deemed as a trafficking offense. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The Office for the Fight against Trafficking in Persons (OFTIP) and the Ministry of Interior (MOI), and at times in cooperation with an international organization, separately trained 73 police officials, 17 representatives from prosecution offices, one court advisor, and 19 judicial officials.

PROTECTION

The government maintained victim protection efforts. The government identified four potential victims of forced begging, compared to one officially recognized and one potential sex trafficking victim in 2017. All victims were underage females in 2017 and 2018. Police also identified 22 child beggars (107 in 2017) and accommodated most of the child beggars at local social welfare centers until releasing them to their parents or guardians. A multi-disciplinary national referral mechanism (NRM) provided standard operating procedures for identifying and referring victims to services. First responders carried out the preliminary identification of possible victims and then contacted police who formally recognized the individuals as potential trafficking victims. Police officers proactively screened foreign nationals and seasonal workers during the summer tourist season for indicators of trafficking. Observers continued to report the low number of identified victims reflected inadequate victim identification procedures. The government identified potential victims as an official trafficking victim only in cases with a final conviction or at times a formal indictment; however, the government provided the same services to potential victims and officially recognized victims. A multi-disciplinary coordination team led by the national coordinator monitored the

implementation of the NRM and met twice a year and when a potential victim was identified. The government provided training on victim identification to police, labor inspectors, health workers, social workers, and workers in the tourism industry.

The government-funded NGO-run shelter accommodated three victims (four victims in 2017). OFTIP allocated €24,000 (\$27,520) to the NGO-run shelter, compared to €23,500 (\$26,950) in 2017 and €27,000 (\$30,960) in 2016. The government-funded NGO-run shelter provided specialized services for trafficking victims, including vocational training and medical, psycho-social, legal, and reintegration assistance. The shelter could accommodate adult male, adult female, and child victims in separate living quarters in the shelter. Victims could leave the shelter after an assessment by police or by the social welfare centers in the case of children. The Ministry of Labor and Social Welfare (MLSW) operated local social and welfare centers and two regional institutions, which provided general services for victims of abuse, including trafficking victims. Although MLSW did not provide specialized services for trafficking victims, MLSW separated facilities for males and females. 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 2016, 2017, or 2018.

The government penalized one potential victim for crimes committed as a direct result of being subjected to trafficking due to inadequate identification; experts reported the government deported a potential victim to Serbia. The law provided witness protection, free legal aid, and a psychologist to encourage victims to participate in prosecutions; however, observers continued to report the government assigned lawyers with little or no experience to potential victims. Prosecutors implemented victim-centered approaches for a child victim who participated in the ongoing prosecution of her trafficker; prosecutors video recorded her testimony in the presence of a social worker, requested a female judge, and separated her from the trafficker to prevent re-traumatization. However, observers reported law enforcement failed to protect a potential victim from intimidation and threats to change her testimony from her at-large perpetrator. The law also allowed for the possibility of restitution through civil suits. The law on compensation of victims intended to provide financial assistance to victims of violent crimes; however, this law will not go into effect until Montenegro becomes a member of the EU. No victim has ever received restitution in civil or criminal proceedings; observers reported some prosecutors did not know they could make claims during criminal proceedings.

PREVENTION

The government increased prevention efforts. The government drafted and adopted a national anti-trafficking strategy for 2019-2024 and a national action plan for 2019. The government allocated €166,165 (\$190,560) to OFTIP, compared to €176,630 (\$202,560) in 2017. OFTIP led overall anti-trafficking efforts and the head of OFTIP was the national coordinator for the anti-trafficking working group, which comprised government agencies, non-governmental and international organizations, and the international community. Observers reported the MOI did not fully recognize OFTIP's role and a reorganization in the previous year created unnecessary administrative obstacles. The

government organized awareness campaigns at schools and seminars for representatives from municipal government and state institutions on their respective roles and responsibilities in anti-trafficking efforts. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims. The hotline received 565 calls (476 calls in 2017); none of the calls led to an investigation, and observers reported police rarely acted on potential cases from the hotline. The government produced and aired a video to promote the hotline and advertised the hotline number on billboards. The government, in coordination with the Roma Council and NGOs, organized trafficking awareness campaigns targeting the Romani community. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government did not have procedures in place to regulate labor recruitment agencies. OFTIP trained 29 soldiers on trafficking issues participating in peacekeeping missions in Afghanistan.

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. 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 hospitality facilities, bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are subjected to forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo, and forced into domestic servitude. Migrants from neighboring countries are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups subject some Montenegrin women and girls to sex trafficking in other Balkan countries.

ecoi.net summary:

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