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**Reply from Montenegro  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the Parties**

**Second evaluation round  
(Reply submitted on 2 June 2015)**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

**Reply to the Questionnaire for evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings**  
**by Montenegro - Second evaluation round**  
June, 2015

QUESTIONS	REPLIES
<p><b>A.</b></p> <p><b>1. Follow-up questions</b></p> <p>Please provide information on developments since GRETA's first evaluation report on your country in the following areas:</p> <ul style="list-style-type: none"> <li>-the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);</li> <li>-any changes in your country's laws and regulations relevant to action against THB;</li> <li>-the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;</li> <li>-an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).</li> </ul>	<p><i>“the main forms of trafficking in human beings (THB)and emerging trends observed in your country (for example, any new types or modes of exploitation, recruitment methods, countries of origin or destination of the victims)”:</i></p> <p>Montenegro is mainly the transit country, and to a lesser extent the country of origin and final destination of the victims of trafficking in human beings. According to the statistics, in the period 2004-2015 the most common form of human trafficking is the sexual exploitation, while registered and 2 cases of human trafficking in the form of labour exploitation. Victims of trafficking in human beings identified in Montenegro are predominantly foreign male/female citizens (most often between 17 and 45), and in a small number they are minors (between 12 and 17) originating from Serbia, Kosovo, Macedonia, Bosnia and Herzegovina, Ukraine and to a lesser degree from Montenegro. Roma and Egyptian children, and displaced families by the war affected regions emerged as the most vulnerable category of population in relation to the trafficking in humans/children. Practice examples indicate that majority of victims of trafficking in human beings don't have the high level of education, as well as the most of them have background with deeply rooted discriminative orientation towards women, which is also reflected in the labour market. Also, most of their families characterized the high level of domestic violence which themselves often suffer. In relation to the methods of recruitment the advantage has been frequently taken from the severe financial situation of the victims, i.e. the persons which are sexually exploited with promises of easy and quick profits. Also, by the amendments of the Criminal Code of Montenegro, more precisely by introducing the conclusion of unlawful marriage as a form of trafficking in human beings at the end of 2014 and the beginning of 2015, number of Roma minor girls identified as the victims of trafficking in human beings increased in view of concluding unlawful marriages.</p> <p><i>“-any changes in your country's laws and regulations relevant to action against THB”:</i> Criminal Code of Montenegro includes a number of acts prescribing human trafficking as the criminal offense, such as: Trafficking in Human Beings (Article 444), “Trafficking in children for adoption” (Article 445), “Submission to slavery and transportation of enslaved persons” (Article 446), “Trafficking in human body parts” (Article 295a), “Advertising in trade of human</p>

body parts" (Article 295b), "Illegal crossing of the state border and smuggling of human beings" (Article 405), "Pimping and enabling having a sexual intercourse" (Article 209), "Mediation in prostitution" (Article 210), "Displaying Pornographic Material to Children and Production and Possession of Child Pornography" (Article 211), "Inducement of a Minor to Attend Criminal Offences against Sexual Freedom" (Article 211a), "Allurement of a Child with a View to Committing Criminal Offence against Sexual Freedom" (Article 211b), "Unlawful transplantation of parts of human body" (Article 294), "Unlawful extraction of parts of human body for transplantation" (Article 295). In relation to the legal system changes within which the trafficking in human beings is also treated, we point out that the Working Group in its work on amendments to the Criminal Code of 2013 considered all GRETA recommendation. Solutions provided on this occasion to the law are in accordance with envisaged recommendation of GRETA. Implemented activities on amendments to the Criminal Code integrated into the Report on implementation of GRETA recommendation submitted to GRETA on 5 November, 2014. Appropriate regulations in view of fight against trafficking in human beings are as follows: Criminal Code of Montenegro ("Official Gazette of RMNE", 70/03, 13/14, 47/06; and "Official Gazette of RMNE", 40/08, 25/10, 32/11, 40/13 i 56/13), Criminal Procedure Code ("Official Gazette of MNE", 57/09, 49/10, 47/14), Law on Witness Protection ("Official Gazette of MNE", 65/04 and 31/14), Law on Free Legal Aid ("Official Gazette of MNE", 20/11), Law on Criminal Liability of Legal Persons ("Official Gazette of MNE", 2/07, 13/07 i 30/12), Law on International Legal Assistance in Criminal Matters ("Official Gazette of MNE", 4/08 and 36/13), Law on the Treatment of Juveniles in Criminal Proceedings ("Official Gazette of MNE", 64/11), and Draft Law on Compensation of Damages for Victims of Violent Crimes (which regulates requirements, methods and procedure for exercising the rights on compensation of damages to the victims of violent crimes) and in Parliamentary procedure at the moment.

*- "the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities";*

-Government Office for Fight against Trafficking in Human Beings positioning within the General Secretariat of the Government of Montenegro is the umbrella institution in combating human trafficking. The Office deals with coordination of the actions of all entities in charge of issue of the fight against human trafficking in Montenegro, manage to the work of the Government Shelter for victims of human trafficking, initiate, develop and monitor the implementation of the state policy in action against human trafficking; monitor and initiate the harmonization of the national policy with the international standards in the field of fight against trafficking in human beings; integrate statistical data related to the cases of human trafficking, manage to the work of the Government Working Group for monitoring the

implementation of the National Strategy for Fight against Trafficking in Human Beings, manage to the work of the Coordination Body for monitoring the implementation of the Agreement on Cooperation in action against human trafficking, etc. In view of the staff, Government Office is strengthen in 2013 with two more systematized job positions, so that six civil servants are currently employed in the Government Office headed by the National Coordinator.

for fight against trafficking in human beings, Zoran Ulama within his second term of office. The National Coordinator for fight against trafficking in human beings is appointed by the Government of Montenegro. Government Office recognized a certain number of NGOs as useful partners to combating human trafficking. With reference to this, Office for Fight against Trafficking in Human Beings sent three Public calls to the Nongovernmental organizations concerning the proposal of the male /female candidates as the member to the Working Group for monitoring the implementation of the National Strategy for fight against trafficking in human beings (25 October 2013, 19 November 2013, 15 January 2014). To the Public call applied the NGO "Montenegrin Women's Lobby" which director became a full-fledged member to the Working Group for monitoring the implementation of the national Strategy for fight against trafficking in human beings by the Decision of the Government on Selection of male/female candidate to the member of such Working Group of February 3, 2013. Also, extended number of signatories to the Agreement on Cooperation between the state institutions and NGOs in action against human trafficking within which included the mechanisms for inter-institutional cooperation in the care and referral of trafficked persons, as well as in the effective prosecution of traffickers. According to the revised Agreement of 2013, re-established the Coordination Body as an operational team in charge of implementation the Strategy in practice; Referring to this, 6 NGOs are members to the mentioned team and direct participants in view of conducting and assessing the effectiveness of the Agreement on cooperation in practice (NGOs: Montenegrin Women's Lobby, House of Hope, Women's Safe House, Institute for Social Inclusion, SOS Telephone for Women and Children Victims of Violence Niksic, and SOS Phone for Women and Children Victims of Violence Podgorica). At the first meeting of the Coordination Body of 19 09 2014 in the composition stated above agreed that the team should meet at least twice a year on which occasion would be assessed the successfulness of implementation of the subject Agreement in the practice, while the additional gathering of the team would be maintained ad hoc upon identification of the potential victim of human trafficking on the territory of Montenegro. The potential victim of human trafficking may be identified by all the signatories to the Agreement who will immediately inform thereof the contact person in the Police Directorate. Established and distributed the List of contact persons will be 24 hours available to the team in case the victim of human trafficking required necessary assistance and protection.

-Modification to the institutional framework in relation to the Police Directorate conducted by establishing the Unit for fight against trafficking in human beings operating at the Administrative level in investigation and case management. According to systematization three employees will be engaged in this Unit operating as integral part of the Section for combating organized crime and corruption.

-Within the Security Centre Podgorica at the end of 2014 is established the Team to support RAE population. In addition to the representatives of the Police Directorate, mentioned team also consists of the representatives of the Ministry for Human and Minority Rights, Ministry of Education, Basic State Prosecutor's Office, Basic Court, Centre for Social Work, Office for Fight against Trafficking in Human Beings, Red Cross, Help and a number of nongovernmental organizations engaged in strengthening and protecting the members of RAE population. Actions of the Team focused on suppressing pre-arranged marriages among the representatives of the RAE population as well as on begging. Work Plan of the Team to support RAE population adopted within the Security Centre Podgorica for the period April - December 2015. Two meetings of the Team to support RAE population have been organized so far.

*-"An overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results)":*

-At its Session of 13 September 2012, the Government of Montenegro adopted new Strategy for combating trafficking in human beings 2012-2018. New strategic document set out goals, principles and trends in action against trafficking in human beings as well as the measures determined for improving the efficiency of the established system for combating human trafficking in public, private and civil sector. Hereby the focus is on the six basic areas: 1. Prevention and education; 2. Identification of victims of trafficking in human beings; 3. Assistance, protection and reintegration of victims; 4. Efficient prosecution; 5. International cooperation; 6. Coordination and partnership. Objectives of the Strategy have been harmonized with the objectives prescribed by the Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on prevention and fight against trafficking in human beings by recommendation of the relevant international actors, as well as the NATO Programme for combating trafficking in human beings. At the same time, a functional link is provided with the previously adopted strategies and plans relating to: combating organized crime and corruption, integrated border management, drug smuggling and confronting illegal migrations, the National Action Plan for the "Roma Decade 2005-2015", the National Action Plan for the realization of gender equality in Montenegro. Also, compliance with the relevant international standards (UN and EU Conventions) was monitored, as well as other international instruments in this field, including the European Union *acquis communautaire*. To the end of implementation of the Strategy three Action Plans adopted so far (AP 2012-2013; AP 2014; and AP 2015;).

For monitoring the implementation of the Strategy is responsible the Working Group in charge of monitoring the implementation of the Strategy for combating trafficking in human beings and individual Action Plans. The Head of the Office / National Coordinator for fight against trafficking in human beings presided over the Working Group which composed of the representatives of line Ministries at the Deputy Ministers' level, representatives of the Police Directorate, the Supreme State Prosecutor's Office, Supreme Court, Inspection Directorate, Office of the Ombudsman, General Secretariat of the Government, civil sector, and the international organizations IOM,OEBS,UNICEF and the USA Embassy in Montenegro, in the capacity of observer.

Task of the Working Group is to monitor and improve activities of the responsible institutions in implementing the Strategy for combating trafficking in human beings; prepare semi-annual Reports on implementation the measures from the Action Plan for combating trafficking in human beings, set out priorities, dynamics and implementation deadlines, as well as the evaluation of the results achieved by implementation the Strategy for combating trafficking in human beings; if necessary prepare individual Action Plans for fight against trafficking in human beings and ensure their implementation. Working Group submits reports on its work to the Government of Montenegro in accordance with the semi-annual reports on implementation the Strategy and the individual reports prepared by the mentioned Working Group, discussed and adopted at the Session of the Government of Montenegro as follows:

-85 measures set out by the Action Plan for implementation the Strategy for combating trafficking in human beings in the period 2012-2013; and implementation of 66 measures monitored in the first half of 2013; 4 measures implemented, whereas 52 measures implemented continuously or if necessary. At the same time, 1 measure has been partially implemented, while 9 remained unrealized. In the second half of 2013, implementation of 67 measures monitored; 2 measures implemented, whereas 53 measures implemented continuously or if necessary. At the same time, 3 measures have been partially implemented, while 9 remained unrealized.

Action Plan for implementation the Strategy for combating trafficking in human beings of 2014 set out a total of 74 measures, while in the period 01 January – 30 June 2014 the implementation of 49 measures monitored. 10 measures implemented, whereas 33 measures implemented continuously or if necessary. At the same time, 3 measures have been partially implemented, while 3 remained unrealized. In the second half of 2014, implementation of 61 measures monitored; 12 measures implemented, whereas 39 measures implemented continuously or if necessary. At the same time, 4 measures have been partially implemented, while 6 remained unrealized. Action Plan for implementation the Strategy for combating trafficking in 2015 adopted at the Government Session of 29 January of the current year envisaged the implementation of 74 measures.

<p><b>B. Cross-cutting questions</b></p> <p><b>Gender equality (Articles 1.1.b, 5.3 and 17)</b></p> <p>2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?</p>	<p>-When it comes to the policy of the fight against trafficking in human beings, one of the basic principles to the Strategy for combating trafficking in human beings is, inter alia, establishing the principle of gender equality. Objectives of the subject document harmonized with the most relevant international standards from this area, and the functional link achieved with already adopted Strategies and Action Plans among which the special position has the National Action Plan for the Achievement of Gender Equality in Montenegro. Furthermore, the Agreement on Cooperation in combating trafficking in human beings in 2013 highly focused on the treatment to the women and children victims of human trafficking, as stated in the title <i>“In Accordance with the UN Convention against Transnational Organized Crime (UNTOC Convention), the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (“Official Gazette of FRJ” No. 6 of 27 June 2001), the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention on Child Rights (“Official Gazette of MNE” 08/2006), the Strategy of the Government of Montenegro for Combating Trafficking in Human Beings and recommendation for cooperation between the Governmental Sector, Supreme Court, Supreme State Prosecutor’s Office and the Nongovernmental organizations (hereinafter NGOs) to the aim of better cooperation in combating human trafficking in practice through the prevention, education, criminal prosecution of the perpetrators, and protection of the potential victims and victims of trafficking in human beings, especially women and children...”</i></p> <p>In order to ensure these principles of high importance is appropriate training of the staff – particularly the civil servants and state employees treating the potential victims and victims of trafficking in human beings paying attention to the gender dimension of this phenomenon. To this end the systematic education provided for all those civil servants and state employees who due to the scope of their duties come into contact with the victims of trafficking in human beings in a way that the Human Resources Management Authority, the institution in charge of education of the staff in the state administration authorities has determined topic related to the integration of the gender equality principle within the General Program of professional training. Also, in the course of the regular training sessions implementing in relation to the trafficking in human beings, special emphasis is on these questions.</p> <p>On the other hand, the principle of gender equality as the compulsory teachers' training programme accredited by the Bureau for Educational Services providing teachers with systematic education in transferring their knowledge to the primary and secondary school pupils through the subject of Civic education.</p> <p>Having in mind specific knowledge collected during the work with the victims, one sought to design victim’s protection and assistance adjusted to their individual needs with due respect for peculiarities of each single case of human trafficking, especially women and children.</p> <p>In preparing the individual plans of assistance and protection for each victim, great attention paid to all relevant preconditions for its complete and effective rehabilitation. Certainly gender issues are of particular importance and they are treated with special care as without taking account of these segments it would be impossible to make a good recovery plan.</p>
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	<p>Continuous implementation of planned activities on raising the awareness level of entire public in relation to the gender dimension in general, especially to the gender dimension of trafficking in human beings as well as those aiming to educate and introduce to the fundamental rights of women of RAE population. Preventive programme of Roma little girls, girls and their mothers realized through direct individual communication with general practitioner and gynaecologist on the risks affecting their health in general, particularly their reproductive health upon early marriage. Workshops also treated the common law in RAE community, early and pre-arranged marriages with juveniles, whereas special emphasis put on the potential effects of this form of marriage which may reflect through various types of violence or trafficking in Roma little girls. In addition to the workshops, above topics considered during the individual discussion held at the Camps: Konik I and II. Also, a number of informative and educational workshops conducted with vulnerable categories of citizens in relation to the trafficking in human beings (the children without parental care from the Centre "Ljubović", and the children from the Roma refugee camp "Konik 1" ). A publication developed within this project under the title "Stop trafficking in children".</p> <p>-The Constitution of Montenegro in the part relating to the protection of human rights and freedoms in Article 18 guarantees women and men to develop equal opportunities policy. The Government of Montenegro in December 2014, established the final text of the Draft Law on Amendments to the Law on Gender Equality following the submission of the final position of the European Commission forwarded to the parliamentary procedure.</p> <p>- Measures in regard of gender dimension in Montenegro laid down by the Action Plan for Achieving Gender Equality in Montenegro 2013-2017 (APAGE Implementation Programme 2015-2016) available at the link below in the footnote<sup>1</sup>.</p> <p>-Also in 2014 the Ministry for Human and Minority Rights supported the campaign <b>"One Billion Rising" against violence against women, a silent revolution in which women and men of good will by their symbolic joint dance on the streets of their hometowns across the Globe demand the end of the violence against women.</b> The said Ministry in association with the NGO "Centre for Women Rights" and the UNDP Office to Montenegro in 2014 <b>conducted the campaign "16 days of activism against gender violence"</b>. On 10 December 2014, the Ministry for Human and Minority Rights organized the Conference to mark the International Human Rights Day, as well as the Panel discussion with high school female and male students, their female/male Headmasters and the teaching staff. A number of events organized across Montenegro to mark the aforementioned campaigns as well as the</p>
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appearance at the local TV stations. The Media Campaign on Prevention of Discrimination and promotion of anti-discriminatory behaviour carried out in 2014 with the aim of raising awareness in overall population towards discrimination, the creation of tolerant environment and sensitize the public especially to persons with disabilities, LGBT population, Roma population, then, to discrimination based on gender identity and other most frequently discriminated social groups. As part of ongoing activities related to the promotion of non-discrimination, conducted a media campaign (at TV stations and billboards) entitled " I support, I appreciate protect, represent a MAN ", as follows: a radio jingle for 21 sec. 5 times a day, 60 days; setting 46 billboards on most frequent traffic roads for 45 days; 15 city light areas on the territory of Montenegro, 45 days; in all daily newspapers in Montenegro, once a week for ½ pp., in colour, for a period of 60 days; Insertion of flyers through the circulation of the two daily newspapers. In cooperation with the Agency for electronic media a TV spot broadcasted upon the title " I support, respect, protect, represent the MAN" on all TV stations in Montenegro. The Ministry for Human and Minority Rights and the Centre for Roma Initiatives signed a Memorandum on mutual cooperation. Cooperation would be carried out in the areas of domestic violence, the juvenile and temporary marriages and in view of political participation of Roma and Egyptian women (01.12.2014). Centre for Roma initiatives in cooperation with the RAE women network "First" and the support of the Ministry for Human and Minority Rights organized a two-hour Round table at the International Day for the Abolition of Slavery 02.12. 2014 where they presented the results of the publication "An arranged marriage is stronger than the law." In order to eliminate all forms of discrimination against women and girls of the Roma and Egyptian population, the Department for promotion and protection Roma and Egyptians within the line Ministry in the recent period organized range of activities, particularly in relation to the issue of suppressing early and forced marriages among this population. Filmed a documentary "Avoid my fate," which depicts juvenile arranged marriages among the Roma. The film was promoted in Niksic, Berane and Podgorica, with the participation of representatives of the Police Directorate, Prosecution, Courts, Centres for Social Work, NGOs. The Department for Gender Equality in cooperation with the Centre for Roma Initiatives organized a two-day seminar for male/female representatives of the Police Directorate, prosecutors, courts, centres for social work, as well as the female representatives of NGOs dealing with the situation of Roma and Egyptians in Montenegrin society on the topic "Legal mechanisms in the fight against forced and arranged child marriages", with special emphasis on the RE population.

- To the end of continuous education and sensitizing the professional staff about the problem of domestic violence, the Ministry of Labour and Social Welfare in 2012 organized a five-day training for 20 male/female trainers on implementation of the Protocol from the ranks of Police and the Centres for social work. During 2013, through the same programme continued with training for judicial and misdemeanour authorities as for the members of multidisciplinary teams from ten cities in which they have been established. In the period from 20 to 27 May

	<p>2013, a research organization Ipsos realized a study by order of UNICEF on violence against children in Montenegro, knowledge, attitudes and behaviour. In 2014 the Ministry of Labour and Social Welfare in collaboration with UNICEF organized meetings with representatives of multidisciplinary teams for family violence in all Centres for social work in order to prepare Instructions for application of the Protocol to deal with cases of domestic violence and violence against children.</p>
<p><b>Non-discrimination (Article 3)</b></p> <p>3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?</p>	<p>- Action Plans for implementation of the Strategy for Combating Human Trafficking in 2014 and 2015 under the headings of Prevention and education as an activity that needs to be continuously implemented defined the implementation of peer education among RE population on human trafficking, with a focus on the problem of the worst forms of child labour and conclusion unlawful marriage. Also, printed and distributed the Handbook for Teachers on the topic "Methods of transferring knowledge on trafficking in human beings/children in primary and secondary schools," in which special attention is paid to the rights of the victims of trafficking in accordance with international standards that treat this area. Also, Action plans envisaged the measure of "provision of continuing education for victims of trafficking and monitoring of involvement in order to prevent falling out of the system." In accordance with these measures in Montenegro conducted a number of activities aimed at education of Roma as a vulnerable category of citizens in relation to trafficking in persons / children during which participants learn about their rights and protection system. (Significant workshops, seminars and similar types of education in relation to the fight against Discrimination listed in the answer to question number 2, as well as in the Annex which listed workshops, seminars, training and campaigns).</p> <p>- Depending on the age of the victims, and their capacity to comprehend the rights set forth in the Convention the following measures will be taken in the Government's Shelter for victims of human trafficking:</p> <ul style="list-style-type: none"> <li>• Translating the rights of the Convention into the mother tongue of the victims of human trafficking</li> <li>• Simplify the legal terms to make the victims more easily understand their rights under the Convention, without losing the authenticity of the originals (some of the victims are children, some semi-literate or illiterate, so this measure is necessary for their understanding)</li> <li>• If the victim shows that the discrimination occurred to him/her can be legally learned to be entitled to trial for punishment of the perpetrator/s of such acts.</li> <li>• If the victim sues the perpetrator/s of discrimination, he/she is entitled to free legal aid and support.</li> </ul>

<p>4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?</p>	<p>-Measures to be taken in the Police Directorate in order to identify potential victims and victims of human trafficking are covered by the action "Trafficking" which operates at the level of the Police Directorate and brings together the work of all its sectors according to their responsibilities i.e. criminal, border and police of the general jurisdiction. In this action as a priority are given the operative measures and concrete actions on the ground in the implementation of the action, and further processing and collection of data to persons, objects that can be linked to the commission of offenses of trafficking in human beings and other related criminal acts of exploitation. Further cooperation continues with the competent prosecutor's office, and follow to the identification all activities to be undertaken in cooperation with the Office for the fight against human trafficking. Officers of the Police Directorate, Criminal Police Department, Section for fight against organized crime and corruption in the continuation of activities to the fight against human trafficking, as on 17.04.2015. carried out the action under the operational title "TRACK (KOLOSJEK)" in cooperation with the officers to the Security Centre Podgorica and Security Centre Berane.</p> <p>By implementing several months of activities in cooperation with the Basic State Prosecution Office in Podgorica, appointed officials have filed a criminal charge and gather evidence against 18 persons of which 16 were apprehended; 11 people in the municipality of Podgorica and 5 persons in the municipality of Rozaje, while 2 persons claimed under grounded suspicion that for a longer period in an organized manner committed the smuggling of 138 persons "asylum seekers" mostly originating from Syria, through the territory of Montenegro to Serbia in order to obtain material gain, and thereby committed an offense, Illegal border crossing and smuggling of people in an organized manner, Article 405 paragraph 3, of the Criminal Code of Montenegro.</p> <p>-Administration for Inspection Affairs- Labour Inspectorate, which operates within the Administration for Inspection Affairs, has been recognized as an important link in the potential discovery of potential victims of trafficking, through permanent and proactive work in the field. The Labour Inspectorate, in the exercise of its primary activities in combating illegal work, or "moon-lighting" as an emerging form of underground economy in the labour market continuously carried out activities in the field in order to identify potential trafficking for labour exploitation. It particularly focuses on the control of the entities involved in catering industry, construction, trade, transport and agriculture for the greatest flow of labour force noticed therein. In addition to regular activities, the Labour Inspectorate carried out intensified inspection control during the winter and especially in the summer tourist season, when the significant involvement of the labour force from the region and recording of "moonlighting" to a greater extent, and, generally, the word is about male population. The influx of foreigners into the labour market of Montenegro is under a special regime of employment and, in accordance with the Law on Foreigners, requires a special, longer procedure. The field work during the intensified inspection control in the season takes place on a daily basis and all day long with an increased number of inspectors (besides domicile inspectors on the coast are also inspectors</p>
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from the central and northern part of Montenegro). Inspection control is carried out mainly in cooperation with other inspections of the Administration for Inspection Affairs (tourism, sanitary, market and space-protection inspection...), as well as with municipal police to the local self-government municipality within which area the control has been performed. In the framework of tourist inspection through accommodation capacity control, it is possible to find out certain information on the stays of the persons who may be potential victims of trafficking. Also, labour inspectors in the field of health and safety at work, by performing controls at the employers, particularly in the construction field (on construction sites), as a high-risk area for illegal work, can come to the knowledge of inadequate conditions of accommodation and meals with hired workers, which would indicate to the possible victims of human trafficking. The cooperation with Inspectors for foreigners to the Police Directorate in the Ministry of Interior of Montenegro is at a high level and in the framework of regular activities and organized actions when performing joint inspection control in high-risk facilities and business premises of the certain activities (construction sites, restaurants, night clubs, plantations). More efficient suppressing of "moonlighting" contributed by the actions of the Labour Inspectorate on the initiatives (frequently anonymous) of the citizens, trade unions, nongovernmental sector and the employees submitted immediately to the Labour inspectors in fifteen offices across Montenegro, as well as via Call Centre of the Administration for Inspection Affairs indicating in such way to the employers and their workers in informal employment (both national citizens and foreigners) which can be a sign of abuse of the illegal status and the potential indicator of trafficking in adult persons for the purpose of labour exploitation. Labour inspectors have not identified any potential victim of trafficking in human beings through the labour exploitation being aware of the established indicators for the victim's identification.

- 3 training held in 2014 (1 two-day training for the central region, and 2 one-day training for the northern and south region) on the topic "Enhancing skills of early identification of potential cases of trafficking in Montenegro" attended by 15 representatives of the Administration for Inspection Affairs, as well as 15 representatives to the Centres for Social Work, 15 police officers, and 5 representatives of the Reception Centre for asylum seekers and foreigners.
- 1 one-day training held on March 09, 2015 on the topic "Enhancing skills of early identification of potential cases of trafficking in human beings in Montenegro with special emphasis on multi-agency cooperation" in attendance of 27 civil servants of all those institutions that may come into contact with the victims of trafficking in human beings (5 health care workers, 5 representatives of the Asylum Centre, 5 Labour Inspectors for safety at work, 5 police representatives, 5 representatives of the Employment Agency and 2 NGO representatives).
- Pursuant to Article 61, paragraph 6 of the Law on Foreigners ("Official Gazette of Montenegro", No. 56/14) stipulates that the employer shall not employ or use the work of the foreigner illegally residing in Montenegro. Article 133, paragraph 1, item 4 stipulates that a fine

	<p>of 1,000 euros up to 10,000 euros shall be imposed on the employer - legal entity if it employs or uses the work of the foreigner who resides illegally in the territory of Montenegro. Also, pursuant to Article 132 of the subject Law, inspection control actions carried out an authorized official of the police, the labour inspector and other competent inspections within its jurisdiction.</p> <p>At the initiative of the Government Office for Combating Trafficking in Human Beings posters prepared containing information on human trafficking in Montenegrin, Albanian, Russian and English, as well as the SOS phone line for victims of trafficking. Posters have been placed at all border crossings in Montenegro. In addition, both general and specific indicators made in relation to the form of human trafficking and the same are distributed to all competent authorities to the end of better identification of victims of trafficking to sexual, and labour exploitation, with particular reference to the children victims of trafficking.</p> <p>- Follow to the process of identification victims are acquainted with their rights by the police officers and upon accommodation in the Government Shelter for victims of human trafficking also by the activists to the shelter and the graduated lawyer involved in order to notify the victims to all their rights under the national legislation and international standards.</p>
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5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

-Follow to the review of the Agreement on cooperation in combating human trafficking containing the national referral mechanisms for action in relation to the cases of human trafficking, was established the Coordination Team for monitoring implementation of the Agreement which is at the same time the operational team that undertakes concrete actions (in accordance with the Agreement) in view of identification, assistance and protection of victims of human trafficking. This team comprised of representatives – contact persons of all competent agencies and organizations signatories to the Agreement (Ministry of Interior, State Prosecution, Supreme Court, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, Office for fight against trafficking in human beings, PI Centres for children and family protection Bijelo Polje, Red Cross of Montenegro and 6 non-governmental organizations). At the constitutional meeting of the Coordination team in the same composition agreed on its gathering at least twice a year with a view to assess the successfulness of implementing the Agreement in practice, while the necessity for additional ad hoc meetings of the team would be in situation of potential identification of the victim of human trafficking. Potential victim of human trafficking may be identified by each signatory of the Agreement, upon which the contact person of the Police Directorate would be immediately informed. List of contact persons of the team to be 24 hours available was established and distributed in case the victim of human trafficking required necessary assistance and protection.

-It was also agreed on holding Round tables in 2015 at the local level on which occasion the members of the Coordination team will remind their colleagues therein on their obligations in relation to the performance in cases of human trafficking stemming from the subject Agreement, with special emphasis on identification and providing assistance and protection to the victims/potential victims of human trafficking.

-Follow to the identification the victims are notified of their rights by the police officers, and upon their accommodation at the Government Shelter for the victims of human trafficking also by the activists of the Shelter among which is engaged a graduate lawyer so as to inform victims to their rights in accordance with domestic and international standards.

**Training of relevant professionals  
(Articles 10 and 29)**

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details

-In Montenegro operates the following specialized training institutions for the staff employed in the public authorities such as: Human Resources Management Authority – institution in charge of conducting and implementing the training to the staff employed in the state administration bodies and the self-government units, Judicial Training Centre, Institute for Social and Child Protection – responsible for professional education of those employed within the institutions of social and child protection, Police Academy – responsible for education of the police officers, Bureau of Education Services – in charge of teaching staff education. With the aim of systematically designed approach to education of all the professionals involved in the fight against trafficking in human beings/children, child prostitution, and pornography appropriate programmes accredited with all specified institutions treating the mentioned areas.

So, within the HRMA (Human Resources Management Authority) Programme since 2013 have been carried out regular semi-annual training intended for all those representatives to the institutions who within the scope of their work may come into contact with potential victims and the victims of human trafficking (Inspection services, health care workers, employees at the Employment Agencies, Reception Centre for asylum seekers and foreigners, Employment Agency, police officers). Training aimed at enhancing professional skills for identification or proactive identification, improving skills of taking testimony from the victim, especially when the victims are children. Also, in accordance with the HRMA Programme carrying out of the training at the semi-annual level intended to the representatives of the local self-government units and councillors to the local Assemblies aiming to raise awareness on the phenomenon of trafficking in human beings/children for gaining their support in carrying out goals of the national policy to the fight against such negative social phenomena at the local level. Implementation of these training based on the territorial principle for the north, central and south region. Also these training followed by developing of the Handbook for practical appliance to the area of fight against trafficking in human beings/children which will be of relevance to the training participants as a useful tool with practical advice on the indicators of trafficking in human beings, causes and stages in human trafficking, forms of the victim's exploitation, as well as the established mechanisms in combating such problem. Its issuance expected by the end of September 2015. Due to change of the personnel within the institutions, as to the change of trends in trafficking in persons/children, continuous organization of systematic training to be necessary with representatives of all the institutions involved in combating trafficking/children through a number of modules which would be aimed at prevention, identification of the potential victims, initial reference, protection, criminal prosecution of the perpetrators and reintegration of victims.

With reference to this, National strategic document for combating trafficking in human beings in its chapter on education defines the strategic objective as “Building professional capacities of all target groups regarding the fight against all forms of trafficking in human beings/children through proactive identification, good quality protection of potential victims and efficient



	<p>prosecution of offenders“ through the following:</p> <p>Operational objective 1.1. To strengthen capacities of investigation and judicial authorities with the aim to improve proactive identification of potential victims of trafficking in human beings and efficient prosecution of offenders</p> <p>Operational objective 1.2. To sensitize social and health care workers for active participation in prevention activities, identification, assistance and protection of victims of trafficking in human beings</p> <p>Operational objective 1.3. To strengthen professional capacities of inspection services, employees in the now established shelter for foreign citizens, the employment agency regarding the issue of trafficking in human beings/children</p> <p>Operational objective 1.4. To sensitize education workers on the specifics of transferring knowledge on trafficking in human beings/children in school and extra-curriculum activities</p> <p>Operational objective 1.5. To increase the level of sensibility and participation of media in raising awareness level of the public on the phenomenon of trafficking in human beings/children and protection of their data</p> <p>Operational objective 1.6. To strengthen cooperation between the relevant authorities with the aim to keep the information that might compromise the recovery of a victim of trafficking in human beings confidential</p> <p>Operational objective 1.7. To ensure implementation of regular trainings on the topic of combating trafficking in human beings/children within the preparation of the members of armed forces of Montenegro and members of the police to participate in peacekeeping missions</p> <p>Operational objective 1.8. To ensure informing of diplomatic and consular personnel on the specific of acting in cases of trafficking in human beings</p> <p>Operational objective 1.9. To strengthen the capacities of the representatives of local governments regarding combating trafficking in human beings</p> <p>-With the aim of providing support by the local self-government in combating human trafficking in April, 2015 the Office for fight against trafficking in human beings in cooperation with the Human Resources Management Authority arranged a number of training for the councillors and employees at the local self-government authorities in Podgorica, Cetinje, Danilovgrad, Nikšić, Šavnik and Plužine, and several training of similar type will be organized soon for the south and north region.</p> <p>-Institute for Social and Child Protection – as a newly established institution show its openness regarding the program accreditation that would be exclusively intended for the education of professional workers employed in the institutions of child and social protection. Therefore by identifying the fact that exactly these categories of employees are crucial link to the prevention, identification and especially protection of the victims of all criminal acts covered by the Protocol – the Office together with the UNICEF representatives to Montenegro initiated the</p>
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engagement of the expert to develop training programme and implement training for trainers – (total of 20 representatives from various institutions) – of which 5 trainers (one from the Police, Prosecution and Institute for social and child protection, and two from the Office for fight against trafficking in human beings) which proved as the best will be appointed to the UNICEF certified trainers selected to transfer knowledge to their colleagues across Montenegro. Training of trainers will be carried out at the beginning of June this year. Mentioned programme will be accredited with the Institute for Social and Child Protection by the selected trainers responsible for transferring knowledge in two stages of the Project. The first stage of the project includes training of the representatives of institutions (professional workers of the institutions of social and child protection, police officers, prosecutors and NGO representatives) in the north region, where the provision of training envisaged in all municipal centres of the north region (total of 5 training), as well as the training of teams to prevent begging and arranged marriages established within the Security Centre Podgorica. Realization of training for the central and south region will be arranged within the second stage of the project. With reference to the further work of the Institute for Social and Child Protection these trainers will be engaged in relation to the accredited programme continually transferring knowledge to the representatives of social and child protection in the territory of Montenegro in accordance with the annual Action plans, training needs assessment and analysis from the field – thereby the issue of training the mentioned category of professionals would be systematically resolved in relation to all the issues treated in the Protocol.

-In the organization of PI Police Academy and the Police Directorate, seminars held on the topic “Trafficking in human beings“. Aim of these seminars are to improve the professional competence of all police officers in the purpose of efficient identification, proving and prevention of crimes of trafficking in human beings. During 2014 carried out two seminars intended for 20 participants as follows:

-In the period 26-27 06 2014 was realized seminar for 11 participants – 10 officials of the Police Directorate and 1 representative from the Police Academy, and

-In the period 06-07 10 2014 was realized seminar for 19 officials of the Police Directorate.

The following topics discussed during the seminar:

- Sources of law in the area of human trafficking,
- International law,
- Suppressing trafficking in human beings in regard of comparative legislation,
- Criminal legislation of Montenegro and trafficking in human beings,
- Basic, special and qualified forms of crime of human trafficking,
- Stages in the process of trafficking in human beings,
- Modus operandi used by the delinquents,
- Debt slavery,
- Isolation,

	<ul style="list-style-type: none"> <li>• Use of violence and fear,</li> <li>• Identification of the potential victim of trafficking in human beings,</li> <li>• Signals referring to the victim of trafficking in human beings ,</li> <li>• Interactive approach to the victim,</li> <li>• Documentary film.</li> </ul> <p>-Training on trafficking in human beings primarily intended to the officers dealing with the cases of trafficking in human beings at the Section for fight against organized crime and corruption within the Police Directorate. Training also attended by the criminal police officers deployed at the Security Centres (local police) such as officials working as an integral part of the Section for fight against organized crime and corruption and those following the line of homicide, juvenile delinquency.</p> <p>- The following topic "Trafficking in human beings, with special reference to the specifics in taking evidence from the victims" particularly envisaged by the Annual General program of education of the Judicial Training Centre 2015 in the context of "Criminal and Substantive subjects". Participants to the training are Montenegrin judges and prosecutors.</p> <p>During the preparation of the General annual training program, the Centre for Education is guided by a training needs analysis, based on:</p> <ul style="list-style-type: none"> <li>• Evaluation of the questionnaires submitted to all judges and prosecutors on the training needs and their analysis;</li> <li>• Evaluation of the questionnaire after each individual training organized by the Centre during the year and their analysis;</li> </ul> <p>Analysis of strategic documents in the area of justice in which the Centre is recognized as the competent institution for the implementation of certain measures;</p> <ul style="list-style-type: none"> <li>• Relevant substantial and procedural laws under way for adoption, as well as the newly adopted Laws;</li> <li>• Provide comments and opinion of the Coordination Committee of the Centre, the body responsible for the adoption of this program developed by the representatives of all relevant judicial institutions.</li> </ul> <p>Introducing specified topic into the Annual general training program is also the result of the obligations of the Centre in accordance with measures No 6.2.71 of the Action Plan for the Negotiation Chapter 24, which reads:</p> <p>"Judicial training program should involve training for themselves in relation to the new legal regulation for the criminal offence of human trafficking with particular reference to the specifics of taking evidence from the victims." In addition, it is important to note that the Judicial Training Centre also deals with the subject matter of human trafficking in a broader sense, in the framework of the continuous educational activities of the Centre relating to the</p>
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institutes and practice in research, prosecution and adjudication of criminal offenses committed in an organized manner, and through training on international legal cooperation in criminal matters. The said activities of the training centre realized in cooperation and with the financial support of its partners - international organizations operating in the territory of Montenegro which recognized the importance of the Centre and the continuous improvement of knowledge of judges and prosecutors in the field of criminal justice, primarily the US Embassy and the OSCE Mission in Montenegro. Financial resources for the listed activities of the Centre provided through the projects of international partners. Evaluation of training is done on the basis of research on training short-term effects by completing evaluation forms on the participants' satisfaction with organization, trainers, topics, with the possibility to propose topics, methods and trainers for future training activities. To be noted that in the support of UNODC in July 2014 was adopted the regional training program in the field of human trafficking intended to the criminal justice professionals from Southeast Europe. The regional program is the result of the work of representatives qualified by the judicial training institutions from the countries of the Southeast Europe containing both the methodology and training materials.

An overview of activities undertaken by the Judicial Training Centre conducted in the period 1 01 2012 - 1 04 2015 on the subject of combating human trafficking:

- 5-8 August 2013 - Israel / Haifa, by means of the Centre the two judges (judge of the Basic Court in Podgorica and a judge of the Basic Court in Niksic) participated in the International Seminar for judges: "The Crucial Role of the Judiciary in the Fight against Trafficking in Human Beings". The seminar was organized in association with the Organization for Security and Cooperation in Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), the Ministry of Justice of Israel, the International Organization for Migration (IOM) together with the Israel's Agency for International Development Cooperation (MASHAV) and Golda Meir Mount Carmel International Training Centre (MCTC).

International seminar aimed to bring together judges who act upon cases of trafficking in human beings in order to share experiences and improve knowledge in this field. More concrete topics of the seminar were: International framework for combating trafficking in human beings; Key issues and concepts that occur in human trafficking cases; Trafficking in persons for forced labour and labour exploitation; The psychological symptoms of victims of trafficking; Obvious problems specific to the testimony of the victims; Best practices for the protection of victims; Sanctions and effective legal remedies for the victims, impunity and the decriminalization of the victims; The importance of international cooperation.

- 12-13 December 2013 - Budva/Bečići, the Regional seminar entitled: "The Criminal Offense of Human Trafficking - Conducting Investigations - Experience of SEE Countries" organized in cooperation of the Office for Combating Trafficking in Human Beings of the Government of Montenegro, the US Embassy in Podgorica and the Centre for Judicial Training.

The aforementioned seminar was attended by the representatives of Police, Prosecution and

the National Coordinators for Combating Trafficking in Human Beings from the following countries: Albania, Bosnia and Herzegovina, Bulgaria, Montenegro, Croatia, Kosovo, Macedonia, Romania and Serbia who presented the national legislative framework in relation to trafficking in persons and the relevant case law. Emphasis is put on the exchange of experience in the conduct of investigation concerning the criminal offense of human trafficking, with particular reference to the cooperation of representatives of the police and prosecution, as well as taking evidence from the victims of trafficking in human beings. Participants also had the opportunity to listen to the lectures by two very experienced prosecutors from the USA. On behalf of Montenegro participated 6 representatives of the judiciary and prosecution offices: 2 representatives of the Prosecution Office and 4 representatives of judiciary.

-27 - 29 May 2014, Becici, Centre for Judicial Training of Montenegro in cooperation with UNODC organized a regional workshop to develop a regional work programme on human trafficking for criminal justice professionals in Southeast Europe. The workshop aimed to bring together the contact persons nominated by the Judicial Training Institutions from South-Eastern Europe with a view to developing the regional work programme on human trafficking for criminal justice professionals, developing the methodologies and training materials, as well as planning a two-day training in June 2014 which would be based on the regional work programme in order to test the practical effectiveness of the same. At the same time, the workshop represented training of trainers whereupon the participants be able to transfer acquired knowledge. The regional workshop was attended by representatives of Bosnia and Herzegovina, Kosovo, Albania, Croatian, Macedonia, Serbia and Montenegro.

-On 24-25 June 2014, Belgrade - The 'Regional pilot training in the field of trafficking for criminal justice professionals in South East Europe organized in cooperation of the Judicial Academy of the Republic of Serbia and the UNODC.

Follow to the regional workshop held in Budva, 27-29. May 2014 organized in cooperation of UNODC and the Centre for Judicial Training of Montenegro and aimed to bring together the contact persons nominated by the Judicial Training institutions in the SEE in order to develop the Regional SEE work programs, prepare methodologies and training materials based on the Regional SEE program of work, this two-day pilot training focused on practical testing of the efficiency of the Regional SEE program of work.

-Training of teachers in primary and secondary schools in view of the program of fight against human trafficking as an accredited program for professional development of teachers according to which conducted the training of teachers of Civic Education in Primary and Secondary Schools (the program accredited by the National Council for Education).

- Pursuant to the Law on Social and Child Protection of April 2014 was established the Institute for Social and Child Protection which mission reflected in the following: Monitoring the quality of professional work and services to the institutions of social and child protection; Providing

expert supervisory support for the advancement of their professional work and social services and child protection; Performing tasks of licensing the professionals and issuing work licenses in accordance with the law governing the social and child protection; Performing professional and organizational tasks in the process of accreditation of training programs, or services program that provides vocational training to professional staff, associates and service providers; Adopting Ethics Code for employees in the field of social and child protection; Doing research of the social rights and issues, activities and effects of social and child protection; Developing analysis and reports and proposing measures for the improvement of the social and child protection; Developing a good quality system to the social and child protection, coordinating the development of service standards proposing to the state administration authority responsible for social affairs to improve existing and introduce new standards; Participating in the development, implementation, monitoring and evaluation of the effects of strategies, action plans, laws and other regulations relating to the development of social and child protection; Organizing vocational training to professional workers and professional associates; Drafting and publishing of monographies, periodicals and collections of essays, professional manuals, guides, informant reports and materials, studies and examples of good practice; Informing the expert's and general public on implementation of social and child protection, pointing to the needs and problems of the users, especially users from vulnerable social groups. By realization of the aforementioned tasks, the Institute will create conditions for continuous vocational training to professional workers and professional associates in order to improve and achieve a better quality of service to the end users.

With the support of the TAIEX instrument of the European Commission In the reporting period the professionals of the PI Centre "Ljubović" participated in the following training sessions: the rehabilitation and social reintegration of the users of psychoactive substances, protection of the rights of members of the LGBT community, prevention and fight against human trafficking.

-According to the Agreement on mutual cooperation of state institutions and NGOs in the fight against trafficking in human beings (which is signed on 18/10/2014), Ministry of Health committed to the parties to participate in training in order to educate health workers and achieve the objectives listed in the said Agreement and the Annex thereto. Furthermore, health care workers have attended and will attend further to the training for which the Office for Combating Human Trafficking estimates that are useful and necessary. In attendance of the training are health care workers from the Institute for Emergency Medical Services, the Institute for Children's Diseases and Emergency Centre of the Clinical Centre of Montenegro. Of course, if necessary, experts from other institutions of the health care system are present at the trainings. Representative of the Ministry of Health is in daily telephone contact with the directors of the said Institute for Emergency Medical Services and the Emergency Centre holding on-site meetings in every three months on the subject of trafficking with the employees at the premises of the Institute for Emergency Medical Services and Emergency Centre.

-When it comes to the Centre for asylum seekers, it conducts training to those officials who are

in permanent contact with persons in the asylum system and within which scope of activities is to identify vulnerable groups; such officials are: psychologist, social worker, educator and medical staff.

Training on this topic passed by the officers of the Centre for asylum seekers are as follows:

- Training organized by the Office of the National Coordinator for Combating Trafficking in Human Beings and the Human Resources Management Authority. The training attended by 5 officers of the Centre for asylum seekers to the following topic: Enhancing the skills of early identification of potential trafficking cases in Montenegro.

- The training organized by the Women's Safe House. Four officers of the Centre have passed the training on the following topic: Training with a view to recognizing the signs and treating the victims of trafficking and victims of violence.

-Secretaries of the municipal organizations to the Red Cross of Montenegro have been trained in the field of fight against human trafficking. The presentations are organized regionally through the three training in the north, south and central part. One presentation was organized for a period of four hours, the presentation of the program, discussion on the program, the word of the relevant institutions that cooperate in the program and examples of municipal organizations. Relevant institutions participated herein are the representatives of the Ministry of Interior and the Centre for Social Work, representatives of the media, representatives of one primary and one secondary school and the representative of the Health Centre from some towns. The presentations were organized with the aim to sensitize the Secretary, an expert in the Red Cross, and the most responsible persons in charge of coordination the work within the organization for further presenting the subject and organizing the training at different levels intended to different target groups. On the regular, annual level the training for volunteers are organized; and schools or groups that show interest organize seminars and lectures.

-NGO "Montenegrin Women's Lobby" has conducted several training so far on the problem of trafficking with the following categories of professionals among the police, social workers, judges, prosecutors, lawyers, educators, medical staff, representatives of the civil sector dealing with these issues. Assessment on the training necessity the Montenegro Women's Lobby makes on the basis of the information obtained from the institutions or the personal contacts, referring to such type of education as a necessary since they come into contact with potential victims of trafficking as the providers of assistance and support. The main topics of the training include: Identification, Assistance and Support, Showing Empathy and Understanding through the First Interview, Accommodation and Assistance offered Non-discrimination, Advising victims of their rights.

Note: More detailed information about training on human trafficking /children listed in the Annex attached to this Report.

**Special measures concerning children  
(Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)**

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

Criminal Code of Montenegro includes a number of acts by which the trafficking in children/minors prescribed as a criminal offense such as: Trafficking in Human Beings (Article 444), "Trafficking in children for adoption" (Article 445), "Submission to slavery and transportation of enslaved persons" (Article 446), "Pimping and enabling having a sexual intercourse" (Article 209), "Mediation in prostitution" (Article 210), "Displaying Pornographic Material to Children and Production and Possession of Child Pornography" (Article 211), "Inducement of a Minor to Attend Criminal Offences against Sexual Freedom" (Article 211a), "Allurement of a Child with a View to Committing Criminal Offence against Sexual Freedom" (Article 211b), "Trafficking in human body parts" (Article 295a), "Advertising in trade of human body parts" (Article 295b), "Illegal crossing of the state border and smuggling of human beings" (Article 405). In accordance with GRETA Recommendations of the first evaluation round the amendments to the Criminal Code of Montenegro shall modify the Article 445 which defines criminal offence of trafficking in children in a way that instead of the term child introduced the term minor extending in such a way the age limit from 14 to 18 years for children, i.e. the minors victims of human trafficking. Article 445 which specially defines trafficking in minors for adoption shall read as:

"Trafficking in minors for adoption"

(1) Anyone who abducts a minor for adoption in contravention of current regulations or whoever adopts such a person or mediates in such adoption or whoever for that purpose buys, sells or hands over another minor or transports, provides accommodation for or hides such a minor, shall be punished by imprisonment for a term of one to five years.

(2) Anyone who deals with activities referred to in Paragraph 1 of this Article or participates in their organized commission together with several other persons, shall be punished by imprisonment for a minimum term of three years."

With reference to most of the above-mentioned criminal offenses directly or indirectly related to the offense of human trafficking the specific punishment prescribed if the offense was committed against a minor.

- Follow to the revision of the Agreement on cooperation in the fight against human trafficking which includes national referral mechanisms in action to the cases of human trafficking, the Coordination Team established for monitoring the implementation of the Agreement which at the same time represents the operational team that undertakes concrete actions (in accordance with the Agreement) in relation to identification, provision of assistance and protection to the victims of trafficking, *with special accent on women and children victims of trafficking.*

This team comprised of the representatives-contact persons of all competent institutions and organizations signatories to the Agreement (Ministry of Interior, State Prosecution Office, Supreme Court, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, PI Centre for family and children's protection- Bijelo Polje, Red Cross of Montenegro and the 6 NGOs); The said team is managed by the National Coordinator for combating trafficking in human beings. At the constitutional meeting of the Coordination team in the same



composition agreed on its gathering at least twice a year with a view to assess the successfulness of implementing the Agreement in practice, while the necessity for additional ad hoc meetings of the team would be in situation of potential identification of the victim of human trafficking. Potential victim of human trafficking may be identified by each signatory of the Agreement, upon which the contact person of the Police Directorate would be immediately informed.. Established and distributed List of contact persons to be 24 hours available to the team in case the victim of human trafficking required necessary assistance and protection.

In cases of minor victims of trafficking for the same is appointed guardian by the Centre for Social Work who cooperate directly with the other members of the Coordination Body in making decision in the best interests of the child / juvenile.

- Ministry of Labour and Social Welfare issued a document on the establishment of the Council for the Rights of the Child, and its competence is extended to all areas defined by the UN Convention on the Rights of the Child. The main tasks of the Council for the Rights of the Child are to monitor the implementation of the National Plan of Action for Children. The members of the Council for the Rights of the Child are also the representative of the child (through which is provided the participation of children in the preparation and implementation of public policies regarding their social status), as well as three representatives of the civil sector.

In the context of Reforms of the social and child protection supported by the European Union (IPA 2010), with the support of international experts provided by UNICEF and through a series of consultations with the Ministry of Labour and Social Welfare and the Centres for Social Work a unique methodology for collecting data on children developed within the system of social and child protection. This methodology is harmonized with international standards in collection of such data as well as the relevant national regulations.

On the basis of the developed methodology designed a software installed in early 2013 in all Centres for social work and services at the local level, as well as in the Ministry of Labour and Social Welfare at the central level. The application, in addition to the forms for entry and recording personal data as well as the provided measures / services also includes 50 indicators at the national level which are calculated automatically based on entered data. The indicators related to child poverty, children who are in the formal system of care, children with disabilities, children from families with troubled relationships, children in conflict with the law, then there are intersectoral data in the field of health and education, as well as on the service providers in the system of social and child protection. In 2014 we continued the implementation of the "Social card – Social Welfare Information System (SWIS)" project in Montenegro. The total project value is € 1,279,979.00, funded by the Government of Montenegro with €1,151,981.00, and subsidised with UNDP in € 127,998.00. The project "Social Card - Social Welfare Information System" implemented under the Phase I of the development of an Integral Social Welfare Information System (SWIS)in the period 2012-2014.

	<p>Follow to the successfully conducted implementation the Phase I: Social Card - Social Welfare Information System, it was decided to commence the drafting of the Phase II: Integrated Social Welfare Information Systems (2015 - 2017).</p> <p>- Institute for Social and Child Protection- as the newly established institution expressed its inclination relating the accreditation of the program exclusively intended for training of the professionals employed within the institutions of social and child protection. Therefore, having in mind that just these categories of the employees are the key link in the prevention, identification and especially in the protection of the victims of all criminal offences included in this Protocol – The Office in cooperation with the UNICEF Mission to Montenegro initiated on hiring the expert to develop the training program implementing it to the trainers –( a total of 20 representatives from the various institutions) – of which 5 trainers ( one from the police, prosecution, Institute for Social and Child Protection, and two from the Office for fight against trafficking in human beings) as proved themselves the best would be provided with the UNICEF certificates and selected to transfer the knowledge to their colleagues across Montenegro. Training of trainers will be implemented early in June of the current year.</p> <p>Selected trainers will accredit the program at the Institute for Social and Child Protection and organize the transfer of knowledge through two phases of the project. The first phase involves the training of representatives of institutions (professional workers in the social and child welfare institutions, police, prosecutors and representatives of the NGOs) for the northern region, where the organization of training provided in all municipal centres of northern regions (a total of 5 training), and training of teams for the prevention of begging and arranged marriages established within the Security Centre in Podgorica. In the second phase of implementation will be organized training for the central and southern region. In the future work of the Institute for Social and Child Protection, these trainers will be hired in relation to the accredited program continuously transmitting knowledge to the representatives of social and child protection on the territory of Montenegro in accordance with the annual work plans, training needs assessment and assessments from the field – thereby the training issue of mentioned categories of professionals would be systematically resolved in relation to all issues treated in the protocol.</p>
<p>8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment for them, including through:</p> <ul style="list-style-type: none"> <li>-ensuring registration of all children at birth, in particular from socially vulnerable groups;</li> <li>-raising awareness of THB through education;</li> <li>-training professionals working with children.</li> </ul>	<p>In order to improve the overall situation of vulnerable groups, especially the RAE population and their involvement in society The Government of Montenegro adopted several strategic documents:</p> <ul style="list-style-type: none"> <li>• National Action Plan for the "Decade of Roma Inclusion 2005 - 2015" - In order to improve the overall situation of Roma and their inclusion in the Montenegrin society, the Government adopted an Action plan for the implementation of the "Decade of Roma Inclusion 2005-2015"project in 2005. This plan includes both domicile and displaced Roma currently residing in Montenegro and covers the areas of education, health, employment and housing. Within the health area the Plan provided for the following: The preservation and improvement of health</li> </ul>

and prevention of diseases of the Roma population, integration of the programs to protect and improve the health of Roma within the activities of health services, health research in order to analyse the health status of RAE population and decrease in values of the mortality and morbidity indicators, especially preventable ones.

- Strategy for improving the position of RE population in Montenegro 2008-2012 – Having in mind that the Action Plan treated only the areas such as education, employment, health care and housing, The Government of Montenegro on its session of 08 11 2007 adopted the Strategy for improving the position of Roma. Measures and activities are set out by this Strategy for the further four year period from the legal, political, economic, social, urban and communal, educational, culture and informative, medical aspect, as well as the implementers, dynamics of implementation and funding.

- National Strategy for resolving the problems of refugees and internally displaced persons – Special attention paid to the vulnerable groups among which are disabled persons, refugees and displaced persons, as well as Roma, Ahkali and Egyptians as the most vulnerable ones. The strategy in accordance with international standards provided for three solutions: repatriation, local integration and departure to the third countries. Actual socio and economic integration of displaced population has been implemented all these years in Montenegro. From the very beginning these persons involved in formal education system with health care protection provided within.

- Outcomes of the reform in health care system in relation to the RAE population:
  - ❖ RAE population achieved Health care protection at the expense of the state, based on medical record cards within the medical institutions at all levels of health care by which is assured better approach to the health care as well as improved position of RAE population.
  - ❖ Information system introduced to enable updating of data on health status, rights and programs intended to improve the health of RAE population.
  - ❖ The implementation of educational health programs in the area of healthy lifestyles and reproductive health preparing women for motherhood in Roma camps at the support centres is of particular contribution to preserving the health of this population.

- A significant contribution to the preservation and improvement of the health of this population represents a Decree on the manner of exercise the rights of displaced persons from former Yugoslav Republics and internally displaced persons from Kosovo, adopted by the Government, with limited validity, until the moment of regulation of their status in accordance with the Law on foreigners, thereby these persons are equal in exercising their rights to the citizens of Montenegro. It can be said that a huge amount of activities planned by the Action Plan for the implementation of the project "Decade of Roma Inclusion 2005-2015"

implemented in a daily work of health care institutions.

- Health and Health Care of Roma in Montenegro

According to the Strategy for improving the position of RAE population in Montenegro 2008- 2012 (Government policy towards the Roma minority), the life expectancy of persons of the Roma population is significantly shorter than the rest of the population in Montenegro, and women on average give birth to 4.7 children. Although all Roma, who have the right of residence in Montenegro and health insurance accordingly exercising the same rights to a basic package of health services as the other citizens of Montenegro rarely and sporadically visit the doctors most often when symptoms of disease appeared. A large number of Roma women rarely visit doctors, especially gynaecologists. However, the fact is that all Roma women are covered by health care upon its delivery, which is of particular importance especially for those campus women who immediately after coming to Montenegro almost exclusively gave birth outside the hospitals.

-To the end of implementing assigned goals in relation to the Roma population performed the following activities in the field of:

Reduce the impact of poverty and lack of education on health and health care protection, especially preventive one of Roma population - the Red Cross, in cooperation with the Institute of Public Health, in 2011, implemented the project "Intersectoral initiative in preventive health and special education for displaced Roma in Konik", which is aimed at strengthening capacities in the community for information and education of the Roma, particularly Roma women in connection with the most common preventable diseases. On that occasion, the most vulnerable part of the Roma population (women and children in the Roma camps) visited a large number of specialists from the different health care levels and conducted workshops related to the prevention of the most present health problems. In addition, the coordinators of the Red Cross on the recommendations of health workers talked with women and children on the themes of health promotion and disease prevention. Prepared promotional materials to be of use to the workshop trainers in adequate and comprehensive clarification of relevant subject to the target population.

Preservation and improvement of health and prevention of diseases of the Roma population, and raising the overall quality of health care for the Roma population - In addition to the rights of all Roma to choose their doctor they also exercised the rights to meet their health needs in the camps themselves, for the doctors at health centres within which territory exist Roma camps also provide their health services in the camp itself (even for those Roma who are not entitled to stay in Montenegro), for a certain period of time. Thereby health care to this vulnerable population group became more accessible and affordable.

Inclusion of a greater number of Roma - RAE, especially women and children in the basic package of health care, particularly at the primary level. According to the Law on Health Care and Health Insurance Act, every citizen of Montenegro has the right to meet the health needs within the basic package of health services. According to data of the Institute for Public Health

the coverage of Roma children in the camps is higher than 90%. For all other services provided to the Roma people cannot be given reliable information, since the data on provided health services to the citizens of Montenegro has not been recorded under any single characteristic of the user.

Every 30 days, the revision of vaccination cards of Roma children of preschool age to the refugee settlement, and written calls delivered to those children who should be vaccinated. Invitations are distributed through the help of two workers from the camp, who know the residents of the camp so they personally deliver calls to vaccinate the children. Upon arrival to the vaccination, it often happens that these children have no documentation - do not have a valid health card nor any documentation or they still have not resolved their status in Montenegro or they do not exist in the Register system of the Health Care Fund (according to our records, number of such children is around 10 - 15 %). Of course, these children are regularly vaccinated and paediatric team give a vaccination booklet to their parents as an evidence upon the vaccination. During the campaign of vaccination these children are recorded in our Protocols - to the records, into the invoices, in the book of vaccination records and also in individual vaccination records, therefore a proper vaccination records has been kept for those children living in the camp. Since 2009 an agreement was reached between the Ministry of Health and the Red Cross of Montenegro according to which a list of newly-born children in the camp have been sent each month, so that they could also be referred to the vaccination. In recent years, women from the camp usually give births in a hospital. Children born in the Camps (they are few) have been vaccinated by the paediatric team with BCG vaccine during the campaign of vaccination in the Camp. The inclusion of all Roma – RAE population in Montenegro in the compulsory health insurance system- all citizens of Montenegro have the right to a mandatory package of health services based on payment of contributions for health care or by the state budget for those unemployed, so that these rights also involve the Roma population. Activities planned in order to achieve the set goals concerning the organization and conduct of detailed research on the health status, the establishment and implementation the medical control of pregnant women and children, provision of regular health care to disabled, elderly and incapable persons, undertaking appropriate activities, especially in support of the international community to provide Roma population with access to the secondary and tertiary health care programs, building professional and technical capacities within health centres and ambulances in areas where resides more Roma's people - RAE; carrying out medical and educational programs to improve reproductive health and to ensure healthy posterity of the Roma population, implementing measures of continuous surveillance and health care evaluation which includes a survey of the users for the shortcomings to be removed, scholarships, education and training of medical personnel from the Roma population, organizing permanent educational and information activities and campaigns to raise awareness

of the Roma population about the importance of health care. The basis for defining health policy in Montenegro, especially to prioritizing health care of the Roma population are provided in the following international documents and recommendations such as: the Universal Declaration on Human Rights, the Declaration of the World Health Organization on the responsibility of the national health authorities of each country, Recommendations of the UN World Summit on overcoming social differences, the Millennium development Goals (eight defined goals, the following three are directly related to the health care of the population: reducing child mortality in preschool age as well as maternal mortality and preventing the spread of HIV (AIDS and other diseases); the right to the health care at the national level is guaranteed by the Constitution to all the citizens of Montenegro, regardless of their nationality, ethnicity and religion confession, as well as with a series of laws and other normative acts regulating this right. In the framework of its priorities Poverty Reduction Strategy singles out health care programs for the most vulnerable groups, including the Roma thereto. Objectives of the Strategy involves equal access to the health care for all citizens, reduction of inequalities in access to and provision of affordable financial services.

- The Government's Office for Combating Trafficking in Human Beings in order to prevent young people becoming victims of trafficking it developed the teacher training Programs entitled "Integrating the principle of prevention in the fight against trafficking in human beings/children through the education system", which is accredited by the Bureau for Education Services of Montenegro. This approach will ensure sustainability of the project since the civic education teachers having been trained are able to independently perform this preventive and educational programs as an integral part of everyday activities. Support for the implementation this important project provided by the Ministry of Education of Montenegro, and the same is funded by UNICEF. As a result of successful implementation of this project trafficking in human beings/children will be introduced into education curriculum from the next academic school year of September 2015 as a separate unit within the subject of Civic education in all primary and secondary schools in Montenegro. Further, in accordance with this project designed the Handbook "Methods of Transferring Knowledge on Human Trafficking/Children in Primary and Secondary Schools" intended to the teachers as educated professionals trained to develop the system of values and abilities of the students thereby reducing their risk of human trafficking. The Handbook aims to assist teachers in civic education, but also teachers of other subjects in the organization of the learning process of human trafficking, as well as in designing ways of presenting such content to these students through the teaching and extracurricular activities. The Handbook contains a theoretical part that integrates important information from various segments of the fight against human trafficking and practical ways of bringing proposals to the organization. So far, a total of 70 trained teachers of Civic education have been trained.

-The Government's Office for combating human trafficking in cooperation with the Ministry of Education and NGO's, which are signatories to the Agreement on cooperation organize

additional seminars, round tables and workshops on child trafficking reporting precisely thereof in the Annex. In the framework of the joint project of NGO CEDEM and Montenegrin Women's Lobby entitled "Support the victims of trafficking, child begging and forced marriages" in February 2015 published the Handbook on Trafficking in Persons intended to those employed in the social services and law enforcement agencies.

- Every year, to the eve of marking the European Day Against Human Trafficking I class in all primary and secondary schools in Montenegro dedicated to the subject of trafficking in human beings/children to the end of raising awareness among the students' population on this phenomenon.

-According to the latest survey on the knowledge, attitudes and behaviour of citizens of Montenegro towards children with disabilities conducted in the framework of the campaign "It's about ability" in December 2013, Montenegro shows visible progress on the path to become an inclusive society. As a result of joint efforts of partners to the Inclusion coalition which was developed as a part of the campaign, led by the Government of Montenegro and UNICEF, the proportion of those citizens of Montenegro for which is unacceptable that a child with disabilities goes to the same class with their own decreased from 64% in August 2010, to 20% in December 2013. This means that 80% of the population now supports inclusive education in Montenegro. Also, every other citizen now accepts that a child with disabilities can be the best friend of his child. The percentage of those for whom this is unacceptable declined from 77% in August 2010 to 49% in December 2013. At the same time increased the awareness of citizens relating to the fundamental human rights and the needs of every child regardless of its developmental disorder to grow in a warm family environment. Namely, percentage of people who believe that for the children with disabilities and deprived of parental care would be better to grow up in a foster family than in an institution increased from 51% in August 2010 to 73% in December 2013. The campaign "It's about ability" began immediately after completion of the research on the national representative sample in August 2010 which pointed to the need of raising awareness of the citizens on the rights of children with disabilities to the promotion of their non-discrimination in Montenegro. Since then, in December each year identical research performed to the National representative sample in order to compare results and assess the progress that has been achieved with the campaign by changing discriminatory attitudes and behaviour towards children with disabilities.

Since September 2010, the campaign has continuously promoted inclusion through various activities across the country and constantly pointed out to the capabilities and potential of the children with disabilities. Under the slogan "It's about ability. Join us", inclusion provided with public and political support because more than a hundred partners joined the campaign such as from the international community, the media, government, civil society and the private sector. All partners actively contributed to the success of this campaign. All research on the evaluation

	<p>of the campaign is available at the website of UNICEF, Montenegro, on the following link: <a href="http://www.unicef.org/montenegro/15868_24043.html">http://www.unicef.org/montenegro/15868_24043.html</a></p> <p>-Montenegro Red Cross / signatory to the Agreement on Cooperation organizes workshops for preschool children and the initial grades of primary school.</p> <p>These workshops involves picture books, rhymes and enticing content for younger children, which largely contributes to raising awareness on human trafficking concern among the youngest population. NGO Montenegrin Women's Lobby carries out activities to raise awareness of vulnerable categories of women and children as well as ethnic minorities. Particularly vulnerable category within ethnic minorities are women and children of the Roma population at which is still valid common law marriage that involve early and arranged marriage of girls and boys from 12 to 15 years. Educational and informative sessions conducted through the forms of workshops, self-support groups, individual discussions of help and support, peer education, round tables, forums, seminars and conferences.</p>
<p>9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?</p>	<p>In an interview with the child victim the professionals must strive to recognize the specific details of the situation relating to human trafficking. During the conversation special attention paid to the basic external indicators that help determine the age of the victim. To really determine the age the safest is to seek the opinion of a health professional. In addition to the external signs it is necessary to bear in mind that children victims of human trafficking come from destroyed families in which they grow up without adequate parental care.</p> <p>- In order to determine the identity of the person - child certain checks are undertaken in relation to the parents, place of birth, residence, then verification of the documents (birth certificate) and other documents. Also, if necessary, the cooperation established through the Department for International Cooperation. Persons who are considered to be a child will be classified in that category until the final confirmation.</p> <p>- The adoption of the Strategy for Improving the status of RAE population in Montenegro (2008-2012) and the Strategy for permanent resolving the issue of refugees and internally displaced persons in Montenegro with special emphasis on the area of Konik (2011-2015) indicates to intensified and systematic efforts of the Government in terms of improving socio-economic status of this minority and its integration into society.</p> <p>Regulation of the legal status of refugees and internally displaced persons, as an indispensable prerequisite for the enjoyment of fundamental human rights, designated as an area of priority action of the Government. In this context, the Government, through amendments to the Law on Foreigners facilitate displaced persons the privileged status of foreigners with permanent residence, as a form of local integration. This law provides the possibility to the Internally Displaced Persons to submit an application for permanent residence until 31 December 2014. thereby permanently resolve their status in Montenegro.</p>



<p>10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>2</sup> are duly taken into consideration, in particular when it comes to:</p> <ol style="list-style-type: none"> <li>a. identification of child victims of trafficking;</li> <li>b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;</li> <li>c. locating the child's family;</li> <li>d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;</li> <li>e. access to appropriate and secure accommodation, education and health care;</li> <li>f. issuing residence permits for child victims of trafficking;</li> <li>g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;</li> <li>h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe</li> </ol>	<p>Victims of human trafficking, both adults and minors can be identified by the signatories of the Agreement on cooperation in the fight against human trafficking which includes national referral mechanisms to act in relation to the cases of human trafficking, with special focus on providing assistance and protection to the victims. Also, if any person in the territory of Montenegro has a suspicion that a person is in the trafficking chain, it has on its disposal a 24h Government's anti-trafficking SOS line, which is continuously promoted through the media. Any information that may indicate to the existence of the criminal offence of human trafficking has been verified by the competent police officer i.e. by those specialized and trained to act in relation to the cases of human trafficking.</p> <p>In all cases dealing with persons who are minors/children, officers of the Police Directorate strictly take care of the protection of these categories and the realization of their guaranteed rights. The appointment of a legal guardian carried out by the Centre for Social Work and the employee of the Centre in every situation attends and monitors the child whether to gather information or conduct an interview. Officials of the Centre for Social Work are always available to the police officers having a service duty 24 hours a day; Engagement carried out via phone call. Data of the child have never been published in the media. During the proceedings the child is provided with adequate legal and health care protection as well as any other assistance. Police Directorate carried out safety assessment on the child's return to the country of origin according to which the cooperation achieved through the Department for International Cooperation (Interpol) and the checks involve concrete actions and assessments in relation to the persons, environment and so on.</p> <p>-In providing social welfare, child protection and family protection to the potential victims of human trafficking, citizens of Montenegro and foreign citizens, the Ministry of Labour and Social Welfare will provide appropriate social, child protection and family protection through the PI Centre for Social work prioritized to other cases. Social and child protection of foreign nationals includes the right to one-time cash aid and the right to appoint a guardian. The mechanisms of assistance and protection especially for the minor victims of human trafficking also defined by the Agreement on cooperation. The mechanisms of assistance include: a) assessment of socio-economic status, as a basis for awarding one-time cash aid and other forms of protection in accordance with the law; b) establishing the legal ground for appointing a guardian; c) the development of individual plans for protection of potential victims of human trafficking in cooperation with the other signatories to the Agreement. In providing social welfare, child protection and family protection to the potential victims of human trafficking,</p>
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<sup>2</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

<p>return in accordance with the best interests of the child;</p> <p>i. special protection measures for children.</p>	<p>citizens of Montenegro and the foreign nationals, the Centre for Social Work will initiate a procedure on the basis of documents provided by the Ministry of Interior, Ministry of Foreign Affairs and European Integration, Ministry of Education and other relevant institutions. PI Centres for social work in all cases of suspicion that the person is a victim of human trafficking will apply standard measures of identification, so as to comply with the following:</p> <p>a) The right to privacy of potential victims, especially to the questions of a personal character and traumatic ones unless they are for the purpose of collecting the necessary data; b) the right of a potential victim to all information pertaining to social, child protection and family relations, as well as other possible actions to be taken in order for its protection.</p> <p>-Minor victims of trafficking in human beings can be accommodated in the Government's Shelter for victims of human trafficking wherein employed activists qualified to work both with adults and the minor victims of human trafficking. Social (male/female) worker and employees at the Shelter inform the minor on all rights, procedure and proceedings in a language appropriate to the age of the victims. Also, in addition to the staff at the Shelter and the guardian, in each single case the Coordination Body convenes (established under the Agreement on Cooperation) by the following responsible institutions (primarily Ministry of Interior/Police Directorate, Prosecution, Office, Ministry of Labour and Social Welfare, Ministry of Education, Ministry of Health and NGO Montenegro Women Lobby) considering all aspects of each case individually and jointly make a decision that is in the best interests of the minor. In accordance with the Agreement on collaboration of the victim of human trafficking both the Montenegrin citizens and the foreigners are entitled to free health care which they are provided with at the primary and all other levels of health care. The child victim of human trafficking is accompanied by the activist of the Shelter and the social worker/guardian during each visit to the doctor by prior notification thereof taking in consideration that victims of human trafficking are provided with health aid according to the principle of priority and urgency. In case a child victim of trafficking is a stranger that needs to be returned to his/her country of origin the Office for fight against trafficking in cooperation with police and the competent Centre for Social Work coordinates the process of the return which entails making contact and communication with the relevant services in the victim's country of origin seeking from them information in view of accommodation of the victim and the manner of provision of assistance.</p> <p>- The rights under the Law on Social and Child Protection the Montenegrin citizen may exercise by residing in the territory of the country. The rights to social and child protection stipulated by this law and the international agreement may have a person with a status of the foreigner with a temporary residence permit or permanent residence in the country in accordance with specific law.</p> <p>The Law on Social and Child Protection which entered into force 19.06.2013 laid down the</p>
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procedure for the exercise of rights in the area of social and child protection. Rulebook on the conditions for the exercise of basic material benefits in the field of social and child protection (Official Gazette of Montenegro 40/13) prescribes the detailed conditions for the exercise of rights, forms of applications for payments, as well as the content and form of findings and opinions of the Centre for Social Work. Specified Rulebook stipulates certain evidence for exercising the right to material benefits.

The Law on Social and Child Protection defines the obligation of all who work on child protection to make every effort to help a child stay in the family by providing support to the family, and if this is not possible or not in the best interests of the child, through the provision of family foster care placement. The law prescribes that a child under three years of age may not be provided with accommodation in an institution, and that the placement of the child in an institution is provided exclusively by exhausting all other options which is under review at least once every six months.

#### Institutional Accommodation Users

(Article 70) Accommodation in an institution shall be provided to the children and young people, pregnant woman, single parent with a child under three years of age, to a person with disabilities and to an old person which cannot be provided with or is not in their best interest to stay in the family or supported through the services for life in the community, family foster care placement or family placement. The child's placement in an institution shall be provided in the case if the Centre for Social Work finds that it cannot ensure the child's stay in the family by providing family support, or the family foster care placement since it is not in the best interest of the child. Placement of the child in an institution has been reviewed by the Centre for Social Work at least once every six months. A child under three years of age is not provided with accommodation within the institution.

Notwithstanding paragraph 4 of this Article a child under three years of age can be provided with a placement within an institution, in case the protection referred to in paragraph 2 of this Article cannot be ensured, and particularly justified reasons exists for it with the prior consent of the competent government authority.

Institutional Accommodation provided the user with the preparation to return to the biological family, departure to another family as well as their preparation for independent living.

User's placement in an institution cannot be terminated prior to the Centre for Social Work provide conditions for its placement in another institution, foster family or other form of social and child protection

- The rights under the Law on Social and Child Protection the Montenegrin citizen may exercise by residing in the territory of the country. The rights to social and child protection stipulated by this law and the international agreement may have a person with a status of the foreigner with a temporary residence permit or permanent residence in the country in accordance with

specific law.

Law on Social and Child Protection is currently the only legal act within the Montenegrin legislation specifically defines the term of a child as a person of up to 18 years of age (Article 19 item 6).

The principle of the best interests of the child and the principle of respect for the views of the child should be integrated into all policies that affect children and improve their implementation in practice - The law on the treatment of minors in criminal proceedings and the Law on social and child protection are an important step forward in this field.

Law on Social and Child Protection which was adopted in June 2013 is completely harmonized with the Convention on the Rights of the Child (incorporated principle of the best interests of the child and the principle of respect for the views of the child).

Adoption of the Law on Social and Child Protection has improved services in the field of social and child protection and availability of services for all children and their families.

-Issuing permits for temporary residence on humanitarian grounds, rights and protection of the foreigners with a temporary residence permit, as well as keeping data on foreigners prescribed by the Articles 50, 51,53 and 130 of the Law to read as follows:

**Temporary Residence for Humanitarian Reasons**  
**Article 50**

The temporary residence permit for humanitarian reasons may be issued:

- 1) an alien who is supposed to be the victim of the crime of human trafficking or the victims of acts of violence in the family or in family community;
- 2) to a minor alien who has been abandoned or is a victim of organized crime or for other reasons left without parental care or unaccompanied;
- 3) an alien from particularly justified humanitarian reasons.

An alien referred to in paragraph 1 of this Article need not meet the requirements of Article 42 paragraph 1 items. 1, 2, 3 and 8 of this law.

The temporary residence permit on humanitarian grounds shall be issued on the basis of adequate evidence of international organization, NGO or public authority that the aliens referred to in paragraph 1 of this Article provide with assistance and protection or the evidence of the competent governmental authority confirming that the foreigner cooperates in disclosing criminal offences.

**The rights of foreigners with a residence permit for humanitarian reasons**  
**Article 51**

An alien who has been issued a temporary residence permit for humanitarian reasons has the right to housing, health care, education, employment and financial support in accordance with the law.

	<p style="text-align: center;">Protection of foreigners with a residence permit for humanitarian reasons Article 53</p> <p>An alien who has been issued a temporary residence permit for humanitarian reasons shall not be forcibly removed because of illegal entry or residence in Montenegro.</p> <p>An alien referred to in paragraph 1 of this Article, for whom there is a reasonable fear that by testifying in criminal proceedings could be exposed to danger to life, health, physical integrity or liberty, shall be provided with physical protection and exercise of rights in accordance with the law governing the protection of witnesses.</p> <p>A minor alien who was found to be a victim of the crime of human trafficking will not be returned to any country if follow to assessment of the risks and its safety there are circumstances that indicate that such a return would not be in his best interest.</p> <p style="text-align: center;">Data Retention Article 130</p> <p>Information on alien who has been issued a temporary residence permit shall be kept for five years after check-out the foreigner whereupon be deleted from the records.</p> <p>Data on the alien's residence up to 90 days shall be kept for five years after check-out the residence whereupon be deleted from the records.</p> <p>-In view of the best interest of the child, the Ministry of Education ensured the potential victims or victims of human trafficking especially the children who legally reside in the territory of Montenegro inclusion to the education within public educational institutions, with priority in relation to other cases in accordance with the regulations governing the respective field of education, with due respect for the right to privacy, and the rules and ethics of the profession accordingly. Ministry of Education, as well as technical services within public educational institutions provide speed and efficient inclusion of the children, potential victims or victims of human trafficking in education system. Mechanisms of support and assistance that are provided to the children potential victims or victims of human trafficking based on: a) the special pedagogical-psychological processes in the relevant services of educational institutions and the current functioning and current level of achievement of the child, referral to additional professional trainings in accordance with the regulations governing this field; b) monitoring the child's behaviour and its learning; notifying the appropriate agencies in the system of child protection.</p> <p>Provision of the necessary conditions for unhindered attendance in the teaching process to potential victims or victims of human trafficking during their stay on the territory of Montenegro.</p>
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11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

-MoI/PD Border Police Sector in cases of the treatment of persons who are minors (regardless of whether they are illegal immigrants or asylum seekers) strictly pay attention to the protection of these categories and the realization of their guaranteed rights laid down in the Convention and internal regulations. If in its action Border police come to the knowledge /suspicion that a person is a potential victim of trafficking in human beings, the Criminal Police Directorate will be immediately informed thereof carrying out certain activities (process of identification, data verification, cooperation with other authorities, take all inquiry actions, taking special investigative techniques in gathering evidence, etc.)in cooperation with competent prosecutor's office. In addition, Border Police officers who work at border crossings in Montenegro are required to undergo training on human trafficking, with special focus on the identification of victims and traffickers, especially children by methods of interviewing victims/especially children and providing initial help and protection to the Victims with special focus on children. So far trained 260 border police officers, and during 2015 we plan to organize training sessions for the remaining 260 officers.

- In the Bureau for the Care of Refugees and Displaced Persons, and the Centre for Asylum Seekers through interviews performed with asylum seekers immediately after admission and during their stay at the Centre, professionals to those institutions- a psychologist and a social worker pay special attention to the identification of potential victims of human trafficking in order to be able to implement appropriate procedures to assist victims of human trafficking. When it comes to the Centre for asylum seekers, officials who are constantly in contact with persons in the asylum system, which job is to identify vulnerable groups have been trained; Those are: a psychologist, social worker, educator and medical personnel . Officials of the Centre for asylum seekers have attended training on the topic "Strengthening the skills of early identification of potential cases of human trafficking in Montenegro" in organization of the Office for Combating Human Trafficking and Human Resources Management Authority, as well as the training to recognize the signs and treatment of the victims of trafficking and victims of violence.

- In Montenegro operates 11 Centres for Social Work; also operates the Children's Home in Bijela for children without parental care as well as the Centre for children with behavioural disorders "Ljubovic" Podgorica and the Centre for asylum seekers.

Montenegro is determined to relocate the child from the family only in exceptional cases, only after all possibilities exhausted children are relocated from the family. According to the Law on social protection children can be sent to family foster care placement, and only in the end after all feasible options utilized placement of children in institution commenced.

-Also, all relevant institutions in competence of the prevention, identification, prosecution and protection of victims of human trafficking distributed with indicators for early identification of potential victims of human trafficking.

-There was no cases of return of victims without their consent.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

-Minor victims of trafficking in human beings have the opportunity to stay in the Government's Shelter for victims of human trafficking in which are employed activists qualified to work both with adults and minor victims of human trafficking. The Shelter is conducting educational workshops adjusted to the children's age. Social worker (male/female) and employees at the Shelter inform the minor on all rights, procedures and proceedings in a language appropriate for the age of the victims. Also, for every case a responsible social worker in the capacity of guardian determines an individual work plan that is adjusted to the age, interests, personal abilities and willingness of the minor.

- Also, in addition to the staff at the Shelter and a guardian, in each single case meets the Coordination Body (established on the basis of the Agreement on Cooperation), where all the relevant institutions (primarily MI/PD, the Prosecution, the Office, MLSW, Ministry of Education, Ministry of Health and NGO "Montenegrin Women Lobby") consider all aspects of each case individually and jointly make a decision that is in the best interests of the minor.

- In providing social welfare and child protection as well as family protection to the potential victims of human trafficking, citizens of Montenegro and foreign nationals, the Ministry of Labour and Social Welfare will provide appropriate social, child protection and family protection through the PIs Centres for Social Work with priority in relation to other cases. Social and child protection of foreign nationals includes the right to one-time cash aid and the right to appoint a guardian. The mechanisms of assistance and protection especially for minor victims of human trafficking are also defined by the Agreement on Cooperation. The Mechanisms of assistance include: a) assessing socio-economic status as a basis for granting one-time cash aid and other forms of protection in accordance with the law; b) establishing the legal framework to appoint a guardian; c) developing individual plans for protection of potential victims of human trafficking in cooperation with the other signatories to the Agreement. In providing social, child protection and family protection to the potential victims of human trafficking, citizens of Montenegro and foreign nationals, the Centre for Social Work will enter into procedure on the basis of documents provided by the Ministry of Interior, Ministry of Foreign Affairs and European Integration, Ministry of Education and other relevant institutions. PIs Centres for Social Work in all cases of suspicion that the person is a victim of human trafficking, will apply standards of identification, in order to comply with:

a) The right to privacy of potential victims, especially to the questions of a personal character and traumatic ones unless they are for the purpose of collecting the necessary data; b) the right of a potential victim to all information pertaining to social, child protection and family relations, as well as other possible actions to be taken in order for its protection.

- In cases where the child cannot be returned to the family (because the parents were accused) a guardian for special cases with the support of the Coordination Body issue a resolution that

is in the best interests of the child. Since the end of 2014 until April 2015 The Coordination Body considered 4 cases of minor victims of trafficking in human beings in the framework of which have been designed recovery plans for minors, one of whom returned to Kosovo, the remaining 3 minors are placed in families of close relatives or with one of the parents (in cases where parents live separately and one of the parents is not involved in the exploitation of the child). In all of three cases a work plan for the recovery of minors has been designed, and the families at which they are placed in are under intensified supervision of the competent Centres for Social Work. The word is about juvenile Roma women, victims of unlawful marriage conclusion.

-Ministry of Education provide support to the child, regardless of whether he/she is placed in a family or staying in an institution in terms of their reintegration and inclusion in the institutions of education in accordance with the Agreement on Cooperation. The Ministry of Education provide support to the potential victims of trafficking, children who legally reside in the territory of the country through appropriate accommodation and the continuation of education in the public educational institutions with priority in relation to other cases in accordance with the regulations governing their respective areas of education complying to the right to privacy, particularly to the questions of personal character and traumatic ones which are not necessary to include in the educational system. At the same time, the relevant departments within the Ministry, as well as psychological and pedagogical services in public educational institutions will provide fast and effective involvement of children in the educational system in the territory of the country. Mechanisms of support and assistance would be provided to children - potential victims of human trafficking based on: special pedagogical-psychological procedures to the services within educational institutions along with their assessment in view of physical and psychological status of children, referring to the specific professional treatments, and proposals for the purpose of designation special programs in accordance with the regulations for this area of education; monitoring the child's behaviour and learning, and informing thereof the relevant services within the system of child protection laid down by the Agreement.

-Necessary expenses related to accommodation in educational institutions (homes of students) and access to education, particularly vocational education and professional training up to the first occupation of the child provided by the Ministry during their stay in the territory of the country; Ministry over the public educational institutions through regular and special programs continuously monitors the work on educating and raising awareness among children and students about human rights, about the dignity and integrity of persons, while guaranteeing gender equality, the principle based on the Rights of the Child, in order not to be victims of trafficking. Ministry of Education, under prescribed conditions, cooperate and allows NGOs and other organizations and professionals an access to the educational institutions in the activities dedicated to the presentation of the program appropriate to their age. The Ministry is constantly working on the development of educational policies and measures for the protection



	<p>and social welfare of children, especially adolescents, and cooperate with other bodies and organizations in combating trafficking in human beings or protection of human rights, especially the rights of the child, taking into account the best interest of the child. The Ministry is fully committed to include the members of vulnerable groups especially the Roma population in the educational system to their largest degree by promoting their successful integration in society and better social status.</p>
<p><b>C. Questions related to specific articles</b></p> <p><b>Definitions (Article 4)</b></p> <p>13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.</p>	<p>-Administration for Inspection Affairs/Labour Inspection has not identified a single case that would point to human trafficking for forced labour and the labour related to the subordinate position. It should be noted that labour inspectors attended a number of seminars on the subject of strengthening the skills of early identification of potential cases of human trafficking, as well as that further efforts constantly been made in view of raising awareness and training of inspectors, so the significant level of willingness for adequate response exists in recognizing possible cases of human trafficking.</p> <p>-Government Office for fight against human trafficking together with the relevant entities developed indicators for early identification of victims of human trafficking, including in particular indicators for the labour exploitation which were forwarded to the police and the labour inspection.</p> <p>- Furthermore, the Protocol on Cooperation of the Office for Combating Trafficking in Human Beings and the Union of Employers of Montenegro envisages joint activities on the timely information about the phenomenon of human trafficking both employers and employees, or persons with whom to conclude the employment contract. Also, the Protocol defines joint activities on raising awareness of the general public about the phenomenon of trafficking in persons with special emphasis on the prevention of cases of labour exploitation. The economic independence of people that came out of the trafficking chain is a key factor to their full reintegration into society. In this regard, this Protocol will offer an opportunity to attend training sessions to perform appropriate tasks and also provide priority for the employment in accordance with the needs of employers.</p>
<p>14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.</p>	<p>In the legal description of criminal offense of human trafficking the Article 444, paragraph 1 of the Criminal Code defines "abuse of sensitive /vulnerable position'. This Article stipulates: " Anyone who by force or threat, deceit or keeping in delusion, by abuse of authority, trust, relationship of dependency, <b>difficult position of another person</b> or by keeping back identification papers or by giving or receiving money or other benefit for the purpose of obtaining consent of a person having control over another: recruits, transports, transfers, hands over, sells, buys, mediates in sale, hides or keeps another person for exploitation of work, submission to servitude, commission of crimes, prostitution or begging, pornographic use,</p>

	<p>taking away a body part for transplantation or for use in armed conflicts shall be punished by imprisonment for a term of one to ten years.</p> <ul style="list-style-type: none"> <li>- The manner of execution of this crime is the use of difficult position of another person in the purpose of labour exploitation, forced labour, pursuing a criminal activity, prostitution, begging, etc. Criteria for evaluation of sensitive / vulnerable position of the victims are its economic situation, social status, education level, etc.</li> <li>-In most cases the Prosecution has processed so far this criminal offense was committed by abuse of confidence, dependence relation or difficult conditions of the victim.</li> </ul>
<p>15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.</p>	<ul style="list-style-type: none"> <li>-Pursuant to Article 444 to the amendments of the Criminal Code 2013, shall stipulate the punishment for the conclusion of unlawful marriage as a form of the criminal offence of human trafficking. (A complete Article stated in answer to the previous question).</li> <li>-Also, in relation to the unlawful adoption, Criminal Code in its Article 445 shall stipulate as a separate criminal offense "Trafficking in minors for adoption." This crime commits "Anyone who abducts a person who has not yet reached the age of fourteen for adoption in contravention of current regulations or whoever adopts such a person or mediates in such adoption or whoever for that purpose buys, sells or hands over another person who has not yet reached the age of fourteen or transports, provides accommodation for or hides such a person who has not reached the age of fourteen, shall be punished by imprisonment for a term of one to five years. In case a person deals with these activities or participates in their organized commission together with several other persons, he/she shall be punished by imprisonment for a minimum term of three years.</li> <li>- Since Amendments to the Criminal Code of 2013 the Prosecution had no cases for the criminal offenses of human trafficking for concluding an unlawful marriage.</li> <li>-During the Reporting period in the Courts of Montenegro there were no cases of trafficking in human beings in the context of forced marriages and illegal adoption.</li> <li>-Case study: From December 2014 to April 2015 the four minors identified (Roma population, women) as the victims of human trafficking by social workers of the responsible centres for social work in cooperation with the police. In one case, a doctor reported the minor as the victim of violence, whereupon such minor identified as the potential victim of human trafficking by the social worker. Minor received all necessary assistance in the Government Shelter for victims of human trafficking in Podgorica, under the coordination of the Government's Office for Combating Trafficking in Human Beings and the Centres for social work and the police. Coordination team met several times on the occasion of the above cases, considering each case individually in order to make decisions in the best interests of the minor. 1 person is returned to Kosovo in cooperation with Kosovo police and the Centre for social work, while the other 3 persons displaced from their parent families, because it was determined that parents (one or both, depending on the case) exploited girls forcing them to conclude unlawful marriages. The girls are placed at close relatives' (grandmother, uncle,</li> </ul>

	<p>father—depending on the case) with increased surveillance of the centres for social work, and in other towns in relation to the place of identification, with the aim of their successful rehabilitation and social integration. However, Cases are qualified by the Prosecution as the criminal offence of extramarital community with a minor, which had no impact on the provision of assistance and protection to the minors as (potential) victims of human trafficking.</p>
<p>16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?</p>	<p>-Criminal offence "Trafficking in Human Beings" shall be committed by "Anyone who by force or threat, deceit or keeping in delusion, by abuse of authority, trust, relationship of dependency, difficult position of another person or by keeping back identification papers or by giving or receiving money or other benefit for the purpose of obtaining consent of a person having control over another: recruits, transports, transfers, hands over, sells, buys, mediates in sale, hides or keeps another person for exploitation of work, submission to servitude, commission of crimes, prostitution or begging, pornographic use, taking away a body part for transplantation or for use in armed conflicts. Also, Article 219 of the Criminal Code provides for the criminal offence "Neglecting or abusing a minor" committed by "A parent, adoptive parent, guardian or other person who abuses a minor or forces him/her to excessive labour or labour not suited to his/her age or to mendacity or for gain leads him into doing other acts detrimental for his/her development."</p> <p>Thus, according to the law of our country forced begging can be considered as the purpose of trafficking in human beings.</p> <p>- In view of begging carried out the action "Beggar" that envisaged concrete operation in the field and checking in relation to persons who beg as well as other persons who may be linked to the criminal offense. In almost all cases, it was noted that parents most often expose their children to begging and these cases in the prosecution practice so far have not been treated as a criminal offense of trafficking in human beings.</p> <p>-During 2012 and 2013 in Serbia identified three juvenile Roma girls (displaced persons from Kosovo residing in Montenegro) as victims of human trafficking for begging, after which they returned to Montenegro, where they were provided with first aid in the Government Shelter for victims of human trafficking.</p>
<p>17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.</p>	<p>-Pursuant to Article 444 of the Criminal Code, which prescribes criminal offense of Human Trafficking as one of the goals of this criminal offense also envisaged "commission of criminal activities."</p> <p>-Within the prosecution and case-law practice there were no cases in relation to this form of human trafficking.</p>

**Prevention of THB (Article 5)**

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

The Protector of Human Rights and Freedoms' Institution in the framework of the regional project entitled: Improvement of the child's position in order to protect him/her from all forms of exploitation which was implemented in cooperation with the all Ombudsman in the region conducted a study on the economic exploitation of children on the topic "Children begging in Montenegro" (2010) and the research on sexual exploitation of children in Montenegro (2011). Conducted research had not been immediately related to human trafficking/children but they indirectly dealt with phenomena which are largely related to human trafficking and children who are at risk of becoming victims of trafficking. These research conducted with the support of Save the Children. Research results have been promoted in media and through the visits of representatives of local self-government units, organized in cooperation with the Office for the fight against human trafficking. Human trafficking is a topic covered by creative educational workshops that representatives of the Institution of the Protector implement with children in primary and secondary schools. Evaluation on conducted research and reports relating the results of research conducted in the framework of the review of the Report by the Committee for Human Rights and Freedoms of the Parliament of Montenegro. Research details available on following links:

<http://ombudsman.co.me/djeca/index.php>,  
[http://www.ombudsman.co.me/djeca/docs/naucimo\\_ih\\_nesto\\_drugo.pdf](http://www.ombudsman.co.me/djeca/docs/naucimo_ih_nesto_drugo.pdf),  
[http://www.ombudsman.co.me/djeca/docs/izvjestaj\\_o\\_seksualnom\\_iskoriscavanju\\_djeca\\_u\\_CG.pdf](http://www.ombudsman.co.me/djeca/docs/izvjestaj_o_seksualnom_iskoriscavanju_djeca_u_CG.pdf).

NGO Montenegrin Women's Lobby conducted a number of campaigns to raise awareness among general population - by radio and TV educational forms, broadcasting of short documentary films relating to the identification and assistance to the victims of trafficking by (male/female) citizens. The awareness of citizens is increased because they more often call anti-trafficking SOS line and report suspicions of possible victims; most understand the victim's problem and do not condemn; vulnerable groups -women and children, especially minors, women and children from rural areas, people with disabilities, single mothers.

The results of this work are reflected in the parameter of a decreasing number of these persons in the problem of trafficking, openness to discuss any possible problem or suspicion on trafficking or to seek an answer from one of the institutions, or solve the problem of ethnic minorities especially the Roma population. The results also indicate that there is a need for the campaigns of this type to be carried out in continuity. The Roma community is firm and uniform in terms of "common law" and requires a lot of work to be done by institutions, NGOs and society in general. Yet, progress is obvious in the context of prevention campaigns in this population which is reflected in the fact that the most vulnerable group of Roma population - girls refuse early marriage or arranged marriage frequently running away from home to seek refuge and support.

-The International Organization for Migration (IOM) in 2013/2014 conducted a survey "Needs Assessment: Trafficking in human beings in the Western Balkans", in participation of the institutions and organizations responsible for the issue of the fight against human trafficking

	<p>from Albania, Bosnia and Herzegovina R. Kosova R. Macedonia, Montenegro and Serbia. Outcome and description of the entire process of research have been published and are available at the following link:  <a href="http://publications.iom.int/bookstore/index.php?main_page=product_info&amp;cPath=41_7&amp;products_id=1416">http://publications.iom.int/bookstore/index.php?main_page=product_info&amp;cPath=41_7&amp;products_id=1416</a>.</p>
<p>19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.</p>	<p>In order to develop high-quality situational analysis and gain concrete proposals from the professionals for improving existing mechanisms of combating human trafficking in Montenegro regarding the development of the Strategy for Combating Trafficking in Human Beings 2012-18 a number of individual meetings were held with representatives of relevant institutions involved in implementing the objectives of the Strategy (over 70 meetings throughout the territory of Montenegro), as well as representatives of non-governmental organizations dealing with the protection of human rights.</p> <p>National Strategy for combating trafficking 2012-2018 with the Action Plan 2012-2013 thereto developed in support of detailed analysis of the field data, and available data from the previous period, taking into account the recommendation of important international partners, the Working group for combating human trafficking which brings together 18 members of line ministries at Deputy level, Deputy Special Prosecutor for Organized Crime, representatives of the Cabinet of the President of Supreme Court, non-governmental and international organizations. The objectives of the Strategy are aligned with the goals prescribed by important international documents regulating this matter. With a view to the successful implementation of the Strategy prepared individual one-year or two-year Action Plans which contained activities that the responsible authorities specify as necessary for the effective implementation of measures to combat human trafficking.</p> <ul style="list-style-type: none"> <li>- The Government's Office for Combating Trafficking in Human Beings support and participate in research conducted by international entities to the issue of the fight against human trafficking in Montenegro. With reference to this, in 2014, representatives of the Office participated in a regional survey on human trafficking conducted by the international organization IOM. In relation to the mentioned survey organized a media promotion on the results of this project, during which the representative of the Office actively participated and gave its support to the promotion of research results.</li> <li>-Details on other conducted research available in response to the previous question.</li> </ul>
<p>20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?</p>	<p>-The Government's Strategy for combating human trafficking 2012-18 defines the objectives, principles and trends in the fight against human trafficking and specific measures to improve the efficiency of the established system for combating human trafficking in the public, private and civil sector. A functional tie provided between the objectives of the Strategy and already</p>

adopted strategies and plans relating to the following areas: the fight against organized crime and corruption, integrated border management, illicit drug trafficking and combating illegal migration, the National Action Plan for the "Decade of Roma Inclusion 2005-2015 "National Plan of Action for Gender Equality in Montenegro.

-The Government of Montenegro, at its session of 02 June 2011 adopted a Strategy for the reintegration of persons returned under readmission agreement for the period 2011-2015. Strategy defines and establishes the basis of sustainable repatriate's integration into Montenegrin society, focusing on the identification of their basic needs to the end of full social cohesion. As its primary objective, the Strategy recognized in creating preconditions for an adequate approach to the return and reintegration of persons at all levels, through the continuous strengthening of the institutional framework, efficient process of assistance, education, and establishing a monitoring system for monitoring implementation of the Strategy and Action Plan for its implementation. Government of Montenegro in March 2011 adopted the Strategy for Integrated migration management in Montenegro for the period 2011-2016. Strategy defines and creates the preconditions for a sustainable structure for migration management in the country, thereby contributing to regional and overall stability, in line with EU rules and standards. As its primary objective, the Strategy recognizes the establishment of legal, regulatory and institutional framework that provides an opportunity for effective implementation of policies to control migration flows in accordance with the rules and standards of the *acquis communautaire* and establishing a monitoring system for implementation of the Strategy and Action Plan for its implementation. By the Decision of the Minister of Interior of 30/10/2013 an inter-agency Working group established to monitor these strategies. In addition to the representatives of the Ministry of Interior, members of this Working group are also representatives of the Ministry of Foreign Affairs and European Integration, the Ministry of Education, Ministry of Health, Ministry of Labour and Social Welfare, Police Directorate, Directorate for the care of Refugees, the Union of Municipalities, Statistical Office of Montenegro (MONSTAT) and the Employment Bureau. Inter-agency working group was formed with the task to manage, organize and coordinate the activities of state authorities and other relevant organizations in the implementation of the Strategy and Action Plan for its implementation; set priorities, timeframes and deadlines for implementation, evaluate the results achieved and proposes Action plan for its implementation. Also, a new Law on Foreigners adopted ("Official Gazette of Montenegro", No. 56/14), which received a positive opinion of the EC and which is a novelty in the current legal solutions prescribed a period of reflection for victims of human trafficking (Article 52) "An alien whom police identified as a victim of the crime of human trafficking is entitled to issue decision within 90 days whether to cooperate in criminal proceedings or to join the criminal prosecution or be a witness in those proceedings (the period of reflection). Police shall determine whether the alien is a victim of the crime of human trafficking in cooperation with the authorities, non-governmental and other organizations that are competent, or that deal with prevention,

	education, reporting and prosecution of offenders and protection of victims of trafficking, and in the case of a minor alien, also with the Centre for Social Work ”.
<p>21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:</p> <ol style="list-style-type: none"> <li>a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;</li> <li>b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;</li> <li>c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.</li> </ol>	<p>- To the end of preventive actions and fight against human trafficking in terms of taking away body parts the Criminal Code prescribes the following criminal offenses against human health such as: "Trafficking in human beings" (Article 444), "Unlawful transplantation of parts of human body" (Article 294), "Unlawful extraction of parts of human body for transplantation" (Article 295), "Trafficking in human body parts" (Article 295a) and "Advertising in trading of human body parts" (Article 295b).</p> <p>-Taking away organs from a living donor is regulated by the Act on Removal and Transplantation of Human Body Parts for the Purposes of Medical Treatment of 2009. According to this Act "Body parts may be removed from a living donor only for the purpose of the medical treatment of recipient, provided there is no appropriate body part of a dead donor available or any other form of medical intervention", "Body parts shall be removed only from persons over 18 years of age under condition that that person is capable of work and of making judgment. Before the removal of body parts, adequate medical examinations and interventions for estimation and reduction of physical and psychic risks for health of the donor shall be conducted". "Removal of body parts may be performed only if according to medical criteria the risk for life and health of the donor is within limits of acceptable and corresponds to expected benefit for the recipient". Also, this Act stipulates that "Removal of body parts from a living donor is allowed provided that the donor has given for that intervention his written consent authorized by competent authority i.e. court, municipality or public notary. Written consent is freely expressed will of the donor, which can be recalled until the beginning of the intervention. Consent of the donor of body parts refers only to the planned medical intervention, i.e. only to removal of certain body parts, and it may also be given with condition to perform the transplantation to a certain person. Exceptionally, Ethic Committee of the health care institution may approve removal of regenerative tissue from an underage person and from a person with over 18 years of age who is not capable of making judgment, provided that the following conditions were met cumulatively:</p> <ul style="list-style-type: none"> <li>- there is no available compatible donor capable to give consent;</li> <li>- recipient is a brother or a sister of a donor;</li> <li>- donation is performed for saving the life of recipient;</li> <li>- regular consent of legal representative or guardian of the donor has been acquired, and if he does not have them, opinion of the competent centre for social work;</li> <li>- potential donor and recipient do not object.</li> </ul> <p>The Law on Health Care ("Off. Gazette of Montenegro", 39/04 and 14/10) stipulates that the transplantations should be done only in medical institutions at tertiary level of health care</p>

	<p>protection. The subject law also stipulates that monitoring of health condition follow to the conducted procedure of taking body parts shall be provided for its donor. The monitoring of his health condition is provided in authorized health institutions, in accordance with medical standards and practices, on the basis of this law and the law regulating health insurance.</p>
<p><b>Measures to discourage the demand</b> (Article 6)</p> <p>22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:</p> <ol style="list-style-type: none"> <li>a. educational programmes;</li> <li>b. information campaigns and involvement of the media;</li> <li>c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);</li> <li>d. involvement of the private sector.</li> </ol>	<p>-In order to discourage the demand that supports various forms of exploitation, the set of laws has been enacted in the field of justice such as: the Criminal Code, which prescribes a series of criminal acts that regulate the field of human trafficking, the Criminal Procedure Code, which defines normative basis for more efficient prosecution of trafficking crimes, the Law on liability of legal persons for criminal offenses, which regulates the conditions on responsibility of legal persons for criminal offenses and the Act on the international legal assistance in criminal matters, which regulates the conditions and procedure of mutual legal assistance in criminal matters.</p> <p>- Government Office for Combating Human Trafficking in coordination with other competent institutions carry out activities aimed to inform the public about all aspects of the phenomenon of human trafficking, such as the organization of seminars, public campaigns, television and radio hosting, public lectures for youth and the like.</p> <p>During 2013 and 2014 many activities have been realized with a focus on raising awareness of the entire public about the phenomenon of human trafficking. Bearing in mind that tourism in Montenegro is one of the priority branches of economy, the campaign focused on raising awareness of the general public about the phenomenon of human trafficking has been intensified upon meeting the summer tourist season. To this end, in all tourist centres distributed promotional material (flyers, posters, catering sugar sachets with the number of SOS phone, etc.). Across the border police at all border crossings Montenegro highlighted the poster with the SOS hotline for victims of trafficking. The same is set at all train and bus stops across Montenegro. Also, a campaign conducted to promote the principles of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which was signed by 244 representatives of the tourism economy in Montenegro.</p> <p>-Continuous promotion of SOS line intended for the victims of human trafficking, as well as all citizens who need information on this phenomenon, available 24 hours a day, according to which the calls received from all networks of fixed and mobile operators are anonymous and free of charge, billboards set at the most frequent locations throughout Montenegro, a video broadcasting made on almost all television stations, and a large number of flyers, posters distributed, as well as many other similar activities.</p> <p>- Within the activities undertaken on the occasion of 18 October-European Day in Fight against Human Trafficking, in cooperation with the Railway Transport of Montenegro, JSC and the National Airline Company -Montenegro Airlines, together with purchased railway/airline tickets they also distributed information cards on trafficking in human beings with prominent</p>



SOS phone number for the victims of human trafficking. Railway Transport of Montenegro has also provided a promotional ride to the Red Cross volunteers on the route Podgorica-Bar-Podgorica, during which they distributed propaganda material and educate travellers on human trafficking.

- On October 18, Office for fight against trafficking in human beings over the Ministry of Education initiated organization of debates and workshops on prevention of human trafficking within the lessons of civic education.
- On the web portal Cafe del Montenegro was set 5 tempting false ads, designed by the Red Cross, which link leads to the Facebook page of the Red Cross with a warning about fake advertisements and precautionary measures contained therein.
- Montenegro Red Cross conducted a campaign under the slogan "Ring for Freedom", upon which the volunteers organized a walk by sharing promotional materials in 12 Montenegrin towns. At the same time in Podgorica was shown a film SLAVE, designed by the Croatian Red Cross. After the screening, the volunteers of the Red Cross attended in discussions on four topics, with the participation of the Head of the Office-National Co-ordinator for Combating Trafficking in Human Beings.
- Institution of Protector of Human Rights and Freedoms prepared and printed the flyer containing tips and advice for children and parents about safe use of the Internet. Institution in the first half of 2013 prepared a publication entitled "Improving the status of children in order to protect them from all forms of exploitation". Institution of Protector of Human Rights and Freedoms of Montenegro held a set of workshops with parents, teachers and children in order to educate and promote safe use of the Internet and turn attention to all possible abuse of children through advanced information technologies; promotional material in the form of flyers prepared and distributed in cooperation with Telenor.
- In cooperation with the Police Directorate at all border crossings were placed posters with prominent SOS phone number.
- Also, in 2014 organized a series of events to mark the month of October as the month of the fight against human trafficking and in particular, October 18 - the European Day Against Human Trafficking. The central event was organized in cooperation with the Red Cross and the Government Office for Combating Trafficking in Human Beings-on October 17, when all the relevant entities took part in the round table dedicated to the topic of illegal migrants, asylum seekers and child beggars as vulnerable groups in relation to human trafficking.
- Department of the Ministry for Human and Minority Rights for gender equality as part of its regular activities, in December, prepared and made a documentary film on the subject of arranged and forced marriages - testimonies of victims from Montenegro. Organized a two-day seminar on the topic "Legal mechanisms in the fight against forced and arranged child marriages". The aim of the seminar was to strengthen inter-agency cooperation in the fight

against forced and arranged child marriages, with special emphasis on RE population. Participants(male/female) to the seminar were representatives(m/f) of the Police Directorate, prosecutors, Courts, Centres for social work, as well as representatives of NGOs dealing with position of Roma and Egyptian women in Montenegro's society. During the campaign "16 days of activism against family violence" the Ministry of Human and Minority Rights organized presentation of documentary in three Montenegrin towns (Podgorica, Nikšić and Berane) for male/female representatives of Centre for Vocational Education, Police Directorate, Prosecutors, Courts, representatives of schools.

- Bearing in mind emerged phenomenon of child beggars and street children originated from Albania during the tourist season in Montenegro, initiative raised to hold joint meetings of the National Coordinators of Montenegro and Albania and police officers of both countries at a common border crossing Sukobin-Murićani to discuss topics on human trafficking, child beggars and unaccompanied children - to exchange experiences and promote bilateral / cross-border cooperation. Also, at this border crossing was set up billboards in Albanian, Montenegrin and English which promote SOS hotlines for victims of trafficking in both countries. It was agreed that meetings of this type held at least twice a year and more often if necessary.

- Also, Article 444, paragraph 7, of the CC, specially criminalized the use of services of victims of trafficking according to which "anyone who uses the services from a person known to be the victim of the offence referred to in paragraph 1 of this Article shall be punished by imprisonment for a term of six months to five years."

- Ministry of Education, in the framework of activities of the public educational institutions through the education curricula as part of the Action Plan continuously monitors work on education, development and raising awareness of children and adults on Human Rights on the protection of personal dignity and integrity, by endorsement of gender equality, based on principles on fundamental human rights and freedoms, and in particular the rights of the child, in order not to be victims of human trafficking. Ministry of Education cooperates with NGOs and other organizations and experts in regard of activities intended to enhance knowledge in the field of human trafficking to present programs appropriate to the age of children in the educational institutions. The Ministry of Education is constantly working on the development of educational policies and prevention measures, well-being of children and adults, especially adolescents, cooperate with other authorities and organizations in combating human trafficking and protecting human rights, especially the rights of the child, taking into account their best interests. In the regular school subject Civic Education taught at VII grade of primary school one of the recognized topics was Trafficking in human beings. Training to the civic education teachers conducted in the primary and secondary schools for the purpose of implementation of the content on human trafficking into regular classes and extracurricular activities. The program is accredited as a teacher professional training program (National Council for Education). Developed and distributed Handbook entitled "Methods of transferring

knowledge on human trafficking/children in primary and secondary schools," while in a academic school year 2015/16 theme on human trafficking would be taught to students within the subject of Civic education.

-In September 2013, the Government of Montenegro, UNICEF and the Delegation of the European Union launched a campaign "Every child needs a family" in order to promote the fundamental human right of every child to family life. This campaign which lasted until mid-January 2014 was designed to increase the number of foster parents in Montenegro, reduce the number of children in institutions as well as to raise awareness of the basic human need and right of every child to grow up in a warm family environment. Implementers of the campaign were the Centres for social work within which municipalities were organized a total of 48 days of open doors where interested citizens and potential foster parents provided with detailed information on fostering. During the campaign 20 children participated in the filming one-minute films on the right of the child to the family environment and the best of these short films are shown in different events within the campaign. In support of the campaign were many prominent and famous people from different spheres of social life, such as: famous British actor g. Nikolas Lindhurst, then internationally recognized professor of forensic and child psychology professor Dr. Kevin Brown, famous Montenegrin singers and the UNICEF Goodwill Ambassador in Montenegro. The campaign was also supported by the presence of UNICEF High Officials and the UNICEF Deputy Executive Director, Mrs Gita Rao Gupta, as well as the UNICEF Regional Director for Central and Southeast Europe and the CIS (the Commonwealth of the Independent States), Ms. Marie-Pierre Poirier. Also, support was expressed by the representatives of the religious communities in Montenegro. An extremely important contribution was the one provided by printed media - Vijesti, Dan, Pobjeda, Dnevne novine and eight television stations broadcasting promotional video during the campaign.

-The Ministry for Human and Minority Rights in 2014 gave support to the campaign "Billion rises" targeted against violence against women; it was a silent revolution in which men and women of good will around the world dance together in the streets of their cities as a symbolic demand that violence against women cease. MoHMR in cooperation with the NGO "Centre for Women's Rights" and the UNDP Office in Montenegro in 2014 implemented the campaign "16 days of activism against violence against women". MoHMR marked the beginning of the campaign by organizing a round table on the topic "The establishment of an effective system of prevention and protection of children and young people from family violence in educational institutions" in cooperation with NGO "SOS Hotline for Women and Children Victims of Violence - Podgorica." Developed a video on the topic: "Prohibition and Prevention of Violence", carried out four media appearances - hosting in news broadcasts, held a round table on the topic "Family Violence - where we are and how to proceed"; performed a theatre play "Piece", which partly refers to the issue of violence against women and family violence, held a

press conference; held a number of public classes for high school (male/female) students on the theme "The fight against violence against women and family violence"; printed brochure in Montenegrin, Albanian and Roma language with the directory of institutions that victims could contact in case of violence. On 10 December, in Bijelo Polje, MoHMR organized a conference on the occasion of the International Day of Human Rights, as well as a panel discussion with high school (male/female) students, (male/female) directors of secondary schools and the teaching staff.

In order to eliminate all forms of discrimination against women and girls of the Roma and Egyptian population, the Department for the Promotion and Protection of Roma and Egyptians in 2013 organized a number of activities, particularly in relation to the issue of combating early and forced marriages among this population. Within the campaign "16 days of activism against violence against women", filmed a documentary "Avoid my fate," which speaks of juvenile arranged marriages among the Roma. The film was promoted in Niksic, Berane and Podgorica, with the participation of representatives of the Police Directorate, prosecution, courts, centres for social work, NGOs.

Centre for Roma initiatives in cooperation with the women RAE network "First" and in support of the Ministry for Human and Minority Rights organized a two-hour round table on 02.12.2014 - The International Day for the Abolition of Slavery at which presented the results of the publication "An arranged marriage is stronger than the law."

To reduce the demand that fosters all forms of trafficking, especially women and children and leads to human trafficking, the NGO Montenegrin Women's Lobby conducts the following educational programs targeted to:

- Men as potential clients, or trafficker
- Staff of relevant institutions participating in the program of assistance and support as well as the identification of victims,
- Personnel of the judiciary system dealing with legislative norms and its appliance to the perpetrators of the crime and to all those within this chain of trafficking.

Media and information campaign for the entire community on the need to reduce demand as a form of violence and criminal activity implemented by NGO MWL through: radio and TV appearances, propaganda material distribution in public stands, documentaries on human trafficking presented and its consequences for the individual (male/female) and entire community.

-The Government's Office for Combating Trafficking in Human Beings signed the Protocol on cooperation with the Union of Employers of Montenegro which defines the cooperation in providing assistance to the victims of trafficking in the reintegration process, enabling priority in employment for the victims of human trafficking by the Union of Employers, while the specific measures defined in view of prevention activities aimed at preventing and combating trafficking in human beings for labour exploitation.

<p>23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, <i>inter alia</i>, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.</p>	<p>The Labour Inspectorate, which operates within the Department of Labour Inspection by its everyday and continuous work in the field control the legality of employment, especially of foreigners during the summer tourist season on the Montenegrin coast, when the influx of labour force from the ex-Yugoslav countries (Serbia, Bosnia and Herzegovina, Macedonia) and neighbouring countries (Albania, Romania) is very pronounced particularly in regard of catering business, and during the year in the construction industry. Foreigners often work in hard physical jobs, with irregular employment status and social protection. In many cases excessive hours of work are obvious, dangerous work without protective equipment, low wages, or work without earnings, manipulation in payments of wages and salaries, which are indicators of labour exploitation, which may be linked to human trafficking. In such cases, labour inspectors order employer to remove irregularities with the aim of lawful employment, reporting on compulsory social insurance, wage payments and use of other rights to the labour and labour-based work, often with fines for offenses qualified by the Labour Law and the Law on Employment and Work of Foreigners (which ceased to be valid 01.04.2015 since the implementation of the new Law on Foreigners).</p> <p>Labour inspectors inform the Ministry of Interior of Montenegro-Police Directorate, the Border Police Department-Section for foreigners, visas and suppression of illegal migration on any identified case of "moonlighting" of foreign nationals who would according to this undertake certain measures within its jurisdiction.</p> <p>In addition to the exchange of data and information excellent cooperation has been established with the inspectors for foreigners to the Police Directorate, and the labour inspectors work with them in organizing frequent joint control on a weekly or monthly basis in all towns of Montenegro: on the sites, restaurants, bakeries and other facilities where foreigners are employed in the large numbers. But Labour inspection revealed no cases of forced labour, which could referred to trafficking, so there were no grounds to contact the national Office for combating human trafficking, or other authority involved in the fight against human trafficking. Labour Inspectorate continuously conducts activities to combat illegal employment, independently and in cooperation with the Ministry of Interior-Police Directorate, submitting thereof semi-annual reports to the Office for Combating Trafficking in Human Beings, which was defined by the Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings for 2014, and now also for 2015.</p> <p>- Pursuant to Article 444 paragraph 1 of the Criminal Code to the basic form of human trafficking for labour exploitation and forced labour shall be prescribed punishment by imprisonment for a term of one to ten years. Also, Article 224 of the CC stipulates the crime of violation of labour rights which consists in deliberate violation of law or any other regulation, collective agreement and other general enactments on labour rights and thereby deprives another person or restricts the right belonging to him/her. For the basic form of this criminal</p>
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	<p>offence shall be prescribed punishment by imprisonment not exceeding two years.</p> <ul style="list-style-type: none"> <li>- The Government's Office for Combating Trafficking in Human Beings signed the Protocol on cooperation with the Union of Employers of Montenegro which defines cooperation in providing assistance to the victims of trafficking in the reintegration process, enabling priority in employment for victims of human trafficking by the Union of Employers, and the specific measures defined preventive actions aimed at preventing and combating trafficking in human beings for labour exploitation.</li> <li>-In order to consolidate the activities conducted in competence of the Police Directorate during 2014, the action with the working title "Trafficking" approved implying the planned operation of the Criminal Police Sector and the Border Police Sector, as well as cooperation with the General Authority Police Sector. Aim of the action was coordinated operation of stakeholders in the area of preventive action, data collection, cooperation with other competent authorities (labour inspection), the identification of potential victims, increased number in prosecution of criminal cases.</li> <li>-Details on conducted training on human trafficking for labour exploitation are available in the Annex.</li> </ul>
<p><b>Border measures (Article 7)</b></p> <p>24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:</p> <ul style="list-style-type: none"> <li>a. identification of possible victims of THB in the context of border control;</li> <li>b. identification of possible perpetrators of THB offences;</li> <li>c. gathering of first-line information from victims and perpetrators;</li> <li>d. identification of vulnerable persons in need of international protection among possible victims of trafficking.</li> </ul>	<ul style="list-style-type: none"> <li>- Training Unit of the European Agency for the Management of Operational Cooperation at the External Borders of the EU countries-Frontex has developed the project "Training on human trafficking for the border police," which is specifically focused on the prevention and identification of human trafficking. Within the Frontex's program implementation on the topic "Action against human trafficking" two advisors in the Office for the fight against human trafficking have passed through education and acquired certificates of national trainers for training border police on human trafficking. A joint meeting of the representatives of the Border Police Sector and the Office for the fight against human trafficking with the representatives of the OSCE, in order to provide support and assistance in the implementation of Frontex's project "Training of border police to combat human trafficking," during which the Plan was made that foresees training in the field for around 600 border police officers in the period 2014/2015. According to the plan, training are held in the field at the very border crossings or in their immediate vicinity through lectures, case studies, group work, video broadcasting of the materials presented to the participants in three modules: General Features of human trafficking at the global and national level-legislative and institutional framework, Identification of victims and traffickers, and Interviews with victims of human trafficking with a special focus on children victims of human trafficking. Training conducted by the officers to the Office for fight against trafficking in human beings within the Border Security Department in the field and in OSCE support and assistance so far have been trained 260 police officers. In May 2015 began a Phase III of the training. Also, a document has been made in cooperation with the Office for Combating Trafficking in Human Beings, the OSCE, the state institutions and NGOs, containing general indicators to identify potential victims, and particularly for the</li> </ul>

	<p>identification of victims of sexual exploitation of adults and children, labour exploitation and exploitation for the purpose of begging, and the same forwarded to all border crossings in Montenegro.</p>
<p>25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?</p>	<p>-The Government's Office for combating human trafficking in cooperation with national and international partners initiates and implements activities to raise awareness of entire public on the phenomenon of human trafficking.</p> <p>Through the project "Code of Conduct for the protection of children from sexual exploitation in travel and tourism", tourist and transport agencies, signatories to this Code committed in case they notice any kind of case that may indicate that a person is a potential victim of sexual exploitation to report it to the police.</p> <p>Also, on the occasion of 18 October, the European Day Against Human Trafficking, volunteers of the Red Cross of Montenegro share flyers and cards to the citizens on the street and in public transport (the bus and railway stations and at the airport) which contain key messages related to the precautionary measures, as preventive action against human trafficking in public transport. The aim of these activities is to turn attention to the trafficking in human beings and the risks that it brings with itself, and that the victim and the trafficker could be anyone.</p>
<p>26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.</p>	<p>-According to the Strategy and the Action Plan for integrated border management there are joint teams at the local, regional and central levels composed of services performing their tasks at border crossing points (Customs Administration, the Border Police Sector and the Administration for Inspection Affairs (health-sanitary, phytosanitary and veterinary). The teams meet every day at the local level, and once in a month at the regional level, while the coordinators of the teams take turns in six months from the ranks of the Border Police Sector and the Customs Administration. The aim of the joint action is effective border control to prevent and combat all types of cross-border crime, including human trafficking.</p> <p>Cooperation with the border police of the neighbouring countries carried out through joint patrols with Bosnia and Herzegovina, Serbia and Albania, established in accordance with the signed Agreement and the Protocol on its implementation. Also established a regional centre in Trebinje for cooperation between border police of Bosnia and Herzegovina, Serbia and Montenegro.</p> <p>-In order to consolidate the activities conducted in competence of the Police Directorate during 2014, the action with the working title "Trafficking" approved implying the planned operation of the Criminal Police Sector and the Border Police Sector, as well as cooperation with the General Authority Police Sector. Aim of the action was coordinated operation of stakeholders in the area of preventive action, data collection, cooperation with other competent authorities (labour inspection), the identification of potential victims, increased number in prosecution of</p>

<p><b>Identification of the victims</b> (Article 10)</p> <p>27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.</p>	<p>criminal cases.</p> <p>- Follow to the review of the Agreement on cooperation in the fight against human trafficking, which includes national referral mechanisms to act in relation to the cases of trafficking, established the Coordination Team for monitoring the implementation of the Agreement, which also represents the operating team that undertakes concrete actions (in accordance with the Agreement) in relation to the identification, assistance and protection of victims of trafficking. This team consists of representatives-contact persons of all relevant institutions and organizations signatories to the Agreement (the Ministry of Interior, the State Prosecutor's Office, Supreme Court, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, Office for fight against human trafficking, PI Centre for children and family protection Bijelo Polje, Red Cross of Montenegro and 6 non-governmental organizations). This team is managed by National Coordinator for Combating Trafficking in Human Beings Zoran Ulama.</p> <p>At the constitutional meeting of the Coordination team held in the same composition its work plan has been made and agreed on its gathering at least twice a year by which occasion will be assessed the successfulness of implementing the Agreement in practice, while the need for additional ad hoc meetings of the team would be in case of potential identification of the victim of human trafficking in the territory of Montenegro. The potential victim of human trafficking may be identified by all the signatories to the Agreement who will immediately inform thereof the contact person in the Police Directorate. Established and distributed the List of contact persons will be 24 hours available to the team in case the victim of human trafficking required necessary assistance and protection. It was also agreed upon organizing round tables in 2015 at the local level, during which the members of the Coordination Team remind their colleagues at the local level of obligations in relation to the procedure in cases of human trafficking, stemming from the Agreement, with a particular focus on identifying and providing assistance and protection to the potential victims/victims of human trafficking.</p>
<p>28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?</p>	<p>- Government Office for the fight against human trafficking in cooperation with the Organization for Security and Cooperation in Montenegro (OSCE) in July, 2013 organized a workshop during which was CREATED A LIST OF INDICATORS FOR EARLY IDENTIFICATION OF VICTIMS OF HUMAN TRAFFICKING, which in addition to general indicators contains specific indicators for identifying victims of trafficking for labour exploitation, then for the purpose of sexual exploitation, as well as indicators that indicate to child trafficking and trafficking in children for begging. Also a special list of indicators for the health workers prepared so as to help them to identify victim of human trafficking upon providing medical assistance. Prepared list of indicators printed in the form of cards and distributed to the representatives of all relevant bodies - the police, social workers, labour inspectors, health care workers, employed officers in the local self-governments, airports, railway stations, border crossings.</p>



29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

-In accordance with the revised Agreement on cooperation in the fight against human trafficking and working methods of the Coordination Team responsible for the implementation of the Agreement, the victim of human trafficking in Montenegro can be identified by the representatives of institutions/organizations signatories to the Agreement on Cooperation (Ministry of Interior, the State Prosecutor's Office, the Supreme Court, Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, Office for fight against human trafficking, PI Centre for Children and Family Protection Bijelo Polje, Montenegro Red Cross and 6 non-governmental organizations).

-All the persons under suspicion of being the victims of human trafficking have been informed on the possibility of going to the Government's Shelter for victims of human trafficking, as well as on the types of assistance and protection available to them in a language understandable to such person and appropriate to his/her age (in the case the child is a victim).

Also, the Government SOS hotline (116666) is on disposal to all the citizens of Montenegro through which they can report on suspicion that a person is a victim of human trafficking, over the Office for Combating Trafficking in Human Beings and staff at the Shelter notifying thereof the contact person in the Ministry of Interior/Police Directorate and assessing the allegations accordingly.

- In relation to the legal definition of a victim in accordance with Article 142, paragraph 11 of the Criminal Code "A victim is understood to mean a person against whom an unlawful act was committed which constitutes a crime by law and who as a result has suffered physical or mental pain, or suffering, property damage or violation of human rights and freedoms."

-Case study: From December 2014 to April 2015 the four minors identified (Roma population, women) as the victims of human trafficking by social workers of the responsible centres for social work in cooperation with the police. In one case, a doctor reported the minor as a potential victim of trafficking. Minor received all necessary assistance in the Government Shelter for victims of human trafficking in Podgorica, under the coordination of the Government's Office for Combating Trafficking in Human Beings and the Centres for social work and the police. Coordination team met several times on the occasion of the above cases, considering each case individually in order to make decisions in the best interests of the minor. 1 person is returned to Kosovo in cooperation with Kosovo police and the Centre for social work, while the other 3 persons displaced from their parent families, because it was determined that parents (one or both, depending on the case) exploited girls forcing them to conclude unlawful marriages. The girls are placed at close relatives' (grandmother, uncle, father—depending on the case) with increased surveillance of the centres for social work, and in other towns in relation to the place of identification, with the aim of their successful rehabilitation and social integration. However, Cases are qualified by the Prosecution as the criminal offence of extramarital community with a minor, which had no impact on the

	<p>provision of assistance and protection to the minors as (potential) victims of human trafficking.</p>
<p>30. What measures are taken in your country to encourage self-identification of victims of THB?</p>	<p>-In the Reporting period the Government Office for Combating Human Trafficking initiated a number of campaigns aimed primarily at raising public awareness on human trafficking and improving resistance of its citizens in relation to this issue.</p> <p>-Bearing in mind that tourism in Montenegro is one of the priority branches of economy, the campaign focused on raising awareness of the general public relating the phenomenon of human trafficking has been intensified upon meeting the summer tourist season. To this end, in all tourist centres was distributed promotional material (flyers, posters, catering sugar sachets with the number of SOS phone, etc.).</p> <p>By the assistance of the border police the poster set up with the SOS hotline for victims of trafficking at all border crossings across Montenegro. The same is set at all train and bus stops across Montenegro.</p> <p>-Also, a campaign conducted to promote principles of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which was signed by 244 representatives of the tourism economy in Montenegro.</p> <p>- The campaign "STOP HUMAN TRAFFICKING" is continuously carried out on the territory of Montenegro. The same refers to the broadcasting of TV spot "Stop human trafficking", which also promotes the government's anti-trafficking SOS line (11 66 66), available 24 hours a day, according to which the calls received from all networks of fixed and mobile operators are anonymous and free of charge, billboards set at the most frequent locations throughout Montenegro, a video broadcasting made on almost all television stations, and a large number of flyers, posters distributed, as well as many other similar activities.</p> <p>- Within the activities undertaken on the occasion of 18 October-European Day in Fight against Human Trafficking, in cooperation with the Railway Transport of Montenegro, JSC and the National Airline Company - Montenegro Airlines, together with purchased railway/airline tickets they also distributed information cards on trafficking in human beings with prominent SOS phone number for the victims of human trafficking.</p> <p>-Besides the educational workshops, campaigns and debates there is a desire for introducing a regular mandatory lecture on human trafficking in all schools in Montenegro thereby enhancing the awareness of young people on this phenomenon, the Office for Combating Trafficking in Human Beings accredited training program for teachers on the topic "Raising awareness on child trafficking through the educational system." Follow to the successful implementation of the training of trainers and publishing of manuals for teachers, trafficking in persons/children was recognized as a teaching unit within the subject of Civic education so that regular lectures on human trafficking in all schools will be organized from next 2015/16 school year onwards.</p> <p>- Bearing in mind that the Roma population recognized as a vulnerable category in relation to</p>

trafficking in persons, the relevant institutions continuously undertake activities aimed at informing Roma people on human trafficking, forms and reporting methods, with a special focus on trafficking for the conclusion of unlawful marriages.

-Within the Strategy for Improving the Position of RE population in Montenegro a special area recognized referring to the suppression of violence against women and family violence within this population. In the part of the implementation activities envisaged by this document, a documentary filmed commenting on this issue, as the need to draw attention to the problem that exists in Montenegro and other countries, and invite all stakeholders to actively work on improving the situation of Roma and Egyptians in Montenegro and contribute to the elimination of violence against RE population, especially of specific form of violence such as coercion to early marriage. In order to improve the social position of the Roma and Egyptian, the Ministry of Human and Minority Rights in cooperation with the Centre for Roma Initiatives organized a roundtable on "Legal mechanisms in the fight against forced and arranged child marriages" attended by the (male/female)representatives of this Ministry, officials of the Police Directorate, prosecutors, courts, Centres for Social Work as well as female representatives of women's non-governmental organizations dealing with problem of Roma and Egyptians in Montenegro.

- In Order to eliminate all forms of discrimination against women and girls of the Roma and Egyptian population the Department for the promotion and protection of Roma and Egyptians organized a number of activities, particularly in relation to the issue of suppressing early and arranged marriages among this population.

Within the campaign "16 days of activism against violence against women" filmed a documentary "Avoid my fate" which speaks of juvenile arranged marriages among the Roma. The film was promoted in Nikšić, Berane and Podgorica, with participation of representatives of the Police Directorate, Prosecution, Courts, Centres for social work, NGOs.

- The Ministry for Human and Minority Rights and the Centre for Roma Initiatives signed a Memorandum on mutual cooperation. The cooperation will take place in the following areas: family violence, juvenile and temporary marriages and political participation of Roma and Egyptian women (01.12.2014).

- Centre for Roma initiatives in cooperation with the women RAE network "First" supported by the Ministry for Human and Minority Rights organized a two-hour round table on the International Day for the Abolition of Slavery 02.12. 2014 where they presented the results of the publication "An arranged marriage is stronger than the law."

-On the results achieved in the area of encouraging self-identification of victims of human trafficking especially among vulnerable categories there is information that the minor Roma girl in the beginning of 2015 reported to the police her parents who want to sell her for the purpose of conclusion of the marriage, upon which she was provided with all necessary

	<p>assistance and protection in the Government Shelter for victims of human trafficking and then reintegrated by another family in other town under the intensified surveillance of the competent Centre for Social Work.</p>
<p>31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?</p>	<p>-Pursuant to Article 11 of the Law on Asylum shall stipulate as follows: "In the asylum procedure, care shall be taken of the special needs of minors, persons completely or partially deprived of legal capacity, unaccompanied minors, persons with mental or physical disabilities, elderly persons, pregnant women, single parents with minor children, persons subjected to torture, rape or other serious forms of mental, physical or sexual violence and other vulnerable persons." As the victims of human trafficking belong to the vulnerable group of people with special needs which require special protection, therefore the officials of the Directorate for Asylum passed through specific training programs and improved their mechanism for identification of victims and prevention of trafficking in human beings. Although in the practice so far have not been identified cases of trafficked persons among asylum seekers, the Directorate for asylum will continue to develop effective mechanisms to identify and protect victims of trafficking and prevent possible risks of re-victimization. Especially because there are a number of challenges to be solved within the asylum system in order to adequately respond to the needs that the phenomenon of migration brings with it: quick procedures, sufficient accommodation, adequate mechanisms of assistance, coordination and inter-agency cooperation and the like.</p> <p>- As for persons whose applications for asylum have been rejected the border police receive information from the Directorate for asylum thereof. In case these persons at the specific moment reside in Montenegro (accommodation for asylum seekers is an open type, and Montenegro is a transit country) they are placed in a shelter for foreigners where will be organized their return to the country of origin in accordance with the Law on Foreigners and Readmission agreements. If it comes to information that a person is a potential victim of human trafficking the Criminal Police Department in whose jurisdiction are the following tasks such as: establishing identity, data verification, cooperation with other authorities, undertaking all preliminary investigation, taking special investigative techniques when collecting evidence, etc. will be promptly notified of it.</p> <p>-Measures taken by the Police Directorate in order to identify potential victims and victims of human trafficking have been also included into the action "Trafficking" which operates at the level of the Police Directorate and brings together the work of all its sectors according to their competencies, i.e., criminal, border and police of general jurisdiction.</p> <p>-All agencies whose employees may come into contact with victims of trafficking and traffickers are provided with indicators for early identification of victims of human trafficking.</p>

<p><b>Protection of private life (Article 11)</b></p> <p>32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?</p>	<p>-Agreement on cooperation in the fight against human trafficking especially highlighted measures to "respect the privacy and identity of potential victims of trafficking" by all relevant institutions/signatories to the Agreement on Cooperation. Particularly has been planned that PI Centres for social work in all cases of suspicion that the person is a victim of human trafficking will apply standard measures of identification, so as to comply with the following:</p> <p>a) The right to privacy of potential victims, especially to the questions of a personal character and traumatic ones unless they are for the purpose of collecting the necessary data;</p> <p>b) the right of a potential victim to all information pertaining to social child protection and family relations, as well as other possible actions to be taken in order for its protection.</p> <p>-In order to protect the identity and privacy of victims of trafficking the Police Directorate officials use initials of the name for data exchange with other parties, limit access to the victims, escort to the designated location (to shelters, health clinics).</p> <p>- In terms of improving cooperation of the competent authorities aiming to preserve classified data and which disclosure could jeopardize the safety of the victim as well as further investigation flow, the Office for Combating Trafficking in cooperation with the Agency for protection of personal data harmonized the collection of its manageable data referring to records of perpetrators and victims of crime of human trafficking and (female/male) protégés placed at the Government Shelter for the victims of human trafficking with the Law on protection of Personal Data. Accordingly, the Office for Combating Trafficking in Human Beings adopted the Rulebook on the manner of labelling and the protection of special categories of personal data.</p>
<p><b>Assistance to victims (Article 12)</b></p> <p>33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:</p> <ol style="list-style-type: none"> <li>a. funding;</li> <li>b. victim's safety and protection;</li> <li>c. standards of assistance and their implementation in practice;</li> <li>d. access to medical treatment, psychological assistance, counselling and information;</li> <li>e. translation and interpretation,</li> </ol>	<p>- Mechanisms of cooperation of the public authorities and civil society in the fight against human trafficking are defined in the Agreement on Cooperation, which was signed not only by the relevant public authorities (MI, MWSW, MoH, ME, the Office, Supreme Court, Supreme State Prosecution, PI Centre for Children and Family Support BP) but also by 6 nongovernmental organizations (Montenegrin Women's Lobby, Women's Safe House, the House of Hope, SOS Hotline for Women and Children Victims of Family Violence Podgorica, SOS Hotline for Women and children Victims of Family Violence Niksic, Institute for Social Inclusion, as well as the Red Cross of Montenegro. When selecting the NGOs for the signatories to this Agreement, special attention was paid to be selected those NGOs which meet certain conditions (knowledge of the specifics of the phenomenon of human trafficking, trained personnel to work with victims of human trafficking, adequate experience in work with victims, etc.) i.e. NGOs which have the capacity to provide adequate temporary/short-term assistance to the victims of human trafficking to their placement in the Government's Shelter for victims of human trafficking. Above stated also assumes that NGOs, signatory to the said Agreement have available expert assistance from the Public Authorities also signatories of the Agreement on Cooperation.</p> <p>- The Law on Health Care (Off. Gazette MNE 39/04 and 14/10) pursuant to Article 6 defines</p>

<p>where appropriate?</p>	<p>that health care is implemented on principles of comprehensiveness, continuity, availability and overall access to primary health care, and specialized access to the specialist-consulting and hospital health care. Article 3 of the Annex to the Agreement on mutual cooperation in the field of health care shall emphasize that, in the provision of health care to potential victims of human trafficking adequate health care will be provided by the Ministry of Health through public health care institutions taking into account the principles of urgency and priority, while Article 4 of the same ANNEX shall state that health care of persons includes emergency medical assistance, prevention and treatment of infectious diseases and cases of delivery and motherhood while residing in the territory of Montenegro. Further, pursuant to Article 5 of the Annex to the Agreement on mutual cooperation in the area of health care emphasized that the units of the emergency health care provide for speed and efficient medical assistance to the health clinics and in the field during 24 hours in the territory of the Country. In reference with all stated above, one should conclude that full access to medical treatment, psychological assistance, as well as provision of advice and information are provided in all territory of Montenegro. As for the standards, medical protection is provided according to the Law on health protection and the Law on health insurance therefore should be emphasized that health care is provided to the victims and potential victims of human trafficking and also to another citizens of Montenegro within health care institutions pursuant to the achievement of contemporary medical doctrine.</p> <p>- NGO Montenegrin Women Lobby has provided assistance and support to the victims of trafficking for 11 years through mutual cooperation with the Government of Montenegro, i.e. with the Office for the fight against trafficking in human beings in the project of the Shelter for victims of human trafficking. The Shelter provides help and support for all victims in the territory of Montenegro which are at the moment of trafficking in any place of the territory of Montenegro. Financial support was fully undertaken by the Government of Montenegro in 2006. Victim's security and protection, as well as the assessment of safety situation during its stay at the Shelter has been ensured by the Ministry of Interior in Montenegro, i.e. the Security Centre in Podgorica, as well as the group of specially trained inspectors for the issue of trafficking. Medical treatments and psychological assistance are free of charge and available to any victim according to the Agreement on Cooperation which is also signed by the Ministry of Health. All treatments of the victims may be carried out according to their necessity in whatever medical institution on the territory of Montenegro. Providing advice and information to the victim is on a daily basis pursuant to the opinions of the activists of the Shelter or on request of the victim if he/she requires certain clarifications out of legal or some other area. If it comes to the minor the Centre for Social Work is also included in the capacity of guardian. Translators and interpreters available to the victims if required, especially in the process of giving testimony before judicial authorities and police.</p>
<p>34. What specific measures are taken to ensure</p>	<p>-Article 2 of the Agreement on Cooperation in fight against trafficking in human beings stipulates that "signatories to this Agreement agreed upon providing assistance to the potential</p>

<p>that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?</p>	<p>victims/victims of trafficking in human beings in accordance with this Agreement irrespective of the consent of the potential victim/victim of human trafficking concerning his/her involvement or non-involvement in the criminal proceedings for criminal offence of trafficking in human beings“.</p> <p>- Further, Law on foreigners provide for special rights for foreigners to which the residence permit has been issued for humanitarian reasons:</p> <p><b>Article 50- Temporary Residence for Humanitarian Reasons</b></p> <p>”Temporary residence permit for humanitarian reasons may be granted 1) to an alien who is assumed to be a victim of the criminal act of human trafficking or a victim of a crime of violence in family or in a family community; 2) to a minor foreigner who is abandoned or the victim of organized crime, or for some other reasons left without parental care or is unaccompanied; 3) to an alien for particularly justifiable reasons of humanitarian character;</p> <p>An alien referred to in paragraph 1 of this Article don't need to meet the requirements of Article 42 paragraph 1 items 1, 2, 3 and 8 of this law. Permit for temporary residence on humanitarian grounds shall be issued on the basis of adequate evidence of international organization, NGO or public authority that the alien referred to in paragraph 1 of this Article provide with assistance and protection or of the evidence of the competent governmental authority confirming that the alien cooperates in disclosing criminal acts. "</p> <p>Article 53-Protection of foreigners with a residence permit for humanitarian reasons: "An alien who has been issued a temporary residence permit for humanitarian reasons should not be forcibly removed because of illegal entry or stay in Montenegro. An alien referred to in paragraph 1 of this Article, for whom there is a legitimate fear that by testifying in criminal proceedings he/she could be exposed to danger to life, health, physical integrity or liberty would be ensured with protection and exercise of rights in accordance with the law governing the protection of witness.</p> <p>A minor who was identified as the victim of the crime of human trafficking will not be returned to any country if following the assessment of risks and its safety there are circumstances that indicate that such return would not be in his best interest."</p>
<p>35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?</p>	<p>- Government of Montenegro allocates the required funding for the functioning of the Shelter for victims of human trafficking in Montenegro, in order to provide necessary accommodation and assistance to victims of human trafficking in Montenegro (primarily health, social, psychological, legal, and other assistance). Funds are allocated in accordance with the budgetary program of the Government Office for the fight against human trafficking. According to the signed Agreement between the Office for the fight against human trafficking and the NGO</p>

	<p>"Montenegrin Women's Lobby" relating to the project on protection of victims of trafficking, the Office committed to cover any expenses incurred with unhindered functioning of the Shelter from its own funds. It should be noted that the Office is required to pay the costs of annuity, overhead expenses and salaries to activists employed at the Shelter, irrespective the protégé/s are in the Shelter or not, so as the professional staff and premises of the Shelter would be available at any moment upon the victim's arrival. Victims of human trafficking enabled with a so-called initial recovery in the Shelter, by provision of the basic package of assistance - food, hygiene products, medicines, clothing, shoes, etc., while according to the specific needs of each individual victim, and on the basis of cooperation of employees in the Shelter with the signatories of the Agreement on Cooperation for the victims of trafficking specific individual work plans developed and implemented with a view to their (re)integration.</p>
<p>36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?</p>	<p>-In accordance with the Agreement on cooperation, assistance and protection to the victims of trafficking is provided on a voluntary basis and with a consent to the victim alone follow to the identification. During identification, the victim is offered the possibility of accommodation in the government's Shelter for victims of human trafficking. The victim, if necessary informed in the mother tongue in regard to the country, city, location on which he/she is. After a victim has been settled down in a Shelter, it has also informed of being on a safe and secure place. The victim is notified that he/she would be given all the anticipated help and support irrespective whether or not he/she will testify or participate in proceedings against traffickers or a group, and to have the right to the period of thinking/reflection up to 30 days. The victims are informed of their rights and national legislation in regard of punishment of traffickers if the court proceedings prove trafficking in human beings. Victims are also notified that in case of participation in the trial have the right to free legal aid by the experts in legal profession. If the victim does not want cooperation nor the Shelter accommodation it would be notified that in the event of changing its mind he/she could call the SOS hot line for the anti-trafficking or go to the nearest police station. Statements and identity of the victim always remain anonymous to the public. For minors, it is necessary to involve the social workers in a capacity of the guardian authorities.</p>
<p>37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?</p>	<p>- Victims of trafficking are entitled to appropriate and secure accommodation, psychological assistance, financial assistance, to translation and interpretation services, advice and information, to assistance during and after the completion of criminal proceedings.</p> <p>- The Ministry of Labour and Social Welfare will provide appropriate social, child protection and family protection to the citizens of Montenegro and foreign citizens potential victims of human trafficking through the PI Centres for Social work, with priority to other cases. The mechanisms of assistance include:</p> <p>a) assessment of socio-economic status, as a basis for awarding one-time cash aid and other forms of protection in accordance with the law;</p>



	<p>b) establishing the legal grounds for appointment of a guardian;  c) development of individual plans for protection of potential victims of human trafficking in cooperation with other signatories to the Agreement.  - Victims of trafficking in human beings even after the completion of the criminal procedure can contact activists in the Government Shelter for help, legal advice and the like.</p> <p>-In reference with the victim's right to compensation and thereto related legal remedies the answer contained to the question 42.</p>
<p><b>Recovery and reflection period</b> (Article 13)</p> <p>38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.</p>	<p>A foreigner who police identified as a victim of the crime of human trafficking is entitled to decide within 90 days whether he/she will cooperate in criminal proceedings or whether to join the criminal prosecution or be a witness in those proceedings (the period of reflection). Police will determine whether the alien a victim of the crime of human trafficking is in cooperation with the authorities, non-governmental and other organizations that are competent or deal with prevention, education, reporting and prosecution of offenders and protection of victims of trafficking,, and also with the Centre for Social Work when it comes to the minor foreigner (Article 52 of the Law).</p> <p>Since the Law on Foreigners applies from April 1, 2015, and there were no issued permits for temporary residence on this ground, we cannot describe the difficulties we encountered with in practice.</p>
<p><b>Residence permit</b> (Article 14)</p> <p>39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.</p>	<p>Article 37 to the Law on Foreigners provides that a temporary residence permit may be granted to a foreigner who intends to stay in Montenegro longer than 90 days, for:</p> <ol style="list-style-type: none"> <li>1) family reunification;</li> <li>2) secondary education or study;</li> <li>3) participation in programs of international students exchange or other youth programs;</li> <li>4) specialization, vocational training and practical training;</li> <li>5) scientific research;</li> <li>6) medical treatment;</li> <li>7) humanitarian reasons;</li> <li>8) the right to dispose of immovable property owned in Montenegro;</li> <li>9) conducting religious services;</li> <li>10) work;</li> <li>11) other justifiable reasons, in accordance with the law or an international agreement</li> </ol> <p>- Article 50 of the Law on Foreigners shall prescribe "Temporary residence permit for humanitarian reasons may be granted to an alien who is assumed to be a victim of the criminal act of human trafficking or a victim of a crime of violence in family or in a family community; Pursuant to paragraph 2 of this Law the permit for temporary residence on</p>

	<p>humanitarian grounds shall be issued on the basis of adequate evidence of international organization, NGO or public authority that the alien provide with assistance and protection or of the evidence of the competent governmental authority confirming that the alien cooperates in disclosing criminal acts. If a situation arises in practice that the application for a temporary residence permit is submitted by an alien the victim of the crime of human trafficking who is not ready to be a witness in the proceedings, in this situation, a temporary residence permit may be issued to an alien for particularly justified humanitarian reasons.</p>
<p>40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?</p>	<p>Article 50 of the Law on Foreigners shall prescribe “Temporary residence permit for humanitarian reasons may be granted to an alien who is assumed to be a victim of the criminal act of human trafficking or a victim of a crime of violence in family or in a family community; Pursuant to paragraph 2 of this Law the permit for temporary residence on humanitarian grounds shall be issued on the basis of adequate evidence of international organization, NGO or public authority that the alien provide with assistance and protection or of the evidence of the competent governmental authority confirming that the alien cooperates in disclosing criminal acts. If a situation arises in practice that the application for a temporary residence permit is submitted by an alien who is a victim of the crime of human trafficking, not ready to be a witness in the proceedings, in this situation, a temporary residence permit may be issued to an alien for particularly justified humanitarian reasons. Since the Law on Foreigners applies from April 1, 2015 there were no issued permits for temporary residence on this ground so we cannot provide practical example.</p>
<p>41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?</p>	<p>-The answer is contained in the answer to the previous question.</p>
<p><b>Compensation and legal redress (Article 15)</b></p> <p>42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:</p> <p>a. access to information on the relevant judicial and administrative</p>	<p><b>a. access to data in terms of appropriate judicial and administrative proceedings in a language that the victim can understand</b> – Pursuant to Article 8 of the Criminal Procedure Code “Parties, witnesses and other persons participating in the proceedings shall have the right to use their own language or the language they understand in the proceedings. If proceedings are not conducted in a language those persons understand, interpretation of statements and translation of documents and other written evidence shall be provided. Interpretation shall be entrusted to an interpreter. Persons shall be instructed of their right to interpretation, and they may waive that right if they understand the language in which the proceedings</p>

<p>proceedings in a language the victim can understand;</p> <p>b. access to free legal assistance and legal aid during investigations and court proceedings;</p> <p>c. compensation from the perpetrator;</p> <p>d. compensation from the state;</p> <p>e. compensation for unpaid wages to victims of trafficking.</p> <p>Please provide examples of compensation awarded and effectively provided to victims of THB.</p>	<p>are being conducted.“</p> <p><b>b. provided legal assistance and free legal aid during the investigation and court proceedings</b></p> <p>A victim of human trafficking has, pursuant to the Law on free legal aid, the right to free legal aid. Free legal assistance includes the provision of necessary funds to fully or partially cover the costs of legal advice, preparation of pleadings, representation in proceedings before the Court, State Prosecution and Constitutional Court of Montenegro and the procedure for the amicable settlement of disputes, as well as the exemption from payment of the legal proceedings costs.</p> <p><b>c. compensation by the offender</b> - According to the current Montenegrin legislation, victims of crime are entitled to compensation in two ways, namely: from the defendant by filing a motion to assert property claim in the criminal proceedings or filing a lawsuit in civil proceedings. The Criminal Procedure Code stipulates that the property claim which arose as a result of committing the crime to be discussed on the proposal of the person who is authorized to exercise that claim in civil proceedings, in case this would not considerably prolong the proceedings. Property claim can refer to damage compensation, restitution of items or annulment of a particular legal transaction. A motion to assert a property claim shall be submitted to the state prosecutor or the court before which the criminal proceedings are conducted no later than the end of the trial at first instance. If the authorized person has not filed a proposal for the realization of a property claim in the criminal proceedings before the indictment, such person shall be informed that the proposal may be submitted until the end of the trial.</p> <p><b>d. compensation by the Country</b> - Compensation to the Victims of Violent Crimes shall be regulated by the Law on Compensation for damages to the Victims of Violent Crimes which is in parliamentary procedure. This proposal provides for the purpose of the protection and assistance to the victims of violent crime committed with intent the financial compensation from the budget of Montenegro. The fee will be payable if the procedure determines that it is necessary to pay the compensation to the victim immediately before the court proceedings or any other proceedings for the purpose of timely elimination of harmful consequences in regard of the victim's physical and psychological health. The right to the compensation for damages pursuant to the proposal shall have a person who is damaged by the offense - the victim. The victim of the crime of violence is a person at which by the criminal acts of violence occurred death, serious bodily injury or serious impairment of physical and mental health. Victim is also considered a person at which by the criminal acts of violence occurred death, serious bodily injury or serious impairment of physical and mental health when the commission of such offense was not directed to that person.</p> <p><b>e. compensation for unpaid wages to the victims of human trafficking</b> – Pursuant to Article</p>
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	<p>4 of the Draft Law on Compensation for Victims of Violent Crimes provides for timely elimination of harmful effects and severe physical and mental condition of the victim, where the victim is entitled to compensation for damages i.e. to compensation for loss of earnings. Furthermore, Article 11 of the same law stipulates that the right to compensation for loss of earnings have a victim at which as a result of criminal acts of violence occurred incapacity for work in terms of regulations on pension and disability insurance, in a lump sum which may not exceed ten average net earnings in Montenegro established for the previous year to the year in which the fee is determined, according to the data of the public authorities in charge of statistics.</p>
<p>43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?</p>	<p>- Pursuant to Article 90 of the CPC and Article 113 of the CC the prosecution is empowered to conduct financial investigation in case of reasonable suspect of committing any crime against humanity and other values protected by international law among which is the criminal offence of trafficking in human beings (Article 444). In a case from 2010 where there were several defendants for committing the crime of human trafficking in an organized manner the Prosecutor proposed and the Court ordered temporary measure by which prohibited alienation and encumbrance on property owned by defendants. Prosecution also proposed seizure of property from the accused. However, the court's final judgment convicted defendants for criminal offence mediation in prostitution and rejected a prosecution proposal for confiscation of proceeds.</p> <p>- Montenegrin courts didn't have cases of extended seizure of property for the criminal offense of trafficking in human beings.</p>
<p>44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.</p>	<p>-Montenegro has ratified the European Convention on Compensation for damages to the Victims of Violent Crimes, according to which will be passed a special Law for the regulation of compensation to the victims of criminal acts of violence, and which will be provided by the state when compensation is not realized from other sources pursuant to the terms of the Convention. In the reporting period victims of trafficking did not seek compensation for damages before Montenegrin courts.</p>
<p><b>Repatriation and return of victims</b> (Article 16)</p> <p>45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being</p>	<p>- The process of repatriation/return of victims of trafficking in human beings to the country of origin coordinated by the Government Office for fight against trafficking in close cooperation with the Police Directorate and the Centre for Social Work (in the case when the victim is a minor). The return process is initiated after the victim provided with initial help in the Government Shelter and he/she expressed a wish to return to his/her country of origin or to another country. Applied in practice, this implies that in a specific case, i.e. a claim the Government Office i.e. National Coordinator for Combating Trafficking in Human Beings inform the National Coordinator or equivalent entity of the country to which the victim would like to return, thereby proposing of certain measures to be taken with the aim of repatriation of</p>

<p>violated (<i>non-refoulement</i> principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of cooperation with the authorities of the receiving state?</p>	<p>victims, and its acceptance by the country to which he/she wants to go in order to be provided with adequate protection, accommodation, and all the basics for its successful reintegration. On this occasion is also required conducting security checks of the place and persons where the victim wants to return, family situation and social history in the event that the victim wants to return to his family. In case the assessment is positive, the victims are enabled to return. In the event of negative assessment where persons don't accept the victim who wants to return to them the seek of alternative accommodation for the victim required in cooperation with the competent authorities to the country of origin, such as the Shelter, which is offered as an option to the victim that he/she may/don't have to accept. Therefore, cooperation in the process of transfer/return of the victim from one country to another is performed on the basis of cooperation between the Offices of the National Coordinator (or equivalent mechanism in the event that the country in which the victim wants to return/relocate is without the appointed National Coordinator) and in close cooperation with the police structures of the countries as well as the Centres for Social Work in case the victim is a minor. The victim was provided with transport and escort by the police accompanied by activists from the shelters and, if necessary, a social worker, to the point of surrender, where is agreed to be accepted by police officers and activists who are in charge of providing assistance to the victims of human trafficking in that country and depending on the age of the victim by social worker. The jurisdiction of the Police Directorate, the Criminal Police Department is in establishing cooperation with the Department for International Police Cooperation performs security assessment on the return of persons victims to another country. The assessment is based on the checks and the opinion of the competent authorities at the place of return on the basis of which is brought the final decision. These checks are also carried out in the country.</p>
<p>46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?</p>	<p>-There were no recorded cases on the return of trafficking victims against their will.</p>
<p><b>Corporate liability</b> (Article 22)</p> <p>47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please</p>	<p>- In Montenegro there is a Law on criminal liability of legal entities that defines the criminal offenses which shall govern the conditions of criminal liability of legal entities, criminal sanctions applied against legal entities, and criminal procedure in which such sanctions are imposed. Legal entities may be held liable for criminal offences referred to in the special section of the Criminal Code and for other criminal offences provided for under a separate law, if the conditions of liability of a legal entity prescribed by this Law have been fulfilled.</p> <p>A legal entity shall be liable for a criminal offence of a responsible person who acted within</p>

<p>provide examples of any relevant cases and the sanctions imposed.</p>	<p>his/her authorities on behalf of the legal entity with the intention to obtain any gain for the legal entity. Liability of a legal person exists when the activity of that responsible person contrary to the business policy or orders of the legal person.</p> <p>The legal entity shall be held liable for a criminal offense even if the responsible person who committed such criminal offense has not been convicted of such criminal offense.</p> <p>Liability of a legal entity shall not exclude criminal liability of a responsible person for the criminal offense committed. Subjective elements of a criminal offence that exist only with the responsible person shall be taken into account with respect to the legal entity if the grounds for liability of the legal person exist. Legal entities that may be liable for a criminal offence are: a company, foreign company and foreign company branch, public enterprise, public institution, domestic and foreign nongovernmental organizations, investment fund, other fund (except for the fund exercising solely public powers), sports organization, political party, as well as other association or organization which continuously or occasionally gains or acquires assets and disposes with them within the framework of their operations.</p> <p>Legal entity may be imposed the following sanctions for the criminal offence:</p> <ol style="list-style-type: none"> <li>1) punishment; (A fine and termination of legal entities may be imposed only as principal punishment</li> <li>2) suspended sentences;</li> <li>3) security measures</li> </ol> <p>- In its operation Montenegrin Courts didn't have cases wherein legal entities were accused of criminal offense of trafficking in human beings.</p>
<p><b>Aggravating circumstances</b> (Article 24)</p> <p>48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.</p>	<p>Within the reporting period Montenegrin courts didn't have cases of human trafficking wherein defendants were public officials.</p>
<p><b>Non-punishment provision</b> (Article 26)</p> <p>49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such</p>	<p>-Under the CC has not been foreseen the non-punishment provision of victims of human trafficking. There are no examples of case law.</p>

cases.	
<p><b>Ex parte and ex officio applications</b> (Article 27 in conjunction with Article 1.1.b)</p> <p>50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.</p>	<ul style="list-style-type: none"> <li>- In relation to these matters we emphasize that the Criminal Procedure Code prescribed normative framework for effective prosecution of criminal acts of human trafficking. Also, the Law on mutual legal assistance in criminal matters regulates the conditions and procedure of providing mutual legal assistance in criminal matters.</li> <li>- According to international conventions, there is a possibility of conducting parallel investigations in cooperation with the prosecution and the police of other countries upon such cases. Police Directorate is authorized to act on the basis of all the information and data submitted if the offense is committed in the territory of Montenegro. Such data is usually transmitted through the Department for international police cooperation.</li> <li>- In the cases related to the human trafficking information exchanged, data collected by police and prosecutors from other countries, covert surveillance measures used (covert agent, covert surveillance and phone calls recorded).</li> </ul>
<p>51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:</p> <ol style="list-style-type: none"> <li>a. setting up specialised investigation units and the number of staff involved;</li> <li>b. exchange of information with, and obtaining evidence from, other parties;</li> <li>c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;</li> <li>d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;</li> </ol>	<ul style="list-style-type: none"> <li>- MoI/Police Directorate in accordance with recent modification to internal organization and job classification of the CPS expected to start functioning of Specialized units in the near future that will specifically deal with human trafficking at the administrative level.</li> <li>b) Officials of the PD in taking evidence and exchange information closely cooperate with other relevant departments in the country, and through the Department for International Police Cooperation often establishes contacts and cooperation with other countries.</li> <li>c) Given the specificity and severity of the criminal offence of human trafficking and other related crimes that are committed in an organized manner or were made without the elements of which include the organization of the exercise, almost always are applied special investigative techniques in the surveillance of telephone communications, covert tracking, hiring undercover agents.</li> <li>d) When a certain internet content indicate to THB we are enabled by means of a court order or a direct address to the administrator of the Web site to carry out adequate checks and block the site.</li> <li>f) In practice so far has not been applied the model of establishing the joint investigation teams (JITs).</li> <li>- In the cases of human trafficking the exchange of information and evidence collection by the police and prosecutors from other countries carried out and used secret surveillance measures (undercover agent, secret surveillance and recording of telephone conversations).</li> <li>- Montenegro's amendments to the Law on Mutual Legal Assistance in 2013 in terms of cross-border legal assistance envisaged the use of Joint Investigation Teams (JIT).</li> </ul>

<p>e. financial investigations to disrupt criminal money flows and ensure asset recovery;</p> <p>f. use of joint investigation teams (JITs).</p>	
<p>52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?</p>	<p>In recent period, there were no investigations of trafficking in human body parts, but the checks were carried out according to the requirements of other countries in individual cases.</p>
<p><b>Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)</b></p> <p>53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings</p>	<p>- Activities within Witness Protection Unit of the Police Directorate referring to the extra-judicial-non-procedural protection of witnesses who are not included in the Witness Protection Program, for which by the assessment of the Police Directorate and the judicial authorities ordered protection, particularly in the cases of victims and witnesses of human trafficking:</p> <p>I. During 2009, three times the officers of the Unit undertook activities by carrying out extrajudicial protection measures in relation to one person (victim, witness of human trafficking):</p> <ul style="list-style-type: none"> <li>* 16.02.2009, during testimony in the High Court in Bijelo Polje</li> <li>* 20.02.2009, during the act of identification in the Security Centre in Bijelo Polje</li> <li>* 14.05.2009, during a hearing at the Basic Court in Rožaje.</li> </ul> <p>In view of this case the officials to the Unit achieved required level of cooperation and communication with officials from the Department for organized crime and corruption, and other relevant Security Centres, then with NGO "Montenegrin Women Lobby" in which shelter the victim was placed. There was no difficulty in any segment when it comes to creating a secure environment, both during implementation and the stay of persons in these institutions, Also a person itself made the necessary cooperation in the interest of its security and acted in accordance with the instructions of members of the Unit.</p> <p>II. During 2014, officials of the Unit undertook activities twice by carrying out extra-judicial measures of protection in relation to one person (victim, witness of human trafficking):</p> <ul style="list-style-type: none"> <li>* 03.06.2014, during the attendance at the main hearing in the Basic Court in Ulcinj</li> <li>* 04.07.2014, also at the main hearing in the Basic Court in Ulcinj</li> </ul> <p>In this case the Unit officials achieved the necessary cooperation and communication with officials of the Department for fight against organized crime and corruption, and also with other relevant Security Centres as well as with the Office for Combating Human Trafficking within the General Secretariat of the Government of Montenegro. Considering that a person should be accepted from the territory of Bosnia and Herzegovina, cooperation was established</p>



with the partner unit from Bosnia and Herzegovina according to the "Agreement on cooperation and understanding in the field of protection and support of witnesses and other participants in criminal proceedings." There was no difficulty in any segment when it comes to creating a secure environment, both during the special border-crossing procedures, implementation and the stay of persons in these institutions. Also a person itself made the necessary cooperation in the interest of its security and acted in accordance with the instructions of members of the Unit.

-Protection of witness and victims of trafficking in court proceedings is guaranteed by the consistent implementation of the Witness Protection Law and the Criminal Procedure Code, and establishment of the Service for Victim/Witness support for the crime of trafficking, as a special service within all courts in Montenegro in charge of decision-making in these criminal cases.

Within all courts acting in these criminal cases established the Service to support the injured parties/witnesses in cases of human trafficking, trafficking in children for adoption and violence in family or in family community.

The authorized person from the support service of the Court performs tasks to assist the victim or witness in criminal proceedings to grant full support - information on criminal procedure, providing protection i.e. eliminating possibilities of physical assault or insults prior and after the trial in the Court premises.

Published an informant which provides contact details to the damaged/witness in regard of the courts employees in charge of providing support and information about criminal proceedings, testimony, protection measures of the damaged/witness. The informant is distributed to the relevant non-governmental organizations and published on the portal of all courts [www.sudovi.me](http://www.sudovi.me).

Protection of Witnesses from Intimidation is particularly regulated according to Article 120 of the Criminal Procedure Code (CPC) and shall consist of special ways of participating and hearing witnesses in the criminal proceedings.

Pursuant to Article 121 of the CPC shall stipulate the special ways of participating and hearing witnesses in the criminal proceedings: hearing of witnesses under pseudonym, hearing with assistance of technical devices (protective wall, voice simulators, devices for transmission of image and sound) and alike.

If special way of hearing of witnesses in the procedure consists only of withholding personal data the hearing shall be done under pseudonym, while in other part of the procedure, the hearing shall be done in compliance with general provisions of this Code on the hearing of witnesses.

If special ways of participating and hearing witnesses in the procedure consists of withholding

personal data as well as of hiding the face of the witness, hearing shall be done through technical devices for transmission of image and sound. During the hearing, face and voice of the witness shall be changed. During the hearing, witnesses shall be in the room other than the one where the investigative judge and other persons present at the hearing are. The investigative judge shall ban all the questions which could lead to revealing the identity of witnesses.

After the hearing has been completed, witnesses shall sign the record using pseudonym only in the presence of the investigative judge and court reporter.

Persons who in whatever capacity, learn the details about the protected witness shall keep them secret.

The ruling on the special manner of participation and hearing of the protected witness in investigation shall be issued by the investigative judge at the motion of witnesses, the accused, the defence counsel or the Public Prosecutor, whereas at the main hearing it shall be issued by the Panel. The motion shall contain a statement of reasons.

The investigative judge shall, prior to issuing the ruling, ascertain as to whether the statement of the witness is of such a relevance to be given the status of a protected witness. In view of establishing these facts, the investigative judge may fix a hearing for the Public Prosecutor and the witness to appear in court.

Details of the witness who is to participate in a special way in the procedure shall be sealed in a special cover and kept by the investigative judge. A note shall be put on the cover saying "Protected Witness – Secret".

The cover envelope may be opened only by the court adjudicating in the main hearing and the second instance court in the appellate procedure, but the opening thereof shall be entered into the record together with the names of the members of the panel who came to the knowledge of its contents. After this the cover shall be sealed again and returned to the investigative judge.

These provisions shall apply to the hearing of protected witness at the main hearing as well as to participating and hearing of the damaged person in the criminal proceedings.

Witness protection can be also provided outside the criminal proceedings, in accordance with the law governing the protection of witnesses (Law on Witness Protection). The court is obliged to inform the witness with these rights. In addition to the witness, this Law provides for the protection of the person close to him, such as: a spouse, a relative and another person close to him as such requiring its protection.

In order to suppress the crime of human trafficking the decision made by the conclusion of the meeting of the Supreme Court President with the presidents of all courts where the cases of this crime be given a priority. This is of particular importance given the fact that the cases taken to operation by the Judges in the order of their arrival to the court, which means that immediately be taken into operation and that the main hearings have been scheduled in the shortest period in relation to the date of receiving the case in Court and its electronic awarding

	<p>to a judge.</p> <p>-Except for legislative framework with the aim to protect victims of trafficking and witnesses in the trial and investigation proceedings there is also a team of inspectors who provide assistance to the victims when assessing the need for it. Upon notification delivered by activists of the Shelter on suspicions that unknown persons are in the vicinity of the shelter or in its courtyard the police respond and send patrol officers on a tour to the Shelter to eliminate doubt or apprehend the person. If necessary, the Coordination Team convenes discussing among other things security situation of the victim, if the victim is endangered or is suspected that this may happen.</p>
<p>54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?</p>	<p>- A victim of trafficking or potential victim identified by the competent authorities may be provided with adequate legal, medical and any other assistance, and also allow her to stay in the Shelter for victims in which way establish communication with the same in undertaking action for giving testimony before the competent authorities. It is certainly possible that the victim during the investigation and court hearings to be enabled with the social worker, psychologist, representative of the NGO, which is considered as binding.</p> <p>- There is a possibility that during the investigation and court hearings trafficking victims are heard in the presence of the social worker and psychologist.</p> <p>- Protection of witnesses - victims of human trafficking and its hearing in the court proceedings is guaranteed by the consistent implementation of the Law on Witness Protection and the Criminal Procedure Code, and establishment of the Support Service for the injured/ witnesses to the crime of human trafficking as a special Service within all courts in Montenegro responsible for decision-making in these criminal cases.</p> <p>Assistance to the victim of human trafficking prior and follow to the hearing is provided by the authorized persons from support services, while the hearing of the victim during the court proceedings conducted in accordance with the CPC.</p>
<p><b>Jurisdiction</b> (Article 31)</p> <p>55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).</p>	<p>-Criminal Code of Montenegro, which provisions apply to a foreigner who commits a criminal offense abroad, prescribe special conditions for prosecution and the imputation of detention and sentence served abroad.</p> <p>Criminal legislation of Montenegro applies for a person who is not a citizen of Montenegro who outside the territory of Montenegro do against it or its citizen a criminal offence ... in the event he/she be caught in the territory of Montenegro or extradited to it.</p> <p>Criminal legislation of Montenegro applies for a person who is not a citizen of Montenegro to the foreign country or a foreigner abroad makes a criminal offense by which law of the country in which it was committed may pronounce an imprisonment sentence of four years or a more</p>

	<p>severe sentence if he be caught in Montenegrin territory but not extradited to a foreign country. Unless this Law provides otherwise, the court in this case may not impose a more severe sentence than the one prescribed by the law of the country where the crime was committed. There were no mentioned court cases for the crime of human trafficking.</p>
<p><b>International co-operation (Article 32)</b></p> <p>56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.</p>	<p>- In order to intensify bilateral cooperation with countries of the region in view of prevention, identification of victims of human trafficking and prosecution of traffickers the Government Office for Combating Trafficking in Human Beings initiated the signing of the Protocol on cooperation in the fight against human trafficking with the countries of the region, i.e. with those countries whose nationals in most cases appear as victims or perpetrators of the crime of trafficking in Montenegro.</p> <p>Accordingly, on April 24 2014 the National Coordinators for Combating Trafficking in Human Beings Montenegro and Kosovo signed the Protocol on Cooperation between the Government of the Republic of Kosovo and the Government of Montenegro in the fight against human trafficking and enhancing identification, notification, referral, co-operation in criminal matters, and voluntary return of the victims and potential victims of trafficking . This Protocol applies in particular to the issues relating to the identification of victims and potential victims of trafficking and persons who were forced to work, especially during the construction and tourist season, then co-operation in criminal matters, and the process of voluntary return of victims and potential victims of trafficking.</p> <p>Furthermore, on December 08, 2014 in Tirana, the National Coordinators of Montenegro and the Republic of Albania signed a Protocol on strengthening cooperation in the fight against human trafficking and improved identification, reporting, referral and voluntary assisted return of victims / potential victims of trafficking. The drafting of the Protocol on cooperation in the fight against human trafficking with the Republic of Serbia at the initiative of the Government Office for the fight against human trafficking is underway.</p> <p>- In cooperation with international organizations (OSCE, IOM, UNODC, ICMPD) implemented a number of regional projects aimed at strengthening the mechanisms of international cooperation.</p> <p>- The National Coordinator for Combating Human Trafficking in Montenegro, Zoran Ulama signed a Joint Declaration of the National Coordinators for Combating Human Trafficking in South Eastern Europe on strengthening the Transnational Referral Mechanism (TRM) and the strengthening of cooperation in human trafficking cases in October, 2012. This document is of special importance, bearing in mind that the victims of trafficking identified within the territory of Montenegro in the majority originated from SEE countries. In this document National Coordinators are committed, inter alia, that: "By maintaining an interactive dialogue with all involved governmental and non-governmental actors and thus applying a multidisciplinary</p>

approach continue to promote effective communication, cooperation and strategic coordination among countries and regions of origin, transit and destination; Continuing with the implementation of innovative approaches to the prevention of human trafficking to vulnerable groups, especially children, as well as adopting a proactive approach to the identification, protection, assistance and care in order to ensure the best interests of the child; To support the efforts, together with EU partners in regard of reducing the demand for services provided by trafficked persons, including cheap labour; By supporting the establishment of new partnerships, particularly with the private sector; Increasing knowledge on human trafficking by the implementation of targeted research, which will focus on the thematic and geographic priorities and using this research to create a response based on the data in relation to all forms of human trafficking "

- By the implementation of the program of the international organization ICMPD entitled: Transnational referral mechanisms for victims of trafficking, established a unique operating procedure in relation to the actions of the competent institutions in order to provide assistance and protection to victims of cross-border trafficking in the countries of Southeast Europe.

- The National Coordinator of Montenegro for the fight against human trafficking is a member of MARRI regional network to combat trafficking established in June 2011 with the aim of establishing a platform to strengthen cooperation and exchange of experiences and good practices between the countries of the region.

Applicable Agreements, Protocols, Memorandums :

-Agreement On Cooperation in the prosecution of perpetrators of crimes against humanity and other goods protected by international law between the Supreme State Prosecutor of Montenegro and the Office of the War Crimes Prosecutor of the Republic of Serbia.

-Agreement on Cooperation between the Supreme State Prosecutor of Montenegro and the General Prosecutor's Office of the Russian Federation

-Protocol on the agreement in realizing mutual cooperation in fight against all forms of serious crimes between Supreme State Prosecutor of the Republic of Montenegro and the Prosecutor's Office / State Prosecution in B&H;

- Protocol on Cooperation between the Prosecutor's Office at the High Court of Cassation and Justice of Romania and the Supreme State Prosecutor's Office of Montenegro;

- Memorandum of Understanding on the establishment and improvement of mutual cooperation in the fight against all forms of serious crime between the Supreme State Prosecutor of Montenegro and Public Prosecutor's Office of the Republic of Serbia;

- Memorandum on cooperation between the Office of the Supreme State Prosecutor of Montenegro and the Office of the General Prosecutor of the Republic of Albania in the fight against organized crime;
- Memorandum on cooperation between the Supreme State Prosecutor of the Republic of Montenegro and the Public Prosecutor's Office of the Republic of Macedonia in the fight against transnational crime, human trafficking and illegal migration;
- Memorandum of Understanding on the establishment and improvement of mutual cooperation in the fight against all forms of serious crime signed between Supreme State Prosecutor of the Republic of Montenegro and the Croatian State Attorney's Office;
- Memorandum of Understanding of the Office of the Public Prosecutor of the Republic of Macedonia, Office of the General Prosecutor of the Republic of Albania, the State Prosecutor's Office of Bosnia and Herzegovina, the Office of the Public Prosecutor of the Republic of Croatia, the Office of the Public Prosecutor of the Republic of Serbia and the General Office of the State Prosecutor of the Republic of Montenegro for regional cooperation against organized crime ...;
- Memorandum of Understanding on Cooperation between the National Directorate for fight against mafia of Italy and the Supreme State Prosecutor of Montenegro;
- Memorandum on cooperation between the Office of Public Prosecutor of Ukraine and the Supreme State Prosecutor's Office of the Republic of Montenegro in the fight against transnational crime and laundering the proceeds of crime;
- Memorandum on cooperation between the Supreme State Prosecution of the Republic of Hungary and the Supreme State Prosecution of Montenegro;
- Memorandum of Understanding between the State Prosecutor's Office of the Republic of Kosovo and the Supreme State Prosecutor of Montenegro.
- Cooperation at the police level is carried out through Interpol, a liaison officer of the Department for International Police Cooperation and European Integration of the Police Directorate of Montenegro and SECI Centre, as well as on the basis of bilateral agreements such as:
- Agreement on Police Cooperation between the Ministry of Interior of Montenegro and the Ministry of Interior of the Republic of Croatia (2005);
  - Agreement between the Ministry of Interior of Montenegro and the Federal Ministry of Interior of the Republic of Austria on Police Cooperation (2004);
  - Protocol on Police Cooperation between the Ministry of Interior of Montenegro and the Ministry of Interior of Romania (2006);
  - Protocol between the Ministry of Interior of Montenegro and the Ministry of Interior of the Republic of Serbia on cooperation in fight against terrorism, organized crime, illegal trafficking in narcotics, psychotropic substances and precursors, human trafficking, illegal migration and other crimes, as well as cooperation in other fields of their competence (2003);
  - Agreement on Cooperation between the Ministry of Interior of Montenegro and the

	<p>Ministry of Interior of the Russian Federation in 2008;</p> <p>- Bilateral agreements on judicial cooperation in criminal matters Montenegro established with Austria, Bosnia and Herzegovina, Belgium, Bulgaria, Czech Republic, Serbia, Slovakia, France, Croatia, Cyprus, Hungary, Macedonia, Mongolia, Germany, Poland, Russia, Romania, Slovenia, Turkey and Spain.</p> <p>-Multilateral Treaties: United Nations Convention against Transnational Organized Crime in 2000, with additional protocols, the European Convention on Action against Trafficking in Human Beings, the European Convention on Mutual Assistance in Criminal Matters, Strasbourg 20 04 1959 the Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Strasbourg 17 03 1978. Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters, Strasbourg 08 11 2001, The European Convention on Extradition, Paris 13 12 1957. the Additional Protocol to the European Convention on Extradition, Strasbourg, 15 10 1975, the Second Additional Protocol to the European Convention on Extradition, Strasbourg, 17 03 1978 , the European Convention on the Transfer of Sentenced Persons, Strasbourg, 21 03 1983 the Additional Protocol to the European Convention on the Transfer of Sentenced Persons, Strasbourg 18 12 1997 , the European Convention on the Transfer of Proceedings in Criminal Matters, Strasbourg, 15 05 1972.</p> <p>-Law on Ratification of the Additional bilateral agreement to the European Convention on Extradition of 13 December 1957, which aims to facilitate its application (2014), the Law on Ratification of the Additional bilateral agreement to the European Convention on Mutual Legal Assistance of 20 April 1959 which aims to facilitate its application (2014);</p> <p>Bilateral agreements on cooperation in criminal matters, which Montenegro concluded with other countries:</p> <ul style="list-style-type: none"> <li>• Agreement between Montenegro and the Republic of Serbia on legal assistance in civil and criminal matters (2009)</li> <li>• Agreement between Montenegro and Serbia on Extradition (2009 and 2010)</li> <li>• Agreement between Montenegro and Serbia on mutual validity of judicial decisions in criminal matters (2009)</li> <li>• Agreement between Montenegro and Bosnia and Herzegovina on legal assistance in civil and criminal matters (2010)</li> <li>• Agreement between Montenegro and Bosnia and Herzegovina on mutual validity of judicial decisions in criminal matters (2010)</li> <li>• Agreement between Montenegro and the Republic of Croatia on Extradition (2010)</li> <li>• Agreement between Montenegro and the Republic of Croatia on mutual execution of court</li> </ul>
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	<p>decisions in criminal matters (2011)</p> <ul style="list-style-type: none"> <li>• Agreement between Montenegro and the Republic of Macedonia on Extradition (2011)</li> <li>• Agreement on Extradition between Montenegro and Bosnia and Herzegovina (2013)</li> <li>• Agreement between Montenegro and the Republic of Macedonia on legal assistance in civil and criminal matters (2014)</li> <li>• Agreement between Montenegro and the Republic of Macedonia on legal assistance in civil and criminal matters (2014)</li> <li>• Agreement between Montenegro and the Republic of Macedonia on mutual execution of court decisions in criminal matters (2014)</li> </ul> <p>Bilateral agreements on cooperation in the fight against organized crime; Agreements signed by the Government of Montenegro:</p> <ul style="list-style-type: none"> <li>• Agreement on cooperation between Montenegro and the Government of the Republic of Bulgaria in fight against terrorism, organized crime, trafficking in narcotics, psychotropic substances and precursors, illegal migration and other forms of crime (2005);</li> <li>• Agreement between the Government of Montenegro and the Government of the Republic of Albania on cooperation in the fight against terrorism, organized crime, trafficking and other illegal activities (2003);</li> <li>• Agreement between the Government of Montenegro and the Government of the Republic of Turkey on Police Cooperation (2007);</li> <li>• Agreement between the Government of the Republic of Slovenia and the Government of Montenegro on cooperation in the fight against organized crime, trafficking in human beings and illegal migration, trafficking in illicit drugs and precursors, terrorism and other forms of crime (2006);</li> <li>• Agreement between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina on cooperation in the fight against terrorism, organized crime, illegal trafficking in narcotics, Psychotropic Substances and precursors, illegal migration and other criminal offenses (2007);</li> <li>• Agreement between the Government of the Republic of Montenegro and the Government of the Republic of Macedonia on cooperation in fight against terrorism, organized crime, illegal trafficking in narcotics, psychotropic substances and precursors, illegal migration and other criminal offenses (2003);</li> <li>• Memorandum of Understanding on Police Cooperation between the Government of the Republic of Montenegro and the UN Interim Administration Mission in Kosovo -UNMIK (2003)</li> </ul>
<p><b>Measures related to endangered or missing persons</b> (Article 33)</p> <p>57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with</p>	<p>-Police Directorate perform information exchange with other services through the Department for International Police Co-operation (Interpol, Europol, Selec). Officials of this Department are on duty 24 hours so there is always possibility for rapid exchange of information and concrete actions on the ground.</p> <p>-In accordance with international conventions signed by Montenegro, as well as agreements</p>



<p>the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.</p>	<p>and protocols signed by the Prosecutor. -There were no examples in case law.</p>
<p>58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?</p>	<p>Pursuant to Article 8 of the professional guidance on treatment upon the international arrest warrant and the search for missing persons, call for international publication of a missing person is done within 30 days if the person has not been found in the territory of Montenegro. In the event there are facts that the person has left the territory of Montenegro, the request to call for a publication referred to in paragraph 1 of this Article shall be delivered by emergency procedure within 24 hours from the application date.</p> <p>Montenegro is a member of INTERPOL since 2006 and since then over the Interpol has been searching for missing persons and acting in accordance with the international requests for locating of the missing persons.</p> <p>Police Directorate of Montenegro is also a member of the SELEC's work group in the fight against human trafficking and illegal migration which main activities are participation in joint investigations focused on organized criminal groups engaged in human trafficking and smuggling of illegal migrants, awareness on the latest trends, modus operandi, routes, investigative methods and techniques, as well as the adoption of evaluation reports relating to human trafficking and smuggling of illegal migrants.</p> <p>-In 2014 Montenegro concluded operational Agreement on cooperation with Europol by which coming into force the level of international police cooperation with the countries in Europe will be further strengthened.</p> <p>It is important to point out that the General Secretariat of INTERPOL through the National Central Bureau of INTERPOL allows the Police Directorate within the MI of Montenegro an automatic access to INTERPOL's databases of wanted persons, stolen vehicles and stolen / lost travel documents at all border crossings by the FIND system and prior to that through the system MIND. Also the INTERPOL's pilot project "i-checkit" in our country is underway.</p> <p>NCB Podgorica is involved in the PILOT program NCMEC (National Centre for Missing &amp; Exploited Children) which was initiated by IP Washington, on the proposal of private non-profit organization founded in 1984 whose work is based on the collection and exchange of clues and information related to missing or abused children.</p>

**Co-operation with civil society (Article 35)**

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

-Readiness of the Institutions of the Government of Montenegro to effectively confront human trafficking has also proven by signing the Agreement on cooperation between the public institutions (Supreme State Prosecution, Ministry of Education and Sports, Ministry of Labour and Social Welfare, Ministry of Health, Police Directorate) and the three non-governmental organizations, 2007. In the meantime, due to intensified process of harmonization of existing mechanisms for combating trafficking with international standards within the framework of the integration process it comes to certain organizational and regulatory changes, thus taking into account civil sector's full contribution to creating policies for regulating this issue, and due to highly important need that the trafficking cases as soon as possible get a court epilogue, initiative for the revision of the Agreement was raised. The Office has established a team of experts who in 5 working meetings agreed on the text of a new Agreement on cooperation between governmental and non-governmental institutions and organizations as well as the judiciary and the prosecution representatives. The revised Agreement on cooperation was officially signed 18.10.2013. On that occasion, the Agreement was signed by eight new partners: the Supreme Court of Montenegro, Red Cross, PI Centres for Child and Family Support, and 4 non-governmental organizations which are intensively dealing with this issue in Montenegro. The Coordination Body is in charge of monitoring the implementation of the Agreement managed by the National Coordinator for Combating Trafficking in Human Beings, and composed of the contact persons for all the signatories of the Agreement, also including 6 representatives of NGOs signatories to this Agreement.

-Representative of NGOs is a full member of the Government Working Group for monitoring the implementation of the Strategy for the fight against human trafficking and the accompanying Action plans. According to Article 9 paragraph 1 of the Regulation on the procedure for cooperation between state authorities and non-governmental organizations ("Official Gazette", No. 07/12), the Secretariat General of the Government of Montenegro-Office for fight against trafficking in human beings has sent three public calls to NGOs for proposing (male/female) candidates to the (male/female) members of the Working Group for monitoring the implementation of the National Strategy for Combating Trafficking in Human Beings (25/10/2013, 19/11/2013, 15/01/2014). Application for a Public call submitted by the NGO Montenegrin Women's Lobby, which director became a full member of the Working Group for monitoring the implementation of the Strategy for Combating Trafficking in Human Beings by the decision of the Government on the selection of (male/female) candidates for members to the working group for the purpose of monitoring the implementation of the National Strategy for Combating Human Trafficking of February 3, 2013.

-Further, during the drafting of strategic documents, the Office for Combating Human Trafficking organizes consultations with relevant non-governmental organizations dealing with issues of combating human trafficking and protecting victims of this crime. In this regard, the Office for Combating Trafficking in human beings in drafting of the strategic documents on the fight against trafficking in human beings, invite NGOs through the public calls for consultations

	<p>in connection with the preparation of the Proposal of the aforementioned documents.</p> <ul style="list-style-type: none"> <li>- Office for Combating Trafficking in Human Beings and the Union of Employers of Montenegro signed the Protocol on cooperation, which provides for joint activities on the timely information about the phenomenon of human trafficking of both employers and employees, or persons with whom to conclude the employment contract. Also, the Protocol defines joint activities to raise awareness of the general public about the phenomenon of trafficking in persons with special emphasis on the prevention of cases of labour exploitation. The economic independence of people that came out of the trafficking chain is a key factor of their full reintegration into common social life. In this regard, by this Protocol would be offered an opportunity for attendance to the training sessions aimed at performing appropriate tasks and provided priority for the employment in accordance with the needs of employers.</li> <li>- Directorate for Inspection Affairs, which integral part is the Labour Inspection, establishes good cooperation with civil society and trade unions, which through the Call centre or directly to the Directorate, submitted a number of initiatives indicating to the employers who have irregular employees or inhuman conditions of work, or the work is performed without the use of prescribed safety measures, which may, following the inspection supervision on these initiatives, indirectly lead to the identification of potential victims of trafficking for labour exploitation. Up to now, such cases have not been recorded, nor the initiatives containing elements which specifically indicate to the potential doubt on existence of human trafficking.</li> <li>- Regulation on the manner and the procedure of establishing cooperation between state authorities and non-governmental organizations ("Official Gazette", No. 7/12) prescribes the procedure and manner of consulting NGOs when developing strategies and analysis of the situation in a particular area, and the drafting of the bills and other regulations and the adoption of by-laws governing the exercise of the rights and freedoms of citizens. It also regulates the following issues: publication of a public invitation to NGOs to participate in the consultation process in connection with the implementation of activities determined by the annual work program of the Authority; notification sent to the public authorities by the non-governmental organizations on their interest for participation in the consultation process; selection of the form of consultation and drafting reports on completed consultation. In this way, the possibility is given to non-governmental organizations to exercise their right to consultation through arranged procedure, under the conditions laid down in the Law.</li> </ul>
<p><b>Relationship with other international instruments</b> (Article 40)</p> <p>60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of</p>	<ul style="list-style-type: none"> <li>- The Ministry of Justice is responsible for the normative framework and monitoring regulations and international standards in the field of criminal legislation by which human trafficking prescribed as a criminal offense.</li> </ul> <p>In accordance with the concluded bilateral or multilateral Agreements, Parties will mutually cooperate in order to prevent and combat human trafficking.</p>

<p>the Convention.          "The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it."</p>	<p>- Agreements, Memorandums and Protocols of relevance for cross-border cooperation in action against human trafficking are specified in the answer to the question 56.</p>
<p>61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.</p>	<p>-In the reporting period there were no cases in which victims have been granted refugee status.</p>
<p><b>D. Final questions</b></p> <p>62. Which bodies and organisations contributed to responding to this questionnaire?</p>	<p>- The Government's Office for Combating Trafficking in Human Beings, Ministry of Interior / Police Directorate, Ministry of Justice, Supreme State Prosecutor, the Supreme Court, the Ministry of Labour and Social Welfare, Ministry of Health, Ministry of Education, Ministry of Human and Minority Rights, the Office for Refugees and Displaced Persons, Directorate for Inspection Affairs, the Ombudsman, the Red Cross of Montenegro, NGO Montenegrin Women's Lobby. The questionnaire was sent to all NGO signatories to the Agreement on Cooperation; Only the NGO Montenegrin Women's Lobby submitted its response.</p>
<p>63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?</p>	<p>- Appointed contact person for cooperation with GRETA Secretariat ahead of the Government's Office for Combating Trafficking in Persons - Daliborka Mugoša, Independent Advisor in the Office for Combating Human Trafficking, General Secretariat of the Government of Montenegro</p>

**A. Statistics on THB (per year, starting with 2010)**

**1) Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

	<b>total number</b>	<b>female</b>	<b>male</b>	<b>age</b>	<b>nationality</b>	<b>type of exploitation</b>	<b>identified by</b>
<b>2010</b>	1	1		21 y	IDP from Kosovo	Sexual exploitation	MNE Police
<b>2011</b>	1	1		15 y	IDP from Kosovo with residence in MNE	Unlawful/ arranged marriage	Centre for victims protection R. Serbia
<b>2012</b>	9	9		3 minors, 6 adults	6 from MNE, 2 from Macedonia, 1 from B&H	8-sex.exploitation (out of which 1 sex. expl. and forced begging), 1 forced begging	2 identified by Centre for victims protection R. Serbia, 7 by MNE Police
<b>2013</b>	1	1		15 y	IDP from Kosovo with residence in MNE	begging	Centre for victims protection R. Serbia
<b>2014</b>	2	2		14 y and 48 y	Kosovo , B&H	Unlawful marriage	MNE Police
<b>2015</b>	3	3		Minors (13-14 y)	MNE, from Roma families displaced from Kosovo	Unlawful marriage	Social workers from respective Social Care Centres

**Note: Victims of human trafficking for the purpose of begging were identified in R. Serbia and repatriated in MNE, where they received all necessary assistance and protection.**

**2) Number of presumed victims for whom the competent authorities had “reasonable grounds” to believe to be victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

	total number	female	male	age	nationality	type of exploitation	identified by
<b>2010</b>	1	1		21 y	IDP from Kosovo	Sexual exploitation	MNE Police
<b>2011</b>	1	1		15 y	IDP from Kosovo with residence in MNE	Unlawful/arranged marriage	Centre for victims protection R. Serbia
<b>2012</b>	9	9		3 minors, 6 adults	6 from MNE, 2 from Macedonia, 1 from B&H	8-sex.exploitation (out of which 1 sex. expl. and forced begging), 1 forced begging	2 identified by Centre for victims protection R. Serbia, 7 by MNE Police
<b>2013</b>	1	1		15 y	IDP from Kosovo with residence in MNE	begging	Centre for victims protection R. Serbia
<b>2014</b>	2	2		14 y and 48 y	Kosovo , B&H	Unlawful marriage	MNE Police
<b>2015</b>	3	3		Minors (13-14 y)	MNE, from Roma families, displaced from Kosovo	Unlawful marriage	Social workers from respective Social Care Centres

3) Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation)- **Period of recovery / reflection was enabled to all mentioned victims in section 1.**

4) Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking)- **Assistance was provided to all victims mentioned in the table under section 1.**

5) Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation). **In reporting period identified victims who were not MNE nationals had regulated residence status prior to identification.**

6) Number of victims given refugee status and subsidiary/complementary protection- **In the reporting period, there were no victims who have received refugee status, but there were victims of human trafficking internally displaced persons from Kosovo.**

7) Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.- **In the reporting period a continuous financial support was enabled for three minor victims of trafficking by providing financial benefits to families in which juvenile victims are placed.**

8) Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

	total number	female	male	age	nationality	type of exploitation	Identified by
<b>2011</b>	1	1		15 y	IDPs from Kosovo	Unlawful/arranged marriage	Centre for victims protection R. Serbia
<b>2012</b>	2	2		2 -minors	2 from MNE	1-sex.exp. and begging, 1 begging	Centre for victims protection R. Serbia
<b>2013</b>	1	1		15 y	IDPs from Kosovo with residence in MNE	begging	Centre for victims protection R. Serbia

9) Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

	Total number	female	male	age	nationality	type of exploitation
2010	1	1		21 y	IDPs from Kosovo	Sex. expl.
2014	2	2		14 y, 48y	Kosovo, B&H	1-sex.expl.and labour expl.in household

10) Number of investigations into THB cases.

POLICE DIRECTORATE	No of investigations
2010	1
2011	1
2012	2
2013	3
2014	4
2015	1

Police Directorate	No of criminal charges	No of persons
2010	2	16
2011	0	0
2012	1	1
2013	0	0
2014	2	2

11) Number of prosecutions of THB cases.		
Prosecutor's Office	No of indictments	No of persons
2010	2	16
2011	0	0
2012	0	0
2013	1	1
2014	1	1

12) Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

JUDICIARY	2010	2011	2012	2013	2014
No of final verdicts	5 Convicting verdicts	4 verdicts-out of which 2 convicting	1 verdict (convicting)	2 verdict-out of which 1 convicting	1 verdict (convicting)
No of persons convicted	15	6	1	6	1

Imposed prison penalties - from 2 years up to 6 years and 10 months of prison time .

13) Number of judgments resulting in the confiscation of assets. - *In the reporting period there were no judgements on this basis.*

14) Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.- *In the reporting period there were no judgements on this basis.*

15) Number of convictions for the use of services of a victim of THB.- *In the reporting period there were no judgements on these bases.*