

Montenegro

MODERATE ADVANCEMENT

In 2013, Montenegro made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government amended the Criminal Code to prohibit the use, procurement, or offering of children ages 14 to 18 for the production of pornography, and to also provide protection against forced marriage and the arrangement of sexual encounters with children. The Government also proposed a draft amendment to the Labor Law that would increase penalties for labor violations, including increased fines for labor violations involving children. However, children, especially Roma children, continue to engage in the worst forms of child labor in forced begging. The Government lacks a list of hazardous occupations prohibited for children, and there are no programs that systematically address the problem of children involved in forced begging and other work on the streets.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Montenegro are engaged in the worst forms of child labor in forced begging.(1-3) Table 1 provides key indicators on children's work and education in Montenegro.

Table 1. Statistics on Children's Work and Education

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

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(4)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2005.(5)

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

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

Sector/Industry	Activity
Agriculture	Farming, activities unknown* (2)
Services	Collecting scrap metal,* selling small goods and food items,* washing car windows,* and begging* (2, 3)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation,* begging, and domestic service* as a result of human trafficking (6, 7)

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







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

Children are found selling small goods and food items during the summer season.(2, 3, 8) A source indicates organized begging involving children is a problem.(2) A large number of children who beg are Roma.(2, 3, 8) Montenegro continues to be a source, destination, and transit country for children trafficked for forced labor and commercial sexual exploitation. Children are trafficked internally and externally from and to other Balkan countries.(6) A large number of Roma and other minorities lack birth documentation, which may make accessing social services and child support difficult.(3, 9-11) The rate of unregistered children appears to be related to the costs of registration, unclear procedures, and insufficient awareness of the process.(11, 12)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

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

Table 3. Ratification of International Conventions on Child Labor

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

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

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 16 of the Labor Law of 2008 (13)
Minimum Age for Hazardous Work	Yes	18	Article 17 of the Labor Law of 2008 (13, 14)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Article 63 of the Constitution of Republic of Montenegro (15)
Prohibition of Child Trafficking	Yes		Article 444 of the Criminal Code of Republic of Montenegro (16)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 209–211 of the Criminal Code of Republic of Montenegro (16)
Prohibition of Using Children in Illicit Activities	Yes		Criminal Code of Republic of Montenegro (16)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Articles 8 and 9 of the Law of Defense; Law on the Armed Forces of Montenegro (7, 11, 17, 18)
Compulsory Education Age	Yes	15	Article 75 of the Constitution of Republic of Montenegro (14, 15)
Free Public Education	Yes		Article 75 of the Constitution of Republic of Montenegro (15, 19)

* No conscription or no standing military.

During the reporting period, the Government made efforts to strengthen legal protections for children. New draft amendments to the Labor Law were proposed, which would increase penalties for labor violations, including increased fines for labor violations involving children.(2) In addition, under the draft law, labor inspectors would have the authority to fine employers from approximately \$1,388 to \$27,350 when a minor of age younger than 18 is involved in a labor violation.(2, 11) The Government also amended the Criminal Code to prohibit the use, procurement, and offering of a child for the production of pornography or pornographic performances to enhance protection for all age groups of children under 18.(2) It also amended the Criminal Code to provide protection against forced marriage and “making arrangements to meet children for a sexual relationship,” and adopted the Law on the Prevention of Illegal Businesses that aims to improve transparency and reduce labor violations, including child labor violations.(2, 11) The new Law on Social and Child Protection was adopted in May 2013 and includes a provision mandating special protection of victims of trafficking in persons. The Government drafted a new Foreigners Act that enables issuing of work/residence permits for foreign workers, which will serve as an identification card as well as “granting permanent residence status to children depending on the status of one or both of its parents.”(7)

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Despite these efforts, gaps in the legal framework still exist. While the Labor Law prohibits children under 18 from performing overtime and night work, there is an exception that allows employees between age 15 and 18 to work at night if the nature of the work requires a continuation of work that was interrupted by natural disasters or to prevent damage to raw and other materials.(20) The Government does not have a detailed, separate hazardous work list that prohibits children from working in dangerous activities, although these are generally mentioned in the law.(2, 11)

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

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

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
The Inspectorate General	Enforce labor law, which also contains child labor regulations, and monitor working conditions in workplaces throughout the country.(1, 2, 21) Lead efforts, as an independent agency, in enforcing labor and other areas of inspection-related laws, including the protection of working children.(2, 11)
Supreme State Prosecutor	Investigate and enforce criminal laws on forced labor and trafficking for commercial sexual exploitation.(2, 7) Collect data on court rulings and crime convictions and submit them to the Office of the National Anti-Trafficking Coordinator (TIP Office).(7)
Montenegrin Courts for Trafficking	Process anti-trafficking crimes and make assistance available to the victims of trafficking. Publish all legal verdicts on an aggregated website.(7)
Ministry of Internal Affairs	Enforce criminal laws on forced labor, including forced begging. Implement processes and issue permits related to work and residence status for persons without permanent residency.(7)
Police Directorate	Enforce laws against sex trafficking and forced labor. Coordinate law enforcement actions on a national level.(7) Be responsible for proactive identification of the victims of trafficking. Collect data on the number of police investigations and submit it to the TIP Office.(7)
Ministry of Health	Assure physical competency needed for meeting a requirement for employment by issuing a medical certificate.(11) Provide protection to possible TIP victims, including children.(11)
Ministry of Justice	Enforce Criminal Codes together with Courts against crimes, including human trafficking, child begging, and child abuse.(11)
Ministry of Education	Provide training to children in certain professions in which children intend to work at an early age.(11)
The Ministry of Labor and Social Welfare	Protect children and families by providing social, child, and family protection in its social welfare centers. Identify potential victim of trafficking.(7) Protect overall children's rights. Forward cases to the police or the Ministry of Social Welfare if child labor violations are discovered.(2)
Ombudsman's Deputy for the Rights of the Child	Organize and maintain meetings with children through visits to schools, institutions, focus groups, or e-mails and social blogs for children of various ages, among other things.(2)

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

Labor Law Enforcement

In 2013, the Labor Inspectorate, which is a part of the Inspectorate General, employed 34 inspectors. According to officials of the Inspectorate, the number of inspectors is inadequate to conduct inspections across the entire country, and funding is insufficient to cover the scope of general inspection duties.(2) In 2013, labor inspectors received training on how to identify human trafficking for exploitation.(7)

The Labor Inspectorate carried out 12,000 inspections, including inspections in the informal sector.(2, 11) Although 8,000 violations were found, none involved child labor. There is no comprehensive database in which child labor violations can be entered; however, the Government does maintain a database on children involved in begging.(2)

Criminal Law Enforcement

The Ombudsman's Special Report on Child Begging, including its origins and causes in Montenegro, criticizes the Police and Social Centers, for insufficiently and inconsistently tracking information on children caught begging, and systemic lack of specialized services for the reintegration of children into the society.(2) In 2013, Police continued Operation Beggar and filed 40 misdemeanor charges against adults.(11) The law prescribes fines ranging from \$650 to \$1,970, or 60 days in prison for organizing, inciting, or forcing others to beg.(22) There were 158 children found

begging, 129 of whom were from Montenegro, 9 from Serbia, 8 refugees, and 12 without citizenship. Of these, 46 children were referred to social institutions.(11) Generally, the police inform parents of children who are caught begging. Otherwise, children are referred to a temporary stay in a shelter and afterwards, to local social welfare centers.(22) The Ombudsman’s research has established that a portion of these children often return to begging.(11)

In addition, the Office of the National Anti-Trafficking Coordinator participated in and organized trainings on combating trafficking, trafficking victim identification, and referrals. Participants included social and health workers, law enforcement officials, cadets, military, and representatives from local offices.(7)

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

Although the Government of Montenegro has established the National Office for Combating Human Trafficking and the Council on Children’s Right, research found no evidence of coordinating mechanisms to combat child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Office of the National Anti-Trafficking Coordinator (TIP Office)	Coordinate efforts against trafficking in persons among relevant government institutions and international organizations and assure their cooperation. Present results of the trafficking efforts through participation in domestic and international events.(7) Harmonize domestic legislations with international standards. Oversee projects and initiatives for implementation of the main objectives from the National Strategy and Action Plans. Collect and maintain data on police investigations, court rulings, and verdicts that relate to human trafficking and victims of trafficking.(7) Fund SOS hotline for potential and existing TIP victims as well as the shelters for victims of human trafficking. Led by the TIP Office, which is also the National Coordinator for the Trafficking in Persons Task Force.(7)
Trafficking in Persons Task Force	Operate under the TIP Office, monitor and promote activities related to human trafficking; assess and approve semi-annual reports on the progress of objectives set up in the TIP action plans.(7) Include the representatives of the ministries, government agencies, international organizations, and two NGOs, including the TIP Office, Ministries of Interior, Justice, Foreign Affairs and European Integration, Minority and Human Rights, Health, Labor and Social Welfare, and Culture; Police Directorate; Supreme Court; Supreme State Prosecutors; and Inspectorate Authority.(7)

The Government of Montenegro also has the Council on Children’s Right, which aims to promote children’s rights in the areas of social services, child protection, health services, and education.(21) The Council did not meet during the reporting period.(2)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

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

Table 7. Policies Related to Child Labor

Policy	Description
National Plan of Action for Children, 2013–2017†	Complements the Law on Social and Child Protection, as a primary document on child protection. Promotes and protects children’s rights in the areas of social services, child protection, health services, and education.(1, 2) Harmonizes with other domestic laws related to children and the UN CRC.(2)
Strategy for the Improvement of the Position of Roma and other Minorities, 2012–2016*	Addresses issues such as the legal framework, education, employment, child protection, housing, and participation in public life for Roma and other minorities. Implemented by the Ministry for Minority and Human Rights. Funded with approximately \$266,000 in 2013(1, 2, 11) Not enough funding, according to the Strategy Coordinator.(11)
Action Plans for the Country Program 2012–16*	Addresses disparities in access to quality social services for children and families to conform to UN standards; harmonizes the country’s legal framework with EU and UN standards; implements and monitors policies relevant to child-focused governance and social inclusion; applies the principles and standards of the Convention on the Rights of the Child by using national and local authorities; and facilitates independent monitoring.(9, 23)
National Strategy for Combating Human Trafficking and Corresponding Action Plan, 2012–18	Focuses on prevention and education; the identification, assistance, protection, and reintegration of trafficking victims; efficient prosecution; international cooperation; and coordination and partnership.(1, 2)

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Table 7. Policies Related to Child Labor (cont)

Policy	Description
Strategy for the Development of Social and Child Protection, 2013–17*	Builds an integrated social and child protection system, including monthly social assistance, health care, and child allowance that is conditioned on school attendance. Continues the Strategy for the Development of Social and Child Protection 2008–2012.(11, 20)

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

† Policy was launched during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Montenegro participated and funded programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Social Welfare and Child Care System Reform: Enhancing Social Inclusion*†	4-year project sponsored by the Ministry of Education and Ministry of Labor and Social Welfare, and implemented jointly by Government, UNDP, and UNICEF to strengthen protection for children under the Strategy for the Development of Social and Child Protection 2013–17.(11, 20) Comprised of three phases: Inclusive Education, which was completed, Reform of Social Protection, and Child Care System Reform.(11) Expected to continue until the second part of 2015.(11) Has a budget of approximately \$4.5 million.(11)
One of Five*†	The Council of Europe campaign to reduce and stop sexual violence against children.(24) Led to the development of the Action Plan against the Sexual Abuse of Children.(11)
Shelter for Human Trafficking Victims‡	Program funded by the Office of the National Anti-Trafficking Coordinator to cover operational costs of the shelter, including the salaries of shelter employees; the hotline for victims of trafficking; and some basic food, clothing, and medical assistance for victims. In 2013, financed with \$41,000.(11)
Social Welfare Centers Funding*†	Government-supported social welfare centers that provide social, child, and family protection.(11, 25)
Group Children Center†	UNICEF- and the EU-supported program launched with pilot to develop a framework for the foster care system.(2)

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

† Program was launched during the reporting period.

‡ Program is funded by the Government of Montenegro.

The Government of Montenegro continues to fund programs for the general protection of children; however, research found no evidence of programs to specifically and systematically address forced begging and other types of informal work on the streets. The Government has started programs that aim to reduce the problem of unregistered Roma children so that they can benefit from existing social programs.(11)

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

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

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

Area	Suggested Action	Year(s) Suggested
Laws	Prevent employees between 15 and 18 years of age from being assigned to work at night.	2012 – 2013
	Enact a list of hazardous occupations and activities prohibited to children under age 18.	2013
Enforcement	Increase the number of inspectors to effectively conduct inspections that include investigating child labor violations throughout the country, including in the informal sector.	2013
	Collect and publish the number of child labor violations found and intensify efforts in collecting data on child beggars to ensure that adequate social protection services are provided.	2013
	Ensure that children removed from the streets are not placed in the position to re-enter into begging.	2012 – 2013

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

Area	Suggested Action	Year(s) Suggested
Coordination	Organize more frequent meetings of the Council on Children's Rights to address and discuss the provision of social services, including education, health, and social protection to children.	2012 – 2013
	Establish coordinating mechanisms to specifically combat all worst forms of child labor and share results of the efforts against child labor and its worst forms with all relevant agencies.	2013
Government Policies	Conduct research to determine the activities carried out by children working in agriculture to inform policies and programs.	2013
	Assess the impact that existing policies may have on addressing child labor.	2013
	Fully fund and implement the National Strategy for the Improvement of the Position of Roma and other minorities in Montenegro.	2010 – 2013
	Adopt a policy that will explicitly address forced begging and other informal work on the streets.	2013
Social Programs	Assess the impact that existing programs may have on addressing child labor.	2013
	Institute programs to address the worst forms of child labor in begging and informal work on the streets.	2013
	Address the cost of social programs and strengthen efforts, in cooperation with NGOs, to provide access to information about how to register and apply for social protection programs.	2012 – 2013

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