

In 2014, Montenegro made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government amended the Labor Law to increase penalties for child labor violations and enacted the Foreigners Law, which includes protections for foreign victims of child trafficking and simplifies the process for identifying child trafficking victims. In addition, the Government reestablished the Council for the Rights of the Child to implement the National Plan for Children and adopted a new action plan to implement the Strategy for the Improvement of the Position of Roma and Other Minorities. However, children in Montenegro are engaged in child labor, including in begging and in the worst forms of child labor, including in forced begging. The Government has not determined the types of hazardous occupations prohibited for children, and there are no programs that systematically address the problem of children involved in forced begging and other work on the streets.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Montenegro are engaged in child labor, including in begging.(1-4) Children are also engaged in the worst forms of child labor, including in forced begging.(1, 2, 4-6) Table 1 provides key indicators on children's work and education in Montenegro.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	12.9 (12,867)
Attending School (%)	5-14 yrs.	87.7
Combining Work and School (%)	7-14 yrs.	14.4
Primary Completion Rate (%)		101.0

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.(7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2005.(8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Services	Street work, including collecting scrap metal,* vending small goods and food items,* washing car windows,* and begging (1-4)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation as a result of human trafficking* (5, 6, 9, 10) Forced begging sometimes as a result of human trafficking (1, 2, 4-6)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3 (a) – (c) of ILO C. 182.

Child begging remains the predominant child labor issue in Montenegro.(1-6) Organized forced begging involving children remains a problem, especially among children from the Roma community.(2, 11)

Montenegro is a source, destination, and transit country for children trafficked for forced labor, including forced begging and commercial sexual exploitation. Children are trafficked internally and externally from and to other Balkan countries.(10) Children from the Roma, Ashkali, and Egyptian populations are at a higher risk of trafficking, due to lower rates of registration and school

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attendance and higher rates of participation in street work.(5, 9, 10, 12) Both boys and girls from these communities are vulnerable to forced begging, while trafficking for commercial sexual exploitation is more common among girls.(10)

Although the government has adopted the Strategy for the Improvement of the Position of Roma and Other Minorities, which includes the goal of increasing birth registration among minorities, many Roma, Ashkali, and Egyptian children continue to lack birth registration. This makes it difficult for these children to access social services, health care, and education.(3, 13-15) The higher rate of unregistered children in these communities appears to be related to insufficient awareness of the importance of civil registration, a lack of identity documents among the adults, and costs associated with the registration process.(3) Unregistered children who do not have access to education or other social services are at a higher risk of exploitation in the worst forms of child labor.

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Table 3. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	✓
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 16 of the Labor Law of 2008 (16)
Minimum Age for Hazardous Work	Yes	18	Article 17 of the Labor Law of 2008 (16)
Prohibition of Hazardous Occupations or Activities for Children	No		
Prohibition of Forced Labor	Yes		Article 63 of the Constitution of Republic of Montenegro (17)
Prohibition of Child Trafficking	Yes		Articles 444-446 of the Criminal Code of Republic of Montenegro (18)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 209-211 of the Criminal Code of Republic of Montenegro (18)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Articles 162 and 163 of the Law on the Armed Forces of Montenegro (19, 20)
Compulsory Education Age	Yes	15	Article 4 of the Law on Primary Education (21)
Free Public Education	Yes		Article 75 of the Constitution of Republic of Montenegro (17)

* No conscription (22)

In July 2014, the Government adopted amendments to the Labor Law that increase penalties for labor violations, including increased fines for labor violations involving children. The law specifies fines ranging from \$3,086 to \$30,864 for violations of these provisions.(11)

In December 2014, the Government enacted the Foreigners Law, which includes provisions to ensure that children who are victims of human trafficking or domestic violence or are unaccompanied receive a temporary residence permit and access to health care, education, and social services. The law requires police to cooperate with NGOs and social workers to determine whether a minor is a victim of human trafficking and therefore eligible for these benefits.(6, 23) Previously, the status of “victim of human trafficking” was only assigned if a victim’s trafficker was convicted and sentenced.(9) The law guarantees that children will receive witness protection if necessary and will not be returned to their country of origin if doing so would endanger their well-being.(6, 23) The law also introduced a new legal provision, allowing children of legal immigrants to receive residence permits based on the status of their parents.(20, 23)

Throughout the reporting period, the Government enacted a number of regulations to support the Law on Social and Child Protection. This included enacting regulations to define standards and conditions for the accommodation of children in foster care and shelters, and outlining eligibility criteria for children to receive social services.(4, 20)

Despite these efforts, gaps in the legal framework still exist. While the Labor Law prohibits children under 18 from performing overtime and night work, Article 106 of the Labor Law allows employees between age 15 and 18 to work at night if it is necessary to continue work that was interrupted by natural disasters or to prevent damage to raw and other materials.(16, 24) In addition, while Articles 104 and 106 of the Labor Law prohibit children from night work and work that endangers children’s health and life, the Government has not determined in a clear and comprehensive manner the types of dangerous work activities that are prohibited to children.(4, 16)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
The Labor Inspectorate	Monitor enforcement of labor law, which also contains child labor regulations, and monitor working conditions in workplaces throughout the country.(11, 25, 26) Lead efforts, as an independent agency, in enforcing labor laws, including those that protect working children.(11, 20, 27)
Supreme State Prosecutor	Investigate and enforce criminal laws on forced labor and human trafficking for commercial sexual exploitation.(6, 11) Collect data on court rulings and crime convictions and submit them to the Office of the National Anti-Trafficking Coordinator (TIP Office).(6)
Police Directorate within the Ministry of Interior	Enforce laws against sex trafficking and forced labor. Coordinate law enforcement actions on a national level.(6) Be responsible for proactive identification of the victims of trafficking. Collect data on the number of police investigations and submit it to the TIP Office.(6)
Ministry of Justice	Enforce the Criminal Code by prosecuting crimes against children, including human trafficking, child begging, and child abuse.(28)
The Ministry of Labor and Social Welfare	Protect children and families by providing social, child, and family protection in its Social Welfare Centers. Identify potential victims of trafficking.(6)
Ombudsman’s Deputy for the Rights of the Child	Monitor the situation of children in the country, using strategies such as visiting schools and institutions, holding focus groups, and creating e-mails and social blogs for children of various ages.(11)

Law enforcement agencies in Montenegro took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, the Labor Inspectorate, which is a part of the Inspectorate General, employed 34 inspectors.(4, 11) During the reporting period, labor inspectors received training on how to identify human trafficking for labor exploitation.(4) However, according to Inspectorate officials, the number of inspectors is inadequate to conduct inspections across the entire country, and funding is insufficient to cover the scope of general inspection duties.(4, 11)

In 2014, the Labor Inspectorate carried out 11,844 inspections.(29) Inspectors are able to conduct unannounced inspections and proactively plan labor inspections on an annual basis as well as conduct complaint-based inspections.(4) In 2014, inspectors found 11 violations of labor law in which employers failed to provide employment contracts to child employees of legal working age.

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Authorities assisted the children in acquiring contracts, and all 11 cases resulted in fines of between approximately \$230 and \$600.(4) The Government does not collect or publish information on the number of child labor law violations; however, the Government does maintain a database on children involved in begging.(4)

Criminal Law Enforcement

In 2014, police officers, inspectors, and immigration staff received training on trafficking in persons.(10) During the reporting period, police identified one victim of child trafficking.(10) In the first 9 months of 2014, police apprehended 100 child beggars. Five children were taken to the Ljubovic Center for Children and Youth in Podgorica, one child was taken to a social center, and the rest were returned to their families.(4) Generally, the police inform parents of children who are caught begging. If the parents are not available, children are referred to a temporary stay in the Ljubovic Center and then to local Social Welfare Centers.(30) The Ombudsman for Human Rights has criticized the police and Social Welfare Centers for insufficiently and inconsistently tracking information on children caught begging. The Ombudsman also noted that many child beggars were treated as delinquents rather than victims, that Social Welfare Centers only provide services to the small minority of child beggars who are registered citizens of Montenegro, and that there is a systemic lack of specialized services for the reintegration of children into the society.(11, 31)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Although the Government of Montenegro has established the National Office for Combating Human Trafficking and the Council for the Rights of the Child, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Office of the National Anti-Trafficking Coordinator	Coordinate efforts against trafficking in persons among relevant Government institutions and international organizations and ensure their cooperation. Present results of the efforts against human trafficking through participation in domestic and international events.(6) Harmonize domestic legislation with international standards. Oversee projects and initiatives for implementation of the main objectives from the National Strategy and Action Plans. Collect and maintain data on police investigations, court rulings, and verdicts that relate to human trafficking and victims of trafficking.(6) Fund SOS hotline for potential and existing victims and shelters for victims of human trafficking. Led by the Trafficking in Persons Office, which is also the National Coordinator for the Trafficking in Persons Task Force.(6)
Trafficking in Persons Task Force	Operate under the TIP Office, monitor and promote activities related to combating human trafficking, and assess and approve semi-annual reports on the progress of objectives set up in the TIP action plans.(6) Includes the representatives of the ministries, government agencies, international organizations, and two NGOs, including the Trafficking in Persons Office; Ministries of Interior, Justice, Foreign Affairs and European Integration, Minority and Human Rights, Health, Labor and Social Welfare, and Culture; Police Directorate; Supreme Court; Supreme State Prosecutors; and Inspectorate Authority.(6)
Council for the Rights of the Child	Implement and monitor the National Plan for Children. Chaired by the Minister of Labor and Social Welfare. Was re-established during the reporting period following several years of inactivity.(4, 32)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Montenegro has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Plan of Action for Children (2013 – 2017)	Defines and protects children's rights in the areas of social services, child protection, health services, and education.(11) Outlines a strategy to fulfill obligations arising from ratification of the CRC. Includes goals such as improving prevention of hazardous and exploitative child labor and child trafficking, protecting children from commercial sexual exploitation, increasing birth registration, ensuring education access for all children, and improving social services for street children.(32)

Table 7. Policies Related to Child Labor (cont)

Policy	Description
Strategy for the Improvement of the Position of Roma and Other Minorities (2012 – 2016)	Addresses issues such as the legal framework, education, employment, child protection, housing, and participation in public life for Roma and other minorities. Implemented by the Ministry for Minority and Human Rights.(11, 28) Includes the goals of increasing birth registration among minority communities through an information and awareness campaign and eliminating begging among Roma and Egyptian children.(15) A new action plan to implement this strategy was adopted in April 2014.(4)
UNICEF Country Program (2012 – 2016)	Addresses disparities in access to quality social services for children and families; harmonizes the country's legal framework with EU and UN standards; implements and monitors policies relevant to child-focused governance and social inclusion; applies the principles and standards of the CRC and facilitates independent monitoring.(14, 33)
National Strategy for Combating Human Trafficking (2012 – 2018)	Outlines Montenegro's objectives and goals for combating human trafficking and defines measurements for improvement. Goals include raising public awareness of human trafficking, strengthening the Government's capacity for victim identification and service provision, improving interagency coordination, and raising the efficiency of prosecutions.(34)
Strategy for the Development of Social and Child Protection (2013 – 2017)*	Builds an integrated social and child protection system, including monthly social assistance, health care, and a child allowance that is conditional on school attendance.(24)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

The Strategy Coordinator for the Strategy for the Improvement of the Position of Roma and Other Minorities noted that the policy lacked sufficient funding in 2014.(20)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Montenegro funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Social Welfare and Child Care System Reform: Enhancing Social Inclusion (2013 – 2017)*‡	\$4.5 million, 4-year project sponsored by the Ministry of Education and Ministry of Labor and Social Welfare. Implemented jointly by the Government, UNDP, and UNICEF to strengthen protection for children under the Strategy for the Development of Social and Child Protection. Comprised of three phases: Inclusive Education, which has been completed, Reform of Social Protection, and Child Care System Reform.(24)
Social Card – Social Welfare Information System Program*‡	Project to build a shared social welfare information system to facilitate information exchange among social services providers. Project plans to provide a unique Social Card to each beneficiary family to make eligibility information for each family easily available to all relevant institutions.(4, 20)
Institute for Social and Child Protection†	Issue licenses for social workers and other competent personnel; conduct surveys and research about social and child protection; provide counseling and expertise; monitor provision of child protection services. Established through a Government decree in February 2014 and did not achieve full staffing or full operational capacity during 2014.(4, 20)
One of Five‡	The Council of Europe campaign to reduce and stop sexual violence against children, including commercial sexual exploitation.(35, 36) Led to the development of the Action Plan against the Sexual Abuse of Children.(28)
Shelter for Human Trafficking Victims‡	Program funded by the Office of the National Anti-Trafficking Coordinator to cover operational costs of the shelter, including the salaries of shelter employees; the hotline for victims of trafficking; and some basic food, clothing, and medical assistance for victims.(28)
Social Welfare Centers‡	Government-supported social welfare centers that provide social, child, and family protection, including to victims of child trafficking.(28, 37)
Group Children Center*	UNICEF- and the EU-supported program launched with a pilot to develop a framework for the foster care system as an alternative placement in Government institutions.(11)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Montenegro.

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Although the Government of Montenegro has implemented programs for the general protection of children and for child trafficking victims, research found no evidence of programs to specifically and systematically address child labor in begging and the worst forms of child labor in forced begging.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Montenegro (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Determine hazardous occupations and/or activities prohibited for children in consultation with employers' and workers' organizations.	2013 – 2014
	Ensure that the law prohibits the use of children in all illicit activities.	2014
	Ensure that the law prevents employees between 15 and 18 years of age from being assigned to work at night under any circumstances.	2012 – 2014
Enforcement	Provide the Labor Inspectorate with sufficient funding and increase the number of labor inspectors responsible for enforcing laws related to child labor in order to provide adequate coverage of the workforce.	2013 – 2014
	Collect and publish data on the number of child labor violations found and intensify efforts in collecting data on child beggars to ensure that adequate social protection services are provided.	2013 – 2014
	Ensure that all children removed from the streets are treated as victims and are provided with specialized social services to prevent re-entry into begging or street work, regardless of citizenship or birth registration.	2012 – 2014
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2013 – 2014
Government Policies	Integrate child labor elimination and prevention strategies into national policies, including the Strategy for the Development of Social and Child Protection.	2013 – 2014
	Fully fund and implement the National Strategy for the Improvement of the Position of Roma and Other Minorities in Montenegro.	2010 – 2014
Social Programs	Strengthen efforts to inform all citizens about how to register and receive access to education, health care, and other social services.	2012 – 2014
	Assess the impact that existing programs may have on addressing child labor.	2013 – 2014
	Institute programs to address child labor in begging and the worst forms of child labor in forced begging.	2013 – 2014

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