

MONTENEGRO

Author

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I. Introduction

Montenegro, situated in the Balkan Peninsula, was one of the constituent entities of the former Republic of Yugoslavia and then became part of a Federation with Serbia. In 2006, it became an independent country. It borders Bosnia and Herzegovina to the north-west, Serbia to the north-east, Albania to the south-east, and Croatia to the south-west. It also neighbours Italy across the Adriatic Sea.

Taking into account that the social crisis of the last decade caused many changes and break-downs in the country and in the whole of the Balkans and Eastern Europe, Montenegro is particularly concerned about trafficking in human beings. Rough and dramatic changes occurred in the area such as a marked decline of living conditions, the isolation of the country and an increase in unemployment. As a result, severe damage was inflicted on the development and structures of the family.

Officially, according to the Office of the National Coordinator, Montenegro is a transit country. However, according to the data provided by NGOs dealing with this problem⁹³, it is also a country of both destination and origin. Unfortunately, there is no data on Montenegrin victims who end up in foreign countries. These estimates are based on calls made to the SOS line for victims of trafficking. These calls were made by people searching for their missing relatives or having suspicions that they had become victims of trafficking.

According to the statistics of the NGO *Montenegrin Women's Lobby* (MWL)⁹⁴, most women victims of trafficking come from the Ukraine, Romania, Albania, Lithuania and Serbia. However, it is not only women that are victims of trafficking in Montenegro; four men from Bangladesh and four men from the Ukraine were also identified as victims, trafficked for forced labour during 2004 and 2005.

Moreover, it is important to note that a large percentage of victims of trafficking are children⁹⁵, who are the most vulnerable group to trafficking.

⁹³ The NGOs *Montenegrin Women's Lobby* and *Women's Safe House*.

⁹⁴ *Montenegrin Women's Lobby* runs a shelter for victims of trafficking.

⁹⁵ Persons under 18 are considered to be children.

II. National Legal Framework

A. National law

There is no precise definition for victims of trafficking in human beings in Montenegrin Law. An international instrument, usually used by prosecutors in order to deal with trafficking cases, is the *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, adopted in 1985. The Declaration defines as victims persons who suffer from physical or mental pain or are subject to emotional suffering or economic loss, or are constantly deprived of their rights.

The *Criminal Code of Montenegro* (Art. 444) that defines trafficking in human beings as a crime, stipulates the following:

A person who recruits, transports, transfers, harbours or receives another person, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation, prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, or for use in military clashes, is sentenced to imprisonment from one to ten years.

- In cases of minor victims, the same penalties as above are imposed, even if the crime is committed without the use of force, threat or any other means.
- In cases of minor victims, the perpetrators are sentenced to at least three years of imprisonment.
- If serious physical injury is caused to the victim, the perpetrator is sentenced to one to twelve years of imprisonment.
- In case of the victim's death, the offenders are punished with ten years of imprisonment.
- If the crime is committed by organised groups, perpetrators are sentenced to at least five years of imprisonment.

Trafficking in children for adoption (article 445)

- A person who bereaves a child, younger than 14 years old, of it's adoption, or who adopts such a person, negotiates its adoption, buys, sells, or delivers a person younger than 14, or gives him/her transport, accommodation, or hides him/her, is sentenced to imprisonment of one to five years.

- When the above crime is committed by a group of persons in an organised manner, offenders are sentenced to at least three years of imprisonment.

Slavery and situations similar to slavery (article 446)

- A person who puts or keeps another person in slavery or in a similar condition, and buys, sells, gives to another person, or negotiates for it or supports another person to sell its own freedom, is sentenced to imprisonment of one to ten years.
- A person transporting other persons, from one country to another, for the purpose of slavery or a similar condition, is sentenced to imprisonment of six months to five years.
- If the above crime is committed over a minor, offenders are sentenced to imprisonment of five to fifteen years.

B. Bilateral agreements

Since Montenegro became independent only recently, the process of ratification of international conventions has just started. For the same reason, no bilateral agreements or International Conventions have been ratified so far by Montenegro as an independent State.

National Action Plan

In 2005, the *National Strategy* of the Government of Montenegro for combating human trafficking was adopted. It consists of three parts: prosecution, protection of victims and prevention of trafficking.

III. General Framework

A. Capacity building

The following agencies are implementing capacity building activities in Montenegro:

Non-Governmental Organizations:

- *Montenegrin Women's Lobby* (MWL);
- *Women's Safe House*.

Governmental Organizations:

- National Coordinator for combating trafficking in human beings;
- Special Police Team for combating trafficking in human beings.

International Organizations:

- Organization for Security and Cooperation in Europe (OSCE);
- International Organization for Migration (IOM).

These two international organizations have played an extremely important role in combating trafficking in human beings in Montenegro, both as donors and as co-organisers of many significant projects of NGOs, such as *training sessions* for pupils, social workers, medical workers and police personnel. The mandate of IOM also includes repatriation of victims to their countries of origin.

Many NGOs in Montenegro, such as Montenegrin Women's Lobby, SOS telephone for domestic violence, *Save the children UK*, *New Horizons* and *Stella*, have organised training activities in the field of prevention of sex trafficking aimed at different target groups (pupils, students, police officers, teachers, local community, hospital managers) throughout Montenegro. These training sessions were organised in the form of four, three, two or one-day seminars, where participants were introduced to the problem of trafficking.

B. Analysis, research and monitoring mechanisms

The *Project Board*, a body composed of agencies at International, State and NGO level, dealing with human trafficking in Montenegro, was established in 2004. The Board convenes every three months and its main activities include the *assessment* of the situation and the *exchange of information*, while it also decides on future activities.

The moderator of the Project Board is the National Coordinator for the fight against trafficking in human beings.

C. Cooperation and networking at the regional and national levels

At the *national level*, a *Memorandum of Cooperation and Understanding* was signed in 2005 between the Ministry of Health, the Police, the Centres for Social Care and Labour and the Montenegrin Women's Lobby. This instrument aims at promoting a better perception of the phenomenon of trafficking through the collaboration of the aforementioned institutions and at enhancing close cooperation among them and consequently providing better protection to victims.

The function of the *National Coordinator* has been established in 2002. Since then, Montenegro has appointed three National Coordinators. The main duty of the National Coordinator is to synchronise the efforts of all the institutions in Montenegro, both governmental institutions and non-governmental ones, in combating trafficking in human beings.

Furthermore, the above-mentioned *Project Board*, composed by the Montenegrin Women's Lobby, the Women's Safe House, the Special Police Team, the Office for Gender Equality, the OSCE, the IOM, the Council of Europe, UNICEF, USAID and Save the Children, is a body established to enhance cooperation among the various anti-trafficking agents operating in Montenegro.

At the *inter-state* level, Balkan countries have established the *Petra Network* in order to exchange experiences and strengthen their cooperation in combating trafficking. Its activities include coordination in the operation of the SOS helpline services and Shelters for victims of trafficking.

At the *NGO* level, the *ARIADNE Network* is a further step in the effort towards the strengthening of regional cooperation against the phenomenon of trafficking. The Network was established in June 2005 and has a significant role in combating trafficking at a regional level. The coordinator of this network is the *Human Rights Defence Centre (KEPAD)*, which seats in Athens, Greece. The members of this network are Southeast and Eastern European countries which are mostly affected by trafficking in human beings.

Another important tool for *regional cooperation* is the *UNODC Network*, coordinated by the UNODC Office in Vienna. In this Network, Balkan and Eastern European countries are represented by one NGO per country (Montenegro is represented by *MWL*). The UNODC Network organised an information campaign which included the production and distribution of posters, postcards and videos. Both the network and its campaign were successful and generated a lot of media interest.

D. Mobilization of resources

In Montenegro, no funds are allocated from the State budget for anti-trafficking activities, with the exception of the operation of Shelters and the functioning of the Special Police Team.

Financial resources are provided to NGOs only by foreign organizations, such as OSCE, Global Fund for Women and Care International.

IV. Implementation of Anti-Trafficking Laws

A. Prevention and awareness

Awareness raising campaigns have been organised in Montenegro since 2001, aiming at providing the public with information concerning trafficking in human beings. In 2001-2002, IOM organised the *She can be your daughter, sister or wife* campaign and in 2003-2004, the *Help Her* campaign. In 2004, UNODC organised the campaign *Call for Help*. In 2005, two more campaigns were realised: *Trafficking in human beings-mine, your, our, social and global problem*, and *Let's stop the silence*, by CARE International and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) respectively.

These campaigns have raised the level of awareness regarding trafficking in Montenegro, mostly through the distribution of information material (posters, cards, videos, candies, coasters), or the organization of public sessions and round tables.

Moreover, *training courses on prevention* of human trafficking have taken place in elementary and high schools throughout Montenegro. These training courses were taught by *Save the Children*, the *Montenegrin Women's Lobby*, with the participation of all State institutions involved in combating trafficking in human beings, including the Police and the National Coordinator.

B. Protection and assistance

a. *Shelters for victims of trafficking*

A shelter for victims of trafficking has been established, in order to provide safe accommodation to victims until their safe repatriation or their return to a third country. The Shelter was established under the initiative of the Government of Montenegro and functions under the administration of the Montenegrin Women's Lobby. It mainly hosts *women* and *children* victims of trafficking, but in some cases it has also accommodated *men*. In such instances, women and children were hosted separately from men.

The shelter provides *contemporary accommodation*, from two weeks to several months, in order to help the victims over-

come their traumatic experiences. It also provides food, *medical care, psychological support, and legal advice*. The *MWL's* activists accompany victims to the police, along with medical experts, lawyers or psychologists, and they support them during trial. In the shelter, a *database* is kept, containing information on the victims' profiles, the duration of their stay in the shelter, their experiences and their needs.

In 2004, ten victims were accommodated in the shelter; in 2005, 28; and in 2006 three.⁹⁶ In order to achieve its goal, and considering the fact that trafficking networks are powerful and well organised, the Shelter functions under the close cooperation of *MWL*, the Government of Montenegro, the National Coordinator, the Ministries of Internal Affairs, Justice, Health, Labour and Social Protection, Education, as well as the IOM and OSCE.

The main *objectives* of the shelter are summarised below:

- To provide a safe place to victims of trafficking during their stay in Montenegro, and also, after their return to their country of origin.
- To provide assistance to victims in terms of medical, legal and psychological support.
- To maintain a database of trafficking victims. The information is forwarded to the police.
- To assist IOM in issuing travel documents for the repatriated victims.
- To develop close cooperation with the National Coordinator, Governmental institutions, NGOs, and international organizations in order to create a common network for countering human trafficking.
- To enhance cooperation among the region's shelters through exchange of information and expertise, or by organizing common awareness raising campaigns.
- To develop mechanisms for the collection and exchange of information between governmental institutions, NGOs and international organizations.

⁹⁶ In 2004, ten victims were accommodated, of which four women, four men, one minor and one baby; in 2005 from 28 victims accommodated, 13 were women, four men and 11 minors.

The target groups of the shelter's activities are the following:

- Victims of trafficking, women and children involved in the sex industry, begging, and other forms of forced labour.
- The society at large.

Comment

Psychological assistance is also necessary for the activists working in the shelter. To meet this end, *MWL* is also working on providing psychological support to its personnel.

b. SOS-line for victims of trafficking in human beings (2001-2006)

One of the most important and necessary components of the Programme for the protection of victims of trafficking is the anti-trafficking SOS line, which plays a significant role in the field of education and awareness raising.

The SOS-line is run by the NGO *MWL*. The activities of the SOS line include the following:

- The SOS line is open 24 hours a day, in order to ensure permanent availability to potential victims and citizens who forward relevant information.
- Advice, information and possible alternatives are given to victims and potential victims of trafficking.
- Information on the phenomenon of trafficking is provided to citizens.
- Constant communication is promoted among the relevant institutions: the Special Police Team, NGOs and international organizations, in order to offer more help and support to the victims, and to be more efficient in combating trafficking.
- Activities are coordinated and experiences exchanged with other NGOs, in order to collect information on victims, traffickers, and routes/places where trafficking is taking place or suspicious locations where trafficking networks are spreading.
- The information collected by the SOS line, is being gathered in a database.
- The activists of the SOS line work on prevention and education of target groups, such as women, youth, citizens, representatives of institutions, through different activities and ini-

tatives such as media campaigns, workshops, seminars, tribunes, questionnaires.

During 2005, the SOS line received 832 calls, in average two calls a day. The majority of these calls (33%) were received during September, October and November, after the realization of a *media campaign -Trafficking in human beings- mine, your, our, social and global problem-* which was part of the CARE International programme, organised by *MWL, Women's Group Stella, Women for better tomorrow, New Horizon* and other organizations. Calls received⁹⁷ were mostly made by young people and victims as well as former victims.⁹⁸

C. Prosecution

The *Special Police Team* was established in 2004, and has five members. At the national level, this team has sub-teams in all seven Security centres in Montenegro. Their mission is to control and steer activities in discovering, combating and repressing trafficking. After they receive a case from the SOS line for victims of trafficking, the Special Police Team undertakes appropriate action in order to resolve the case. When a victim in need of accommodation and protection is traced, the Special Police Team contacts the Shelter and brings the victim there, where she/he is provided with safety, support and protection. In the last few years many trials began in Montenegro, but only four of them reached a final decision.

V. BEST PRACTICES

- Three persons from Montenegro and one from the Ukraine were sentenced to fourteen years of imprisonment, for trafficking in human beings. In particular, they had trafficked

⁹⁷ Calls received are categorised as follows: 62% (514) calls from citizens, especially young people, who were interested in the phenomenon and the various forms of trafficking; 18% (149) calls from young people or their parents – checking on agencies and job offers through advertisements or the Internet; 11% (92) calls made from media and institutions; 9% (77) calls made from victims (usually their relatives) and former victims or citizens who reported suspicious locations.

⁹⁸ Former victims, i.e. persons who were protected and accommodated in the Shelter, and after recovery returned to their country of origin, usually inform the *MWL* through the SOS line about their current condition, while the *MWL* refers them to NGOs in their countries of origin that can help them in finding jobs or receiving additional education or training.

four men from the Ukraine for forced labour. This is the one of four concluded trafficking cases.

- Former victims, who were accommodated in the Shelter, once they are repatriated usually inform the *MWL* on their current condition. The *MWL* tries to establish contact with NGOs in the victims' countries in order to assist in their reintegration process (finding a job, receiving training etc).

VI. DEFICIENCIES

- There have been notable delays in the trials, which resulted in many witness-victims leaving Montenegro without receiving any compensation or before the conviction of the offenders.
- Lack of special prosecutor/s and judges for trafficking cases.
- Lack of funds for anti-trafficking activities.
- Lack of systematic and efficient monitoring mechanisms.
- There are additional factors, on the basis of which trafficking in human beings and smuggling of migrants are considered as two different phenomena; these are presence of deception and force or compulsion with the aim of exploitation. These distinguishing factors are often obvious, but hard to prove without active investigation.

VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below.

RECOMMENDATIONS

1. The social changes need to be analysed and new methods have to be developed in order for Montenegrin society to make progress, particularly towards the improvement of the level of social care, and the care of children.
2. The legal system should provide for special prosecutor/s and judges for trafficking cases in order to become more efficient.
3. Trafficked persons should be explicitly identified as victims of crimes. Assistance should be provided to them independently of their status or the status of the trafficker (arrested, prosecuted, or released).

4. Protection must also be provided to close relatives of the victims.
5. Factors that differentiate human trafficking from migrants' smuggling need to be clearly identified during the police investigation.

LIST OF ABBREVIATIONS

ARIADNE	NGO Network against Human Trafficking in SE and E. Europe
CARE International	International NGO
IOM	International Organization for Migration
MWL	NGO Montenegrin Women's Lobby
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OSCE	Organization for the Security and Cooperation in Europe
PETRA Network	Balkan Network at the State level
UNODC	United Nations Office for Drugs and Crime
UNICEF	United Nations Children Fund
USAID	United States Agency for International Development

