

Montenegro

The Government of Montenegro has established a legal framework to prevent the worst forms of child labor. However, there is no list of hazardous tasks or occupations prohibited for children, and gaps remain in the monitoring and enforcement of laws, as well as the development of government policies on the worst forms of child labor. Children continue to work on the street, in forced organized begging, and construction. Roma children are particularly vulnerable to this kind of exploitation.

Statistics on Working Children and School Attendance

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



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Montenegro are engaged in the worst forms of child labor,³⁹⁶⁵ particularly in begging and informal work on the streets, including washing car windows, sorting through rubbish, and selling small goods. Children may work on the streets or beg to provide financial support for their families.³⁹⁶⁶ Working on the streets may expose children to severe weather, harsh working conditions, dangerous machines and tools, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

In rural communities, young children work in agriculture.³⁹⁶⁷ This work may involve using potentially dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

Montenegro is a source, destination, and transit country for children trafficked for forced labor and commercial sexual exploitation. Children in Montenegro are also subjected to forced prostitution.³⁹⁶⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Law of 2006 establishes the minimum age for work at 15 and the minimum age for hazardous work at 18.³⁹⁶⁹ However, there is no list of hazardous tasks or occupations that are prohibited to children.

The Constitution calls for special protections for children against psychological, physical, economic, and all other kinds of exploitation or abuse. Article 63 of the Constitution explicitly bans forced labor.³⁹⁷⁰

Articles 209 and 210 of the Criminal Code prohibit the enabling or 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 a minor.³⁹⁷¹ Articles 444 and 445 of the Criminal Code explicitly ban trafficking in children for the purposes of labor, commercial sexual exploitation, forced prostitution, forced begging, and pornography.³⁹⁷²

	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	14
	Free Public Education	Yes

The Law on Labor Inspection empowers labor inspectors to suspend or shut down employers who commit gross violations of the labor laws.³⁹⁷³ A recent amendment to the Labor Law authorizes labor inspectors to issue monetary penalties for violation of labor provisions.³⁹⁷⁴

In 2010, the Government ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, effective March 1, 2011.³⁹⁷⁵

Article 75 of the Constitution stipulates that education is free and compulsory for children up to age 14.³⁹⁷⁶

Institutional Mechanisms for Coordination and Enforcement

The Office of the National Anti-Trafficking Coordinator is the major entity responsible for overseeing efforts to combat human trafficking, including trafficking of children. It regularly reports on the progress being made concerning these issues.³⁹⁷⁷ However, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The Council on Children's Rights, the main body for coordinating the national plan for children, and the Deputy Ombudsman for Children's Rights are in place to coordinate efforts to protect children.³⁹⁷⁸ However, research indicates that the Council on Child Rights is not operational. Furthermore, the mandate for the Deputy Ombudsman is not explicitly or legally defined and research found no information linking the Deputy Ombudsman's duties to combating the worst forms of child labor in particular.³⁹⁷⁹

The Labor Inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing child labor laws. It has 43 inspectors who are responsible for monitoring conditions in workplaces throughout the country.³⁹⁸⁰ For the purpose of conducting inspections, the Ministry regularly provides the Labor Inspectorate with an updated registry of companies, enterprises, and legal entities that are subject to taxation. In 2010, the Labor Inspectorate conducted over 14,268 labor inspections and found no violations of child labor in the formal sector.³⁹⁸¹

The Government provides awareness training courses to officials charged with enforcing child labor laws.³⁹⁸²

Government agencies involved in enforcing anti-trafficking laws include the Chief State Prosecutor, Montenegrin courts, the Ministry of the Internal Affairs and the Police Directorate, as well as the Ministries of Health, Justice, Labor and Social Welfare, and Education.³⁹⁸³ Anti-trafficking efforts within the Police Directorate are led by the organized crime department of the police.³⁹⁸⁴ 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 all contribute information to this database.³⁹⁸⁵

The Government investigated, prosecuted, and convicted 12 suspects in cases that involved trafficking charges from 2009 to the present, although it is unknown how many of these cases involved children. The Government also arrested and initiated prosecutions against several Roma

adults for allegedly organizing and forcing their own relatives, young Roma children, to beg on the streets.³⁹⁸⁶

There have been allegations that some police officers are facilitating forced prostitution of children. In February 2010, three police officers were arrested and charged for abuse of their authority for their suspected involvement in the forced prostitution of young girls.³⁹⁸⁷

Government Policies on the Worst Forms of Child Labor

As part of the Strategy Paper on Poverty Reduction and Social Inclusion, the Government developed the National Strategy for Social and Child Protection to ensure the essential rights of the most vulnerable groups of society, including Roma and their children.³⁹⁸⁸ Additionally, the Government continues to implement a national action plan for the regional framework Decade of Roma Inclusion 2005-2015 and the National Strategy for the Improvement of Roma Position in Montenegro 2008-2012.³⁹⁸⁹ These policies aim to improve the living standards for Roma and other minorities. The Government allocated approximately \$500,000 dollars for the first year of the National Strategy for the Improvement of Roma Position in Montenegro and pledged to allocate 0.2 percent of its total budget each year

to finance activities prescribed by the strategy.³⁹⁹⁰ For 2011, however, the Government allocated only \$428,000 of the \$2,857,000 that should have been pledged under the national strategy.

The question of whether existing policies have had an impact on the worst forms of child labor does not appear to have been assessed.³⁹⁹¹

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

The Government funds the Center for Children and Youth, which provides temporary assistance for child victims of trafficking and organized begging, including psychological care, legal aid, and vocational training.³⁹⁹² The National Anti-Trafficking Coordinator's Office funds the center in Podgorica, an expense which accounted for approximately 60 percent of the annual anti-trafficking budget of 111,000 Euro (approximately \$152,000) in 2010.³⁹⁹³

The Government also sponsors public awareness campaigns and education initiatives for the Roma population, as well as general public awareness campaigns, public service announcements, and conferences on human trafficking.³⁹⁹⁴ However, the Government lacks programs that target children who engage in potentially hazardous agricultural work or those working on the streets.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Montenegro:

IN THE AREA OF LAWS AND REGULATIONS:

- Enact a list of hazardous activities and occupations that are prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF GOVERNMENT POLICIES:

- Assess the impact that social policies may have on addressing the worst forms of child labor.
- Assess whether funding for the implementation of the National Strategy for Improvement of the Roma Position in Montenegro 2008-2012 is adequate.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs that specifically address the problem of children performing work that is likely to be harmful to their health and safety, including work in agriculture and on the streets.

³⁹⁶⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2000-2011. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 2005. Reliable 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 and information on children's work in general are reported in this section, 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.

³⁹⁶⁶ U.S. Department of State, "Montenegro," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, sections 6, 7c, and 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154441.htm>. See also U.S. Embassy- Podgorica, *reporting, March 25, 2011*.

³⁹⁶⁷ *Ibid.*, section 7d.

³⁹⁶⁸ U.S. Department of State, "Montenegro (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

³⁹⁶⁹ ILO NATLEX National Labor Law Database, *Labor Law of 2008*, April 18, 2011, articles 16, 17; available from <http://www.gov.me/files/1227178179.doc>.

³⁹⁷⁰ ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, April 18, 2011, article 63; available from 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.

³⁹⁷¹ Government of Montenegro, *Criminal Code of the Republic of Montenegro of 2004*, April 18, 2011, articles 209, 210; available from <http://www.legislationonline.org/documents/action/popup/id/4168/preview>.

³⁹⁷² *Ibid.*, articles 444, 445.

³⁹⁷³ ILO NATLEX National Labor Law Database, *Law on Labour Inspection*, April 18, 2011, article 7; available from <http://www.ilo.org/dyn/natlex/docs/>

MONOGRAPH/81588/88702/F642528465/MGO81588.pdf. See also ILO Labour Administration and Inspection Programme, *Labour Inspection Country Profile: Montenegro*, [online] July 1, 2009 [cited April 28, 2011]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114178/index.htm. See also U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁴ U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

³⁹⁷⁵ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁶ UNESCO, *Education for All Global Monitoring Report, 2010*; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>. See also ILO NATLEX National Labor Law Database, *Constitution of the Republic of Montenegro*, article 75.

³⁹⁷⁷ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁸ U.S. Department of State, "Country Reports- 2010: Montenegro," section 6. See also U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁷⁹ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁰ U.S. Embassy- Podgorica, *reporting, March 25, 2011*.

³⁹⁸¹ *Ibid.*

³⁹⁸² U.S. Department of State, "Country Reports- 2010: Montenegro," section 7d.

³⁹⁸³ *Ibid.* See also U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁴ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁵ *Ibid.*

³⁹⁸⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁹⁸⁷ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁸⁸ U.S. Embassy- Podgorica, *reporting, February 5, 2010*.

³⁹⁸⁹ *Ibid.*

³⁹⁹⁰ *Ibid.*

³⁹⁹¹ U.S. Embassy- Podgorica, *reporting, March 25, 2011*.

³⁹⁹² U.S. Department of State, "Trafficking in Persons Report- 2010: Montenegro."

³⁹⁹³ U.S. Embassy- Podgorica, *reporting, March 1, 2011*.

³⁹⁹⁴ *Ibid.*