

In 2016, Montenegro made a moderate advancement in efforts to eliminate the worst forms of child labor. Information about the Labor Inspectorate’s funding was made publicly available, and the police conducted targeted investigations of begging, which resulted in 45 children being rescued and sent to Social Welfare Centers. In addition, the Government approved the Strategy for the Social Inclusion of Roma and Egyptians, which aims to prevent child begging and trafficking through increased school attendance and birth registration. However, children in Montenegro engage in the worst forms of child labor, including in forced begging and commercial sexual exploitation, sometimes as a result of human trafficking. The law has not defined light work for children and allows employees between ages 15 and 18 to work at night in certain circumstances. Victim identification remained an area requiring improvement in order for the Government to combat human trafficking effectively.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Montenegro engage in the worst forms of child labor, including in forced begging and commercial sexual exploitation, sometimes as a result of human trafficking.(1-6) 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 (%)	5 to 14	18.3 (77,591)
Attending School (%)	5 to 14	91.6
Combining Work and School (%)	7 to 14	19.9
Primary Completion Rate (%)		92.6

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(7)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Multiple Indicator Cluster Survey 5, 2013.(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, washing car windows, and begging (1, 4, 9-12)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation as a result of human trafficking (5, 6)
	Forced begging, sometimes as a result of human trafficking (1, 4, 6, 11)
	Domestic work as a result of human trafficking (6, 13)

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

Montenegro is a source, destination, and transit country for children trafficked for forced labor, including forced begging, especially among Roma children.(1, 4, 6, 9, 11) Some Roma girls are sold into servile marriages in Montenegro and Kosovo from Montenegro, where they are also forced into domestic servitude.(6, 13) Children, especially girls, are trafficked for commercial sexual exploitation, internally and transnationally within the region and to Western Europe.(5, 6, 11, 14)

Montenegro

MODERATE ADVANCEMENT

Birth certification is required for attending school in Montenegro. Some Roma, Ashkali, and Egyptian children experience challenges in attaining birth registration, which makes school enrollment difficult, increasing their vulnerability to engage in child labor.(9-11, 14-19) The higher rate of unregistered children is mostly due to registration costs, parents' lack of awareness of the importance of registration, and parents' lack of identification documents.(19, 20) In addition, some children with disabilities, especially in rural areas, experience difficulty accessing education and have limited government social services available.(21, 22)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Montenegro has ratified all key international conventions concerning child labor (Table 3).

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). However, gaps exist in Montenegro's legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Article 16 of the Labor Law (23)
Minimum Age for Hazardous Work	Yes	18	Article 17 of the Labor Law (23)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 104 and 106 of the Labor Law; Articles 7–8 of the Regulations on Measures of Protection in the Workplace (23, 24)
Prohibition of Forced Labor	Yes		Articles 28 and 63 of the Constitution (25)
Prohibition of Child Trafficking	Yes		Articles 444–446 of the Criminal Code (26)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 209–211 of the Criminal Code (26)
Prohibition of Using Children in Illicit Activities	Yes		Articles 300–301 of the Criminal Code (26)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		Articles 162–163 of the Law on the Armed Forces (27)
State Voluntary	Yes	18	Articles 162–163 of the Law on the Armed Forces (27)
Non-state Compulsory	Yes		Article 444 of the Criminal Code (26)
Compulsory Education Age	Yes	15	Article 4 of the Law on Primary Education (28)
Free Public Education	Yes		Article 75 of the Constitution (25)

* No conscription (29)

Montenegro ratified the ILO Convention on Night Work, which will take effect in 2017.(30) The Code of Rules for Occupational Safety prescribes workplace protections and prohibits specific hazardous activities for children, including workplaces that would expose them to physical, biological, or chemical hazards.(4, 24) However, street work, an area in

which there is evidence of children engaged in carrying heavy loads by collecting scrap metal and vending goods, is not prohibited.(4, 12) Light work for children has also not been defined, and the Labor Law allows employees between the ages of 15 to 18 to work at night in circumstances in which it is necessary to continue work interrupted by natural disasters or to mitigate damage to raw or other materials.(23)

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). However, gaps in labor law and criminal law enforcement remain.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Labor Inspectorate	Lead and monitor the enforcement of labor laws, including those that protect working children and working conditions in workplaces throughout the country.(4, 20, 31, 32)
Police Directorate within the Ministry of Interior and Supreme State Prosecutor	Investigate and enforce criminal laws on forced labor and human trafficking for commercial sexual exploitation.(2, 31) Police coordinate law enforcement actions, including identification of victims of human trafficking.(2) Collect data on the number of police investigations, convictions, and court rulings, and submit them to the Office of the National Anti-Trafficking Coordinator (Trafficking in Persons (TIP) Office).(2)
Ministry of Justice	Enforce the Criminal Code by prosecuting crimes against children, including human trafficking, child begging, and child abuse.(32)
Ministry of Labor and Social Welfare (MLSW)	Protect children and families by providing social, child, and family protection in its Social Welfare Centers. Identify potential victims of human trafficking.(2)
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 writing blogs for children.(31)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Montenegro took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown	\$537,558
Number of Labor Inspectors	34 (4)	35 (12)
Inspectorate Authorized to Assess Penalties	Yes (4)	Yes (33)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	N/A (34)
Training on New Laws Related to Child Labor	Yes (35)	Yes (12)
Refresher Courses Provided	Yes (4)	Yes (13)
Number of Labor Inspections	10,806 (35)	10,063 (34)
Number Conducted at Worksite	10,806 (35)	10,063 (34)
Number Conducted by Desk Reviews	0 (35)	0 (34)
Number of Child Labor Violations Found	25 (4)	12 (12)
Number of Child Labor Violations for Which Penalties Were Imposed	25 (35)	12 (12)
Number of Penalties Imposed that Were Collected	25 (35)	12 (12)
Routine Inspections Conducted	Yes (4)	Yes (33)
Routine Inspections Targeted	Yes (4)	Yes (33)
Unannounced Inspections Permitted	Yes (4)	Yes (33)
Unannounced Inspections Conducted	Yes (4)	Yes (33)
Complaint Mechanism Exists	Yes (35)	Yes (33)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (35)	Yes (33)

Montenegro

MODERATE ADVANCEMENT

The Labor Inspectorate has 14 offices that proactively plan labor inspections, with an increase in inspections during the summer tourist seasons in specific sectors, such as trade and catering.(4, 20, 33) Children found during inspections can be sent to Social Welfare Centers (SWCs) and accommodated in a government-financed, NGO-run shelter for trafficking in persons (TIP) victims.(33) There are 25 labor inspectors that cover employment relations and 9 that cover health safety issues at work. All inspectors monitor the enforcement of child labor.(33) The Government maintains a database on children involved in begging but does not collect or publish data on the worst forms of child labor.(31, 35)

In 2016, resources for the Labor Inspectorate, including the number of labor inspectors and funding, were sufficient according to the Government.(33) Inspectors found, imposed, and collected fines related to 12 violations of child labor in the informal trade sector.(33) Inspectors attended general training on TIP, which included discussions on forced labor, organized by the Office of the Anti-Trafficking Coordinator (TIP Office).(33)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Montenegro took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	N/A (34)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	Yes (33)
Refresher Courses Provided	Yes (21)	Yes (13)
Number of Investigations	122 (35)	73 (33)
Number of Violations Found	125 (35)	34 (33)
Number of Prosecutions Initiated	1 (35)	0 (33)
Number of Convictions	0 (4, 21)	0 (33)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (21)	Yes (33)

A three-member police unit investigates TIP and advises local police. In 2016, resources and funding were sufficient according to the Government and international organizations.(33) During the year, labor inspectors, social workers, and representatives received training on identification of victims of human trafficking for labor exploitation and participated in discussions on child labor.(5, 33, 34) The TIP Office also organized trainings for 91 border policemen and 17 representatives of the Police Directorate on early identification of TIP victims.(5, 33)

Children that are found begging or require social assistance can be accommodated in a public institution for up to 30 days while parents are located.(4, 33) When parents are not available, children are referred to local SWCs.(36) Police sent 45 children to SWCs in 2016.(33) In addition, the police continued to run taskforces focusing on identifying victims of commercial sexual exploitation and removing child beggars from the streets.(5) In 2016, 73 investigations related to begging were conducted on 230 individuals, of which 75 were found to be juveniles. However, continuous victim identification training is needed for the police, judiciary, and prosecutors.(4, 5, 21, 34) The Ombudsman for Human Rights has criticized the police and SWCs for insufficiently and inconsistently tracking information on children caught begging.(13) Also of concern was that child beggars were treated as delinquents rather than victims, the SWCs provided services only to a small minority of Montenegrin child beggars, and there was a lack of specialized societal reintegration services.(13, 31, 37)

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

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Office of the National Anti-Trafficking Coordinator (TIP Office)	Coordinate efforts, projects, and legislation against trafficking in persons and the worst forms of child labor among relevant government institutions and international organizations.(2, 22) Collect and maintain data on investigations and court rulings. A task force monitors and promotes activities related to combating human trafficking, and assesses progress of objectives established in action plans.(2, 22) Includes government representatives, NGOs, and international organizations, and held a meeting in 2016. The Government increased TIP Office and shelter funding and held a forced begging awareness campaign in 2016.(5, 34)
Council for the Rights of the Child	Implement and monitor the National Plan for Children 2013–2017 and the Government’s commitments pursuant to the CRC, and initiate adoption of legislation to promote and protect the rights of children. Chaired by the Minister of Labor and Social Welfare.(3, 34, 38) Met once in 2016.(39)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Plan of Action for Children (2013–2017)	Defines and protects children and children’s rights.(31, 34) Outlines a strategy to fulfill CRC obligations. Goals include preventing hazardous and exploitative child labor and child trafficking, increasing birth registration, ensuring inclusive education, and improving social services for street children.(38) Monitors and reports yearly progress.(12)
Strategy for Improving the Position of Roma and Egyptians in Montenegro (2012–2016)	Addresses policies, education, and child protection for Roma and other minorities. Implemented by the Ministry for Minority and Human Rights.(31, 32) Goals include increasing birth registration through campaigns and eliminating begging among Roma and Egyptian children.(18) In 2016, more than 80 percent of refugees and internally displaced persons were provided with documentation.(34)
Strategy for the Social Inclusion of Roma and Egyptians (2016–2020)†	Aims to create social inclusion of Roma and Egyptians by increasing school attendance and birth registration, and preventing child begging and human trafficking. Implemented by the Ministry for Minority and Human Rights.(40)
Guidelines for the Treatment of Unaccompanied Minors	Provides accommodation, protection, and rehabilitation for minors and other vulnerable groups. Implemented by the MLSW.(41, 42)
UNICEF Country Program (2016–2021)†	Addresses access to social services for children, synchronizes the legal framework with EU and UN standards, implements and monitors policies relevant to children, and applies the principles of the CRC.(13, 17, 43)
National Strategy for Combating Human Trafficking (2012–2018)	Outlines objectives for combating human trafficking by raising public awareness, strengthening the capacity for victim identification and service provision, improving interagency coordination, and raising the efficiency of prosecutions.(21, 44) The strategy and yearly action plan are evaluated and adopted through reports prepared through government and civil society collaboration.(21) In 2016, the Government passed an action plan for 2016 outlining specific activities, partners, and indicators of success.(45)
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.(46, 47)

† Policy was approved during the reporting period.

In 2016, the Government did not include child labor elimination and prevention strategies in the Strategy for the Development of Social and Child Protection.(48) Research could not determine if the National Plan of Action for Children and Strategy for the Development of Social and Child Protection were active.(13)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Montenegro

MODERATE ADVANCEMENT

Table 10. Key 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 the MLSW. Implemented by the Government, the UNDP, and UNICEF to strengthen protection for children under the Strategy for the Development of Social and Child Protection, including inclusive education and child care system reform.(35, 46)
Shelter for Victims of Human Trafficking, Forced Begging, and Forced Marriages [†]	Run by the NGO Montenegrin Women’s Lobby and the Government, and provides accommodations for children who are separated from adults and victims of forced begging and forced marriages.(33) In 2016, three female children who were victims of human trafficking, including forced begging, were housed.(33) The Government allocated \$29,697 to the shelter in 2016.(34)
Hotline for Victims of Human Trafficking	SOS Hotline [†] funded by the TIP Office and run by the NGO Montenegrin Women’s Lobby. Provides advice, connects victims with service providers, and raises public awareness.(2, 21) In 2016, the Hotline received 414 calls with 15 being from potential TIP victims. SOS Hotline for Victims of TIP, operated by the NGO SOS Niksic, received 3,384 calls in 2016.(34)

[†] Program is funded by the Government of Montenegro.

[‡] The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(3-5, 20, 33, 35)

Research could not determine if the Social Welfare and Child Care System Reform was active in 2016. In addition, research found no evidence of programs to systematically address child labor in street work, forced begging, and commercial sexual exploitation.(5, 13)

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 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Define light work and ensure that children do not work in night work and carrying heavy loads.	2012 – 2016
Enforcement	Provide comprehensive training on effectively representing potential TIP victims to lawyers assigned to these cases.	2015 – 2016
	Ensure that all children removed from begging are treated as victims and are provided with social services to prevent reentry into street work, regardless of citizenship or birth registration.	2012 – 2016
Government Policies	Integrate child labor elimination and prevention strategies into national policies for all children, including in the Strategy for the Development of Social and Child Protection.	2013 – 2016
	Ensure that the National Action Plan for Children and Strategy for the Development of Social and Child Protection fulfill their mandated obligations.	2016
Social Programs	Make additional efforts to register children from the Roma communities.	2012 – 2016
	Build the capacity of schools and other services and programs to accommodate and provide services to children with disabilities.	2015 – 2016
	Collect data on children involved in the worst forms of child labor in order to enhance policymakers’ ability to identify problems more accurately and to address them more effectively.	2016
	Ensure that the Social Welfare and Child Care System Reform are active.	2016

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