

Montenegro - United States Department of State

MONTENEGRO: Tier 2

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Montenegro was upgraded to Tier 2. These efforts included increasing prosecution and victim protection efforts. The government investigated and prosecuted more suspects and convicted two traffickers under its trafficking law, the first convictions in five years, and imposed significant prison terms. The government significantly increased the number of identified victims, mainly due to a notable case with 12 trafficking victims and 87 potential victims from Taiwan. The government eliminated the requirement for victims to cooperate with law enforcement in order to receive services, created a multi-disciplinary group to officially identify trafficking victims, and increased funding for victim protection. However, the government did not meet the minimum standards in several key areas. The government did not officially include civil society organizations in victim identification procedures and did not consistently share and provide information on anti-trafficking issues to all stakeholders. Additionally, observers reported concern with the quality of assistance at the new trafficking shelter.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 444 of the criminal code. • Provide advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Update standard operating procedures to formalize cooperation with NGOs on victim identification. • Ensure the new shelter provides high quality assistance and support. • Increase proactive screening of potential victims, especially for individuals in commercial sex, migrants, seasonal workers, and children engaged in begging. • Increase access to justice and victim-witness protection for victims. • Incentivize and encourage victim participation in investigations and prosecutions in a victim-centered manner. • Integrate Romani groups into decision-making processes regarding victim protection. • Create and finance an accessible compensation fund, and inform victims of their right to compensation during legal proceedings.

PROSECUTION

The government increased law enforcement efforts. Article 444 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties ranging from one to ten years' imprisonment, which were sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated seven cases (four in 2018). The government prosecuted two defendants for forced labor (none in 2018). Courts convicted two

traffickers under Article 444, the first convictions in five years. Judges sentenced one trafficker to 17 years imprisonment and the other to 14 years imprisonment. In one notable case, law enforcement arrested eight suspects and identified 12 trafficking victims and 87 potential victims from Taiwan.

The government maintained a multi-disciplinary task force to proactively investigate trafficking. Additionally, a specialized trafficking unit within the Police Directorate conducted investigations and continued annual operations targeting forced child begging and sex trafficking. Law enforcement conducted raids on bars, nightclubs, commercial sex sites, escort agencies, and businesses suspected of illegal employment practices, but these raids did not result in any trafficking investigations in 2019 or 2018. In previous years, authorities investigated and prosecuted possible sex trafficking cases under other offenses, such as brokering in prostitution (Article 210). District prosecutors stopped some investigations when they secured enough evidence to prosecute under Article 210 and did not investigate for more subtle forms of coercion or seek additional evidence through specialized investigative techniques; however, the government changed case referral procedures by requiring the Supreme Prosecutor's Office to initially review all trafficking-related cases and then downgrading cases not deemed a trafficking offense. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government, at times in cooperation with an international organization, separately trained police, border police, prosecutors, judges, and judicial representatives. The government continued an ongoing investigation with Taiwan authorities, provided legal assistance to German authorities, and extradited a trafficker to Moldova.

PROTECTION

The government increased victim protection efforts. The government identified 39 official victims and 85 potential victims (no official victims and four potential victims in 2018). Of the official victims, all were victims of forced labor (four victims of forced begging in 2018); 12 female victims and 27 males (four female victims in 2018); and no children (four in 2018). Police did not identify any child victims of forced begging (22 in 2018) but, in 2018, police accommodated most of these children at local social welfare centers until releasing them to their parents or guardians. First responders carried out the preliminary identification of possible victims and then contacted police who formally recognized the individuals as potential trafficking victims. Police officers proactively screened foreign nationals and individuals in commercial sex for indicators of trafficking. In previous years, observers continued to report the low number of identified victims reflected inadequate victim identification procedures. The government updated standard operating procedures for identifying and referring victims to services, including eliminating the requirement for victims to cooperate with law enforcement in order to receive services, by creating "the Team for Identification of Trafficking Victims" (TITV), which assessed and officially recognized potential victims and coordinated victim care and placement. The TITV consisted of a doctor, a psychologist from the Center for Social and Child Protection, police, a social worker from the Center for Social Work, and a representative from the Office for the Fight against Trafficking in Persons (TIP Office); however, the TITV did not include representatives from civil society organizations despite their interest in participating in the victim identification process. The government provided the same services to potential victims and officially recognized victims. The government provided training on victim identification to police, labor inspectors, health workers, and social workers.

The Ministry of Interior (MOI) transferred funding responsibilities for victim protection to the Ministry of Labor and Social Welfare (MLSW), which subsequently defunded the only NGO-run shelter due to its inability to obtain necessary licenses to provide victim assistance. MLSW opened a call for proposals to establish a new specialized shelter (the shelter), selected an NGO with the necessary licenses, and allocated €40,000 (\$44,940), compared with €24,000 (\$26,970) for the defunded NGO-run shelter in 2018. While the government reported providing ad hoc support to two victims identified during the shelter transition, the selected NGO did not have experience in victim assistance, according to observers, who noted the potential for low quality of assistance at the new shelter. The shelter provided specialized services for trafficking victims, including vocational training and medical, psycho-social, legal, and reintegration assistance; the shelter accommodated two victims (three in 2018). The shelter had limited space and capacity but could accommodate adult male, adult female, and child victims in separate living quarters. Victims could leave the shelter after an assessment by police or by the social welfare centers in the case of children. MLSW operated local social and welfare centers and two regional institutions, which provided general services for victims of abuse, including trafficking victims. The law allowed foreign victims to acquire temporary residence permits from three months to one year with the ability to extend; no victims applied for temporary residence permits in 2018 or 2019.

In 2018, the government penalized one potential victim for unlawful acts traffickers compelled them to commit due to inadequate identification. The government, in cooperation with an international organization, provided training to police, prosecutors, and judges on implementing guidelines for non-penalization of trafficking victims. The law provided witness protection, free legal aid, and a psychologist to encourage victims to participate in prosecutions; however, observers continued to report the government assigned lawyers with little or no experience to victims. Prosecutors continued to implement victim-centered approaches for victims who participated in court proceedings. For example, prosecutors video recorded a child victim's testimony in the presence of a social worker, requested a female judge, and separated her from the trafficker to prevent re-traumatization. However, observers reported in previous years that police failed to protect a potential victim from intimidation and threats to change her testimony from her at-large perpetrator. The law on compensation of victims intended to provide financial assistance to victims of violent crimes; however, this law will not go into effect until Montenegro becomes a member of the EU. The law entitled victims to file criminal and civil suits against their traffickers for restitution; no victim has ever received restitution in civil or criminal proceedings, and observers reported some prosecutors did not know they could make claims during criminal proceedings.

PREVENTION

The government maintained prevention efforts. The government implemented the national anti-trafficking strategy for 2019-2024 and the national action plan for 2019. The government allocated €155,250 (\$174,440) to the TIP Office, compared with €166,170 (\$186,700) in 2018. The TIP Office led overall anti-trafficking efforts and the head of the TIP Office was the national coordinator and chaired the anti-trafficking coordinating body, which comprised government agencies, non-governmental and international organizations, and the international community. The TIP Office and the anti-trafficking coordinating body published biannual reports on anti-trafficking efforts; however, experts reported difficulties in sharing and obtaining information from relevant government actors. The MOI financed 12 NGO projects

to raise public awareness on trafficking and the government organized awareness campaigns at schools, trained journalists on reporting on trafficking, and held seminars for representatives from local government on anti-trafficking efforts. The government, in coordination with the Roma Council and NGOs, continued trafficking awareness campaigns targeting the Romani community. The government continued to support two hotlines for victims of abuse and domestic violence, including trafficking victims. The hotlines received 384 calls (565 calls in 2018); one call initiated an investigation, but observers reported police rarely acted on potential cases from the hotlines. The government did not make efforts to reduce the demand for commercial sex acts. The government did not have procedures in place to regulate labor recruitment agencies.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Montenegro, and traffickers exploit victims from Montenegro abroad. Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Traffickers exploit victims in the hospitality industry, including bars, restaurants, nightclubs, and cafes. Children, particularly Romani, Ashkali, and Balkan Egyptian children, are exploited in forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Albania, Germany, and Kosovo, and forced into domestic servitude. Migrants from neighboring countries are vulnerable to forced labor, particularly during the summer tourism season. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other Balkan countries.