



***THE GOVERNMENT OF MONTENEGRO  
MINISTRY OF INTERIOR  
Office for Fight against Trafficking in Human Beings***

***STRATEGY FOR COMBATING TRAFFICKING IN HUMAN BEINGS  
2012 - 2018***

*We would like to express special thank to OSCE Mission to Montenegro for co-operation and support in drafting and publishing of this document*

## CONTENTS

1. INTRODUCTION .....	3
2. VISION .....	5
3. MISSION .....	5
4. PRINCIPLES .....	5
5. STRATEGIC OBJECTIVES OF THE STRATEGY .....	5
6. TRENDS .....	6
7. LEGAL AND INSTITUTIONAL FRAMEWORK ON COMBATING TRAFFICKING IN HUMAN BEINGS .....	9
7.1. Legal framework .....	9
7.2. Institutional framework .....	15
7.3. Regional and international cooperation in combating trafficking in human beings .....	18
8. STRATEGIC AREAS .....	19
8.1. Prevention and education .....	19
8.1.1. Education .....	20
8.2. Identification of victims of trafficking in human beings .....	22
8.3. Support, protection and reintegration of victims .....	23
8.4. Efficient prosecution .....	25
8.5. International cooperation .....	26
8.6. Coordination and partnership .....	28
8.6.1. Partnership .....	29
Annex 1 .....	32
Annex 2 .....	36
Annex 3 .....	39
Annex 4 .....	46

## 1. INTRODUCTION

Trafficking in human beings, in particular women and children, is a global problem. It affects equally the countries in the post-conflict period, i.e. countries undergoing economic and social transition, as well as industrially developed countries. Committing such criminal offence in most cases includes organized criminal structures and a number of linked criminal offences (corruption, money laundering and similar). This phenomenon, which includes the phases of recruiting, transport and exploitation of victims, occurs in its various forms in the territory of the countries of origin, transit and final destination. In all its phases – countries, women, children and men are subject to various forms of abuse and exploitation violating their fundamental human rights

As a multifaceted, complex and dynamic social phenomenon, existence of trafficking in human beings/children is very difficult to prove. Therefore, successful fight against trafficking in human beings/children implies multisectoral approach and intensive international cooperation, along with implementation of efficient measures for the prevention, combating, sanctioning of perpetrators and protection of victims, and with mandatory partnership with institutions, entrepreneurs, private sector, at national and regional and international level respectively.

The first strategic document for combating trafficking in human beings was adopted by the Government of Montenegro at the end of 2003. It included objectives and guidelines for actions to be taken by all relevant stakeholders in combating trafficking in human beings in Montenegro, through prevention, protection of victims and prosecution of perpetrators. A Work Group was established for monitoring of the implementation of the Strategy and individual Action Plans, as a multisectoral body, presided by the Head of the Office for Fight Against Trafficking in Human Beings, and comprised of the representatives of the relevant ministries at the deputy minister level from the relevant ministries, representatives of the Police Directorate, the Supreme State Prosecutor's office, the Supreme Court and the Ombudsman's office, the General Secretariat of the Government, as well as international organizations IOM, OEBS, UNICEF, ICMPD and the US Embassy in Montenegro, as observers.<sup>24</sup>

The task of the Work Group is to monitor and promote activities of the relevant institutions relating to implementation of the National Strategy for Combating Trafficking in Human Beings; to prepare quarterly reports on the realization of the measures from the Action Plan for combating trafficking in human beings, to set the priorities, dynamics and terms for realization and to assess the results achieved in implementation of the National Strategy for Combating Trafficking in Human Beings; to prepare, as appropriate, individual action plans for combating trafficking in human beings and to ensure their implementation. The Work Group submits reports on its work to the Government of Montenegro.

---

<sup>24</sup> In 2010, the composition of the Work Group was reappointed. The Decision establishing the Work Group for monitoring of the implementation of the national strategy ("Official Gazette of Montenegro", no. 34/10 of 18.06.2010, 09/11 of 08.02.2011) the Office of the Deputy Prime Minister for the political system, internal and foreign policy, the Ministry of Foreign Affairs, the Ministry for Human Rights – the national coordinator for Roma, the Ministry of Culture. The work of the mentioned body included, as observers, the representatives of the partners the EU Delegation in Podgorica, IO UNICEF and IO Save the Children

Upon adoption of the report on the realization of measures for the first two quarters in the previous year, at the Work Group session held on July 25, 2011, it was ascertained that the existing National Strategy was fully implemented. According to the above stated, a dynamic plan for preparation of a new Strategy document has been adopted, which will define the priorities and objectives to be realized in this field for the period 2012-2018.

The Strategy for Combating Trafficking in Human Beings (hereinafter: the Strategy) represents the national policy for combating trafficking in human beings in Montenegro and it is primarily focused on protection of human rights of the victims.

The Strategy defines the objectives, principles and goals in combating trafficking in human beings and specific measures for improvement of efficiency in the established system for combating trafficking in human beings in the public, private and civil sector.

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 preventing and combating trafficking in human beings, recommendations of the relevant stakeholders at international level<sup>25</sup>, 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*.

The focus of the Strategy is on 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

---

<sup>25</sup> Recommendations from the State Department Report on Trafficking in Human Beings in the World, the Committee on the Rights of the Child, the Council of Europe Expert Group GRETTA,

.....

## **2. VISION**

A society with efficient instruments for combating all forms of trafficking in human beings, high standards of security and striving to eliminate the threat of trafficking in human beings to the largest possible extent.

## **3. MISSION**

Realization of the strategic priorities in combating trafficking in human beings/children, improvement of the legal and institutional framework, strengthening capacities for combating trafficking in human beings, international cooperation and inter-sectoral actions, good quality identification of potential victims and victims of trafficking in human beings, their protection, integration and reintegration into the society and efficient prosecution and sanctioning of the perpetrators of the criminal offence of trafficking in human beings.

## **4. PRINCIPLES**

The Strategy is based on the following principles:

- ✓ rule of law;
- ✓ legal security;
- ✓ political will;
- ✓ fundamental human rights and freedoms;
- ✓ multisectoral approach;
- ✓ compliance with international standards;
- ✓ international cooperation,
- ✓ partnership with civil and private sector;
- ✓ transparency in work;
- ✓ responsibility for the implementation of the Strategy.

## **5. STRATEGIC OBJECTIVES OF THE STRATEGY:**

- Raising awareness level of the entire public on the phenomenon of trafficking in human beings/children with the aim of achieving better understanding of the problem, strengthening trust in public authorities, informing the public of the methods to report offences with confidentiality of citizen identity
- Strengthening professional capacities of all target groups for combating all forms of trafficking in human beings/children through proactive identification, good quality protection of potential victims and efficient prosecution of perpetrators
- Strengthening of the existing mechanisms with additional professional development of experts, bodies and organizations that work jointly on identification of victims, compliance with common standards and action protocols
- Establishing a multidisciplinary approach to identification of victims of trafficking in human beings
- Strengthening capacities of all service providers for assistance, protection and reintegration of victims of trafficking in human beings

- Promotion of the quality in diversity, adequacy and availability of the services for the protection and support to victims of trafficking in human beings
- Efficient prosecution
- Monitoring implementation of international standards, promotion of regional and international cooperation and direct contacts between police and judicial authorities of the countries in the region and broader with the aim to achieve efficient combating of trafficking in human beings
- Strengthening cooperation between institutions at the national and local level as well as cooperation between institutions and nongovernmental organizations with regard to implementation of the Strategy
- Ensuring intensive cooperation between public institutions and the civil society organizations, including nongovernmental organizations active in combating trafficking in human beings in initiatives for creation/promotion of policies and methodologies for combating trafficking in human beings at the national and international level.

## 6. TRENDS

### **DATA ON THE VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN MONTENEGRO**

Tripartite commission, composed of the representatives of the Supreme State Prosecutors' Office, the Supreme Court, the Police Directorate and the Office for Fight against Trafficking in Human Beings, has prepared a unique form for monitoring statistical indicators in the field of trafficking in human beings and reporting. Based on this form, it is possible to monitor the criminal proceedings against perpetrators of this criminal act.

In the reporting period, according to the convictions, there were 21 victims of trafficking in human beings in total, out of which 11 male and 13 female. The highest number included citizens from Serbia and Ukraine, while there were less victims from Albania, Montenegro and Bangladesh (Table no.1). The victims in Montenegro, except in two cases concerning trafficking in human beings for labour exploitation, were mostly victims of sexual exploitation. Information, data and assessments prove the fact that individual cases of trafficking in human beings in Montenegro are in fact a consequence of involving in prostitution in a longer time period, when victims of prostitution are put into the position of a victim of trafficking in human beings by the persons who are intermediaries in providing prostitution. Victims are mostly trafficked in night clubs and other types of hospitality facilities. Most victims do not have a high level of education and come from the areas with traditionally discriminatory relation towards genders, and therefore with discrimination in the labour market. Also, their families are characterized by a high level of violence. Most identified victims in Montenegro left their homes because they were promised to get employment abroad. As regards the year of exploitation, we may conclude that the highest number of cases was recorded during 2004, while the number of victims has significantly dropped since 2009. The average age of the victims was 27 (table no. 2).

	2004	2005	2007	2008	2009	TOTAL
<b>Serbia</b>	2	2	0	0	3	7
<b>Albania</b>	0	0	0	0	0	0
<b>Montenegro</b>	1	0	0	0	0	1
<b>Ukraine</b>	6	0	0	2	0	8
<b>Kosovo</b>	0	0	0	1	0	1
<b>Bangladesh</b>	0	4	0	0	0	4
<b>TOTAL</b>	9	6	0	3	3	21

**Table no. 1:** The number of victims of trafficking in human beings with regard to the country of origin and the year of exploitation

	2004	2005	2006	2007	2008	2009	Total
<b>0 - 10 years old</b>	0	0	0	0	0	0	0
<b>11 - 18 years old</b>	1	0	0	0	1	0	2
<b>18 - 45 years old</b>	2	6	0	0	2	3	13
<b>over 45</b>	6	0	0	0	0	0	6
<b>TOTAL</b>	9	6	0	0	3	3	21

**Table no. 2:** The number of victims of trafficking in human beings in Montenegro with regard to age per year of exploitation

With regard to the form of exploitation, we may say that sexual exploitation is still the most present one, and labour exploitation follows. Female persons were more sexually exploited, while men were mostly victims of labour exploitation.

	2004	2005	2006	2007	2008	2009	TOTAL
<b>Sexual exploitation</b>	3	2	0	0	3	3	11
<b>Forced labour</b>	6	4	0	0	0	0	10
<b>Beggary</b>	0	0	0	0	0	0	0
<b>Adoption</b>	0	0	0	0	0	0	0
<b>Extraction of organs</b>	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0
<b>TOTAL</b>	9	6	0	0	3	3	21

**Table no. 3:** Form of exploitation of victims of trafficking in human beings regarding the year of exploitation

### **DATA ON TRAFFICKERS IN MONTENEGRO**

Special analysis was dedicated to traffickers, whose average age was 37 (Tab. no.4). Traffickers are male, but the number of women dealing with this type of criminal cannot

be neglected (table no.5). Traffickers, i.e. perpetrators of the criminal offence of trafficking in human beings are members of international organized criminal groups, with precisely defined roles and tasks in performing of this criminal offence from the moment of recruiting in the country of origin to exploitation in the country of final destination. Methods used by perpetrators for recruiting potential victims include using difficult living conditions and offering well-paid jobs. Methods used for transport of potential victims through transit countries are forgery of personal and travel documents and use of false documentation relating to tourist arrangements and registering stay in a particular destination where they wish to use the tourist arrangement, in order to cover their actual intention of trafficking in the country of destination with the aim of sexual exploitation.

	2004	2005	2007	2008	2009	TOTAL
<b>11 - 18 years old</b>	1	0	0	1	0	2
<b>18 - 45 years old</b>	3	4	0	5	2	14
<b>over 45</b>	8	1	0	2	2	13
<b>TOTAL:</b>	11	5	0	7	4	29

**Table no. 4:** Average age of traffickers with regard to the age when they were charged for the criminal offence (including reporting of cases that resulted in the further procedure in final conviction)

	2004	2005	2007	2008	2009	TOTAL
<b>Montenegro</b>	7	4	0	0	4	15
<b>Serbia</b>	3	0	0	3	0	6
<b>Croatia</b>	0	0	0	1	0	1
<b>Ukraine</b>	1	0	0	0	0	1
<b>Kosovo</b>	0	1	0	2	0	3
<b>Albania</b>	0	0	0	1	0	1
<b>TOTAL:</b>	11	5	0	7	4	27

**Table no. 5:** Origin of traffickers with regard to the age of reporting (including reporting of cases that resulted in the further procedure in final conviction)

Regarding the internal form of trafficking in the territory of Montenegro, it seems that traffickers are mostly owners of various hospitality facilities where persons performing prostitution reside and in certain periods they become potential victims of trafficking for sexual exploitation. In the mentioned cases, the persons included were not owners of significant capital, large scale business; they were owners of bars, restaurants and cafés.

	2004	2005	2007	2008	2009	TOTAL
<b>Male</b>	9	5	0	5	4	23
<b>Female</b>	2	0	0	2	0	4
<b>Trans-gender persons</b>	0	0	0	0	0	0
<b>Total</b>	11	5	0	7	4	27

**Table no. 6:** Gender of traffickers

## 7. LEGAL AND INSTITUTIONAL FRAMEWORK ON COMBATING TRAFFICKING IN HUMAN BEINGS

### 7.1. Legal framework

Trafficking in human beings is a phenomenon with a long history recognized as a serious international problem by many international entities. Montenegro has adopted and incorporated into its legal framework the UN Convention against Transnational Organized Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking in human beings, especially Women and Children, and ratified the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention on the Rights of the Child and both its Protocols (Option Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Option Protocol on the involvement of children in armed conflict)<sup>26</sup>.

**The Constitution of Montenegro** in Article 9 lays down that the ratified and published international agreements and generally accepted rules of international law are an integral part of the internal legal order and that they have supremacy over the national legislation and are directly implemented when they regulate relations differently than the internal legislation. In accordance with the Constitution of Montenegro, human life is inviolable. It guarantees dignity and security of a person and prohibits all forms of trafficking in human beings i.e. children<sup>27</sup>.

Priorities in combating the phenomenon of trafficking in human beings are provided through adoption of a set of laws in the field of judiciary, as follows: the Criminal Code ("Official Gazette of the Republic of Montenegro", no. 70/2003, 13/2004, 47/2006 and "Official Gazette of Montenegro", no. 40/2008, 25/10 and 32/11), the Criminal Procedure Code ("Official Gazette of the Republic of Montenegro", no. 71/2003, 7/2004, 47/2006), the new Criminal Procedure Code ("Official Gazette of Montenegro", no. 57/09 and 49/10), the Law on Witness Protection ("Official Gazette of the Republic of Montenegro", no. 65/2004), the Law on Foreign Citizens ("Official Gazette" 80/2008, 72/2009, 32/2011, 53/2011), the Law on Free Legal Aid ("Official Gazette of Montenegro" 20/11), the Law on Liability of Legal Persons for Criminal Offences ("Official Gazette of the Republic of Montenegro", no. 2/2007 and 13/2007), the Law on International Legal Aid in Criminal Matters ("Official Gazette of Montenegro" no.

---

<sup>26</sup> Through membership in the Council of Europe and the United Nations as well as through accession to the European Union, the state of Montenegro has committed to special protection of children's rights, prevention and sanctioning of any organized crime relating to children. International and national regulations prohibit inclusion of children, under any circumstances, into any type of forced labour. The United Nations Convention on the Rights of the Child obliges that all children should be provided with protection against all forms of abuse or neglect, harassment or exploitation, protection against economic or any other exploitation harmful for any type of child wellbeing while the child is under the care of parents, legal representatives or any other person providing care for the child (Art. 19, 32 and 36).

<sup>27</sup> Capital punishment is prohibited in Montenegro. Article 28 guarantees dignity and security of a person; guarantees inviolability of physical and mental integrity of a person, the persons privacy and personal rights. No person may be subject to torture or inhuman or degrading treatment; no person may be held in slavery or position of servitude; Article 63 prohibits forced labour. Rights of the child are provided for in Article 74 which reads as follows: "A child shall enjoy all rights and freedoms appropriate to its age and maturity; a child shall be guaranteed special protection from mental, physical, economic and any other exploitation or abuse."

4/2008 of 17.1.2008), the Law on Personal Data Protection (“Official Gazette of Montenegro” no. 79/2008 and 70/2009).

**The Criminal Code** prescribes a number of criminal offences regulating the field of illegal migration and trafficking in human beings, as follows: “Pimping and enabling sexual intercourse” (Article 209), “Mediation in prostitution” (Article 210), “Unauthorized border crossing and smuggling of people” (Article 405), “Trafficking in human beings” (Article 444), “Trafficking in children for adoption” (Article 445) and “Submission to slavery and transportation of enslaved persons” (Article 446).

The set of criminal offences against gender freedom includes criminal offences of “Pimping and enabling sexual intercourse” (Article 209)<sup>28</sup> and “Mediation in prostitution” (Article 210)<sup>29</sup>.

Illegal migrations are sanctioned under the criminal offence of “Unauthorized border crossing and smuggling of persons” (Article 405), within the set of criminal offences against public peace and order<sup>30</sup>.

The set of criminal offences against humanity and other wellbeing protected by international law prescribes two criminal offences in the field of trafficking in human beings as follows: “Trafficking in human beings (Article 444) and “Trafficking in children for adoption” (Article 445).

In accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children, amending the UN Convention against Transnational Organized Crime, the Criminal Code prescribes a criminal offence of “trafficking in human beings” (Article 444). This criminal offence is 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 retaining 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

---

<sup>28</sup> “Pimping and enabling sexual intercourse” (Article 209) is a criminal offence which includes pimping a minor for sexual intercourse, an act equal to it or other sexual act. This form of criminal offence is punished by an imprisonment of three months to five years. Other form of this criminal offence is enabling sexual intercourse, and act equal to it or other sexual act with a minor. This form of criminal offence is punished by an imprisonment of up to three years.

<sup>29</sup> “Mediation in prostitution” (Article 210) is a criminal offence which includes leading or inciting another person to prostitution, participating in transferring of a person to another person for the purpose of prostitution or This form of criminal offence is punished by a fine or an imprisonment sentence not exceeding one year. A more serious form of this criminal offence includes mediation in prostitution of minors, which implies an imprisonment of one to ten years.

<sup>30</sup> This criminal offence is committed by anyone who crosses or tries to cross the state border of Montenegro without the provided permission, under arms or by use of force. This form of criminal offence is liable to imprisonment for a term not exceeding one year. Another form of this criminal offence is when anyone deals with illegal transfer of other persons across the border of Montenegro or anyone enables another person to illegally cross the border or to illegal stay or transit for personal gain. This form of criminal offence is liable to imprisonment for a term of three months to five years. If this offence was committed by more persons in an organized manner, by abuse of official position or in the manner compromising the lives or health of people whose illegal crossing of the border, stay or transit was enabled or if a large number of people were smuggled, the perpetrator shall be liable to imprisonment for a term of one year to ten years. The law also prescribes mandatory confiscation of the funds intended or used to commit this offence.

conflicts. The punishment prescribed for this form of a criminal offence is an imprisonment for a term of one to ten years. If such offence is committed to a minor, the offender shall be punished by an imprisonment prescribed for that offence, even if there was no force, threat or any other of the stated methods present in the commission of the crime, and the prescribed punishment is an imprisonment of at least three years. If such offence has caused serious bodily injuries of a person, the offender shall be liable to imprisonment for a term of one year to twelve years, and if the offence has caused death of one person or more, the offender shall be liable to imprisonment for a minimum term of ten years. The law also prescribes that anyone who deals with committing such offences or participates in their organized commission together with several other persons will be liable to imprisonment for a minimum term of five years.

The Law on amendments to the Criminal Code (“Official Gazette of Montenegro”, number 25/2010) prescribes amendment of the criminal offence of “Trafficking in human beings”, by introducing a special form of this offence incriminating the use of services from a victim (paragraph 7 Article 444<sup>31</sup>).

The Criminal Code prescribes as a special criminal offence a form of the criminal offence of trafficking in human beings – “Trafficking in children for adoption“ (Article 445)<sup>32</sup>.

Prohibition of submission to slavery and trafficking of enslaved persons is prescribed in numerous international instruments, among which the Universal Declaration of Human Rights from 1948, the International Covenant on Civil and Political Rights from 1966 and the UN Convention against Transnational Organized Crime (Palermo Convention) with supplementing protocols. The Criminal Code of Montenegro prescribes the criminal offence of “Submission to slavery and transportation of enslaved persons” (Article 446)<sup>33</sup>.

In accordance with the Palermo Convention, the Criminal Code of Montenegro also prescribes in Article 268 the criminal offence of “Money laundering”, sanctioning the actions of concealing the method of obtaining gain through all actions, and thus also criminal offences of smuggling people, illegal migration, trafficking in human beings and similar.

---

<sup>31</sup> Article: (7) Anyone who uses services from persons he/she knows was subject to the offence referred to in paragraph 1 of this Article shall be liable to an imprisonment for a term of six months to five years.

Article: (8) If an offence referred to in paragraph 7 of this Article was committed to a juvenile, the offender shall be liable to an imprisonment for a term of three to fifteen years.”

<sup>32</sup> This criminal offence is committed by 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. The punishment prescribed is imprisonment for a term of one to five years. Anyone who deals with these activities or participates in their organized commission together with several other persons, shall be punished by imprisonment for a minimum term of three years..

<sup>33</sup> This criminal offence is committed by anyone who, breaching the rules of international law, puts another person into slavery or other similar position or keeps another person in such a position, or buys, sells, hands over to another person or mediates in buying, selling or handing over of such a person or induces another person to sell own freedom or freedom of persons he/she supports or looks after, and the prescribed punishment is an imprisonment for a term of six months to five years. A more serious form of this criminal offence is if it is committed to a minor, which includes punishment of an imprisonment for a term from five to fifteen years.

**The Criminal Procedure Code** prescribes normative basis for efficient prosecution and processing of criminal offences of trafficking in human beings. The Code prescribes the possibility of using investigation methods and means (secret surveillance measures) such as audio and audio-visual recording, taking secret photographs, secret monitoring and technical recording, hiring an undercover agent and associate etc. For the purpose of efficient processing of criminal offences, the new adopted Criminal Procedure Code ("Official Gazette of Montenegro", no. 57/2009 49/10) prescribes that secret surveillance methods, which could be used only in pre-trial procedures, before the adoption of this Code, can now be used in the investigation phase as well. The concept of prosecution investigation prescribed by the new Criminal Procedure Code has been fully applied since 1 September 2011. Thereby, investigation for all criminal offences was transferred from the court jurisdiction to the jurisdiction of public prosecutors. The Supreme State Prosecutor's Office of Montenegro – the Division for Suppression of Organized Crime, Corruption, Terrorism and War Crimes has initiated **the prosecution investigation concept** since 26 August 2010, a year before the beginning of full application of the Code which defines and expands confiscation of property from organized crime offenders, as well as reverse burden of proof for its origin.

The Criminal Procedure Code prescribes and provides court protection of witnesses during the procedure and witness associates. The injured party who is a victim of sexual violence, as well as a child who is being interviewed as a witness, is entitled to the right to testify in a separate room before a judge and a recording secretary while the plaintiff, defendant and the attorney watch transmission from another room with a possibility to pose questions to the witness (Article 101). If there is reasonable concern that the witness would put him/herself, his/her spouse or a close next of kin to serious threat to life, health, body integrity, freedom or large-scale property by giving his/her statement or responding to specific questions, he/she may deny to state personal information, to provide responses to specific questions or to give statement in full, until his/her protection is ensured. Witness protection includes a special method of participation and hearing of witnesses in criminal proceedings as follows: hearing a witness under a pseudonym, hearing by means of technical devices (protection wall, voice-alteration devices, image and voice transmission devices) and similar (Art. 108 and 109).

**The Law on Foreign Citizens** ("Official Gazette of Montenegro", no. 82/08 of 31.12.2008, 72/09 of 30.10.2009, 32/11 of 01.07.2011 and 53/2011 of 01.11.2011) regulates the conditions for entry, movement and stay of foreign citizens in the territory of Montenegro. Article 51 of the Law prescribes that temporary stay for humanitarian reasons may be approved to a foreign citizen who is suspected to be a victim of the criminal offence of trafficking in human beings, as well as a minor foreign citizen who is abandoned or is a victim of organized crime<sup>34</sup>.

---

<sup>34</sup> *Temporary stay for humanitarian reasons shall not be authorized to a foreign citizen if required so by reasons of national security and legal order.*

*Temporary stay for humanitarian reasons shall be approved for a period from three months to one year and may be extended as long as the reasons referred to in paragraph 1 of this Article exist.*

*A foreign citizen referred to in paragraph 1 of this Article shall not be forced out due to illegal entry or stay in Montenegro.*

*A foreign citizen referred to in paragraph 1 of this Article, for whom there is reasonable concern that he/she would be exposed to threat to life, health, physical integrity or freedom by providing a statement, shall be*

The Rulebook on the Method of Approving Temporary Stay and Permanent Residence and Issuing Travel and other Documents to Foreign Citizens (“Official Gazette of Montenegro”, no. 58/09), where Article 9 prescribes: “Temporary stay for humanitarian reasons shall be approved based on appropriate evidence from a legal person (international organization, nongovernmental organization or a state authority) providing assistance and protection to the victim, that is a relevant state authority confirming that the victim is cooperating in revealing criminal offences”.

**The Law on Witness Protection** regulates the conditions and the procedure for provision of protection and aid to a witness outside the court, when other protection measures are insufficient, and when there is justified concern that the witness would be exposed to actual and serious threat to life, health, physical integrity, freedom or property by providing a statement with the aim to provide evidence of a criminal offence, for which this Law prescribes the possibility of protection.

In accordance with the **Law on Free Legal Aid** Article 2 and Article 13, a victim of trafficking in human beings is entitled to free legal aid which includes legal advice, composing statements and representation before courts, state prosecutor and the Constitutional Court, as well as exemption from all court expenses. This right is guaranteed without estimation of financial means of the victim of trafficking in human beings. The courts in Montenegro include a service for support to injured parties/witnesses-victims of trafficking in human beings, trafficking in children for adoption and domestic violence. An information brochure has been published, which provides the injured parties/witnesses contact information on the employees in courts in charge of provision of support, as well as information on criminal proceedings, testifying, protection measures for injured parties/witnesses.

**The Law on Liability of Legal Persons for Criminal Offences** prescribes the possibility of confiscation of objects used or intended to be used in commission of a criminal offence or originating from a criminal offence, if they are property of a legal person. Along with that, the Law may provide for mandatory confiscation of objects and conditions for confiscation of specific objects in certain cases.

**The Law ratifying the Convention of the Council of Europe on Compensation of Victims of Violent Crimes** (“Official Gazette of Montenegro – International Agreements”, number 6/09) entered into force for Montenegro on 1 July 2010. Adoption of a special law was envisaged for 2012, in accordance with this Convention, which will

---

*provided with protection and exercise of the rights according to the provisions of the law regulatinf witness protection.*

Temporary stay for humanitarian reasons shall be approved based on appropriate evidence form a legal person (international organization, nongovernmental organization or a state authority) providing assistance and protection to the victim, that is a relevant state authority confirming that the victim is cooperating in revealing criminal offences.

Article 54 paragraph 3 of the Law on Foreign Citizens prescribes that permanent residence may be approved to a foreign person who has stayed in Montenegro for a continous period of five years based on approval for temporary stay prior to filing of the request.

Therefore, based on the afore stated, a person whose temporary stay was approved pursuant to Article 51 of the Law on Foreign Persons may obtain the right to permanent residence if he/she fulfills the requirements referred to in Article 54 paragraph 3 of the Law.

prescribe the national mechanism for compensation of victims of intentional violent crimes.

**The Law on Treatment of Juveniles in Criminal Proceedings** (“Official Gazette of Montenegro”, number 64/11) entered into force on 6 January 2012, and the beginning of its application is from 1 September 2012. The most significant novelties of this Law are: introduction of new alternative measures, admonition in addition to diversion order; expanded application of diversion orders for crimes punished by an imprisonment for a term of up to 10 years; educating expert services which will provide expert assistance to courts and state prosecutor’s offices; new corrective measures – special obligations that are similar to diversion orders; protection of juveniles as participants in the proceedings, treatment of juveniles in enforcement of diversion orders and juvenile imprisonment; enforcement of the institutional measures of referral to an institute-type institution and juvenile prison within a special organization unit of the institute for execution of criminal sanctions.

Protection of personal data is provided under the conditions and in the manner prescribed by the **Law on Personal Data Protection**, and in accordance with the principles and standards contained in the ratified international agreements on human rights and fundamental freedoms and generally accepted rules of international law<sup>35</sup>.

The Supreme State Prosecutor’s Office, the Ministry of Education and Science, the Ministry of Labour and Social Welfare, the Ministry of Health, the Police Directorate and three nongovernmental organizations, intending to confront trafficking in human beings in an efficient manner, signed an **Agreement on Cooperation** in 2007 which made the cooperation between state authorities directly involved in dealing with trafficking in human beings more productive. In such way, the legally prescribed obligations of the institutions were made concrete through clear setting of specific operational procedures to be realized by the signatories in resolving a specific case of trafficking in human beings. The Agreement put a special emphasis on treatment of women and children victims of trafficking in human beings. The stated document was praised at the UN GIFT meeting and its provisions were incorporated into a manual on development of an agreement on cooperation in SEE countries. We are expecting signing of the Agreement with the Supreme Court, PI Support Center for Children and Families, the Red Cross of Montenegro and another three nongovernmental organizations dealing with these issues.

Signatories to the Agreement committed, if they believe that there is doubt that a crime of trafficking in human beings referred to in Articles 444, 445, 446 and 210 of the Criminal Code has been committed, to report the crime pursuant to the provision of Article 227 of the Criminal Procedure Code. Signatories to the Agreement, i.e. authorized persons, shall report any observation of actions having elements of trafficking in human beings to the police, i.e. to the relevant state prosecutor, immediately. Signatories to the Agreement shall also act and provide protection to potential victims of trafficking in human

---

<sup>35</sup> Personal data include all information relating to a physical person whose identity is determined or may be determined and they may not be processed more than required in order to achieve the purpose of the processing, or in any manner which is not in accordance with their purpose (Article 2 paragraph 2). Protection of personal data is provided to every person regardless of the citizenship, residence, race, colour, gender, language, religion, political and other opinion, nationality, social origin, material status, education, social position or any other personal characteristic (Article 4).

beings/children according to the principle of priority and in compliance with the principle of anonymity. Signatories to the Agreement participate in joint meetings, seminars and trainings for the purpose of realizing more efficient prevention of the above stated crimes, proactive identification as well as protection of victims of trafficking in human beings.

**Protocol on Mutual Cooperation between the Office for Fight against Trafficking in Human Beings and the Employers' Federation of Montenegro** provides for joint activities with regard to timely informing on the phenomenon of trafficking in human beings for both employers and employees, i.e. persons who enter into contract of employment. The Protocol also defines joint activities regarding raising awareness of the entire public on the phenomenon of trafficking in human beings with special emphasis on the prevention of cases of labour exploitation and activities regarding reintegration of victims.

**Transnational referral mechanisms for victims of trafficking in human beings** define transnational and national procedures for identification, assistance, protection, reintegration of victims of trafficking in human beings, research and efficient criminal prosecution of offenders of trafficking in human beings.

## **7.2. Institutional framework**

**Institutions involved in combating trafficking in human beings** in Montenegro are: the Ministry of Interior – Office for Fight against Trafficking in Human Beings, the Police Directorate, the Ministry of health, the Ministry of Labour and Social Welfare, the Ministry of Justice and Human Rights, the Ministry of Education and Science, the Ministry of Foreign Affairs and European Integration, the Ministry of Culture, the Ministry for Minority Rights, the Supreme Court of Montenegro, the Supreme State Prosecutor's Office.

**The Ministry of Interior performs, among other, administrative activities relating to:** analytical monitoring of the situation and strategic planning in the field of combating crimes, supervision and internal control over execution of police duties and procedures, expertise, legality and efficiency of execution of police duties; proposing, monitoring and implementation of mechanisms for the efficient combating trafficking in human beings; citizenship, travel documents, moving into the country, providing asylum, naturalization, personal identity cards, residence and keeping registers for the afore listed; unique citizens register number; personal name; register books; protection of personal data etc.

**The Office for Fight against Trafficking in Human Beings**, as the umbrella institution for the activities taken in Montenegro with regard to combating trafficking in human beings, performs the following tasks and duties:

- coordination of the activities of the relevant public administration authorities, international and nongovernmental organizations, thereby uniting all positive efforts in combating trafficking in human beings in Montenegro;
- establishing cooperation between national and international entities with the aim to create efficient mechanisms for combating trafficking in human beings,

- presenting results realized with regard to combating trafficking in human beings in Montenegro through participation in various international and national gatherings;
- application of international regulations, conventions and agreements on combating trafficking in human beings;
- filing initiatives for approximation of national legislation with international standards in this field;
- as well as other duties in this field.

The Office is under the management of the Head of the Office who performs the most complex duties within the competence of the Office. He/she is at the same time the President of the national Work Group for monitoring implementation of the National Strategy for Combating Trafficking in Human Beings and individual action plans.

Through the budget of the Office, the Government of Montenegro provides full funding of all expenses required for the regular functioning of the Shelter for victims of trafficking in human being – costs of lease of the building and other utilities, costs for food, clothes, shoes, hygiene, medicines and other necessary things for the protégées, as well as payment of compensation to the activists of the civil society organizations engaged for provision of direct assistance to the victims residing in the Shelter. In the Government Shelter, all victims have equal treatment, regardless whether they are Montenegrin or foreign citizens. The Office also funds the SOS line for victims of trafficking in human beings providing you with all necessary advice and educational type information on the phenomenon of trafficking in human beings and report possible doubts of this crime free of charge and anonymously.

**The Ministry of Justice and Human Rights** is in charge of the normative framework and monitoring of regulations and international standards in the field of criminal legislation prescribing trafficking in human beings as a criminal offence. With the aim to find mechanisms for efficient combating of all forms of crimes, including trafficking in human beings, the Ministry cooperates with all relevant international institutions and organizations.

**The Ministry of Foreign Affairs and European Integration** is included, through diplomatic correspondence, i.e. submission of reports to diplomatic and consular missions of Montenegro and international organizations on the measures taken by relevant public authorities, in monitoring of implementation of the UN and the Council of Europe Conventions on combating trafficking in human beings and the European *acquis communautaire* regulating this issue. Also, the Ministry of Foreign Affairs and European Integration participates in the procedure for regulating of status in international agreements for which the relevant authorities file initiative for accession (procurement of original texts, provision of opinions, preparation of mechanisms for ratification/accession), i.e. in certain cases the Ministry delivers texts of conventions which it considers to be relevant for consideration of accession, upon own initiative.

**The Ministry of Health** ensures, in provision of health care to potential victims of trafficking in human beings, that appropriate health care is provided through health care institutions, complying with the principles of urgency and priority. Health care for potential victims of trafficking in human beings includes emergency medical assistance, prevention and treatment from infectious diseases and cases of child delivery and maternity, while residing in the territory of Montenegro.

**The Ministry of Labour and Social Welfare** ensures, in provision of social, child and family protection to potential victims of trafficking in human beings, citizens of Montenegro and foreign citizens, appropriate social, child and family protection, through PI Centers for Social Work, giving priority with regard to other cases. Social and child welfare for foreign citizens-potential victims of trafficking in human beings includes the right to one-off monetary assistance and the right to appointment of a custodian. Social and child welfare for the citizens of Montenegro- potential victims of trafficking in human beings is provided in accordance with the law.

**The Ministry of Education and Sports** provides potential victims of trafficking in human beings, children, residing legally in the territory of the country, with adequate housing, or continuing education in public educational institutions, with priority to other cases, in accordance with the rules regulating the relevant field of education, and in compliance with the right to privacy, in particular for personal matters and traumatic issues that are not required in order to include them into educational system. At the same time, adequate services of the Ministry, as well as psychological and pedagogical services in public educational institutions, will provide prompt and efficient inclusion of children into educational system in the territory of the country<sup>36</sup>.

**The Ministry for Minority Rights** supports, in accordance with the National Action Plan for the “Roma Decade 2005-2015”, projects focused on the activities relating to strengthening resistance of Roma children to trafficking in human beings.

**The Ministry of Culture** provides support to adequate programme contents in the media focused on raising awareness of the entire public on the need to suppress all forms of trafficking in human beings.

**The Police Directorate** organizes its work on combating trafficking in human beings, in accordance with the Rulebook on Systematization of Working Positions, through the Sector for Combating Organized Crime and Corruption, i.e. the Group for Combating General Organized Crime and the line of work for combating illegal migrations, organized smuggling and trafficking in human beings. At the regional and local level, it works through the line of work for combating violent and sexual crimes, juvenile delinquency and the inspector for foreigners<sup>37</sup>.

---

<sup>36</sup> The Ministry is working continuously on development of educational policy and measures for the protection and welfare of children, in particular adolescents, and it cooperates with other authorities and organizations on suppressing trafficking in human beings or protection of human rights, in particular the rights of the child, keeping in mind the best interests of the child. The Ministry makes maximum efforts in inclusion of as many members of particularly vulnerable groups as possible, especially Roma population, into the educational system and promoting their successful integration into the society and better social status. The Ministry cooperates with NGOs and other relevant institutions in order to realize the objectives of the Agreement.

<sup>37</sup> The Police has plans to implement operational actions including: regular controls of hospitality facilities with the aim to collect data, information and assessment whether crimes of trafficking in human beings for sexual exploitation, mediation in prostitution and other crimes for which prosecution is carried out ex officio originate; control of entry of foreign citizens into Montenegro, their exit from Montenegro, movement and stay of foreign citizens in Montenegro as well as their employment and work, all with the aim to collect data and assessment whether information pointing out to criminal offences of unauthorized crossing of the state border and smuggling of persons and trafficking in human beings for labour exploitation through their engagement may be collected by assessing their stay and movement through Montenegro; control of street beggary with the aim to collect information whether it is voluntary beggary and thus a misdemeanor under the Law on Public Peace and Order, or forced beggary as a form of criminal offence of trafficking in human beings. In all stated cases, collection of information, their verification and assessment whether there are elements of trafficking in human beings or other crimes is carried out within regular operational activities and controls at the local level, along with consultations with the relevant state prosecutor.

**The Supreme Court of Montenegro**, as the highest court instance, aims to provide priority resolving of cases of trafficking in human beings by creating conditions for efficient preparation and management of the main hearing, prosecuting and resolving cases within the legally prescribed period. At the same time, it is focused, within its jurisdiction, on provision of support to witnesses/injured parties – victims of trafficking in human beings by the courts of lower instances, in accordance with the law (CPC and the Law on Witness Protection). The courts will also be focused on confiscation of property and permanent forfeiture of property whose legal origin has not been proven, under the conditions prescribed by laws (CPC, Criminal Code). The Supreme Court has the obligation to deliver statistical data on court decisions in cases of trafficking in human beings to the Office for Fight against Trafficking in Human Beings. In accordance with the prescribed methodology. Pursuant to Article 16 of the Law on Courts, basic courts have jurisdiction in trials for crimes referred to in Article 444 par. 1 and 2 of the CC, and higher courts for other forms of this criminal offence – Article 18 of the Law on Courts. Apart from the above stated, higher courts are in charge of trials for crimes referred to in Article 444 of the CC regardless of the paragraph of that Article if the criminal offence of trafficking in human beings was committed in an organized manner – Article 18 par. 2 of the Law on Courts. Special departments have been established within the two higher courts in Podgorica and Bijelo Polje in 2008 to work on such cases.

A department for combating organized crime, corruption, terrorism and war crimes has been established in the **Supreme State Prosecutor's Office**, managed by the Special Prosecutor, and acting before higher courts. The department manages pre-trial proceedings, provides guidelines for the work of the police and takes necessary measures to detect crimes within its jurisdiction. State prosecutor's offices cooperate with the signatories to the Agreement with its legal authorizations with the aim to protect potential victims by providing instructions for specific actions to ensure security of a potential victim as a witness in possible criminal proceedings. State prosecutor's offices will realize general prevention by filing appeals, and thus affecting sanctioning policy of the courts. It will point out to the need to obtain and provide medical and other documentation, as well as appropriate housing and treatment of the victim in the shelter, in order to gain his/her trust with the aim to realize successful criminal proceedings and sanction the offenders of the above stated crimes.

There is a large number of civil society organizations in Montenegro that are active in the field of combating trafficking in human beings. These civil society organizations are in fact responsible and relevant partners to public authorities in implementation of prevention programmes and mitigating possible consequences of trafficking in human beings/children among the most vulnerable and sensitive categories in the society.

### **7.3. Regional and international cooperation on combating trafficking in human beings**

Acting within various international organizations, in particular the United Nations and the Council of Europe, Montenegro has become a signatory to a number of international legal instruments for sanctioning certain criminal behaviours in the national criminal laws, prevention of crimes and international cooperation, that are directly or indirectly focused on combating trafficking in human beings. In accordance with the Constitution, the

ratified and published international agreements and generally accepted rules of international law are an integral part of the internal legal order, they have supremacy over national legislation and are directly applied when they regulate relations differently from internal legislation. In accordance with the provisions of the Stabilization and Association Agreement between Montenegro and the EU, an application for EU membership was filed (in 2008), which includes approximation of the national legislation with the EU *acquis communautaire*. Criminal material and criminal procedure legislation has mostly been harmonized with the European regulations and standards.

## **8. STRATEGIC AREAS**

### **8.1. Prevention and education**

*“Measures that are intended to reduce or otherwise contribute to reducing crime and citizens’ feeling of insecurity, both quantitatively and qualitatively, either through directly deterring criminal activities or through policies and interventions designed to reduce the potential for crime and the causes of crime”<sup>38</sup>.*

*The previous period was marked by coordinated activities of public institutions, international and nongovernmental organizations on implementation of prevention activities, in parallel to the awareness raising activities for the entire public regarding all forms of the phenomenon of trafficking in human beings/children. A significant number of targeted public campaigns, conferences, round tables, tribunes, workshops has been implemented, informational material has been prepared and distributed, attachments to passports with information on risks, dangers and measures for the prevention of the stated phenomenon and available mechanisms of assistance and protection in the country and abroad. The Government has provided funds for functioning of the SOS line intended for victims and potential victims of trafficking in human beings/children and continuous campaign for its promotion. Public presentation of the Office for Fight against Trafficking in Human Beings has been strengthened through appointment of a person in charge of public relations, regular updating of web page: [www.antitrafficking.gov.me](http://www.antitrafficking.gov.me) which ensured transparency of work and higher presence of the theme of trafficking in human beings in the media. October was pronounced as the month of fight against trafficking in human beings/children, when prevention activities focused on reduction of risks from the appearance of this phenomenon are intensified.*

*With the aim to meet international standards relating to prevention and protection of children against risks of becoming victims of trafficking in human beings/children, a programme is being realized under which the theme of trafficking in human beings/children will be introduced as a regular curriculum unit within the subject Civil Education. In such manner, we will have systematic resolving of the issue of educating student population on this phenomenon. Since children beggars have been recognized as a vulnerable category of population with regard to trafficking in human beings, a number*

---

<sup>38</sup> Definition of the European Crime Prevention Network (EUCPN), 2001

of researches have been conducted aiming at assessing their resistance to this phenomenon.<sup>39</sup> A team of trainer was established for peer education, which implemented a number of workshops, trainings, seminars among the vulnerable groups of children/youth.

In the following period, it is necessary to continue strengthening prevention and education activities focused on young people, in particular groups at risk such as: children without parental care, children with difficulties in development, i.e. persons with disabilities, children with behavioural disabilities; children and adults due to abuse of alcohol, drugs or other narcotics as well as children and adults if there is danger for them to become victims or if they are victims of abuse, neglect, domestic violence and exploitation, workers engaged in occasional and temporary work with the aim to eliminate the possibility for them to become victims of any form of trafficking in human beings/children. Also, it is necessary to continue implementation of campaigns aimed at potential users of services from these victims.

**Strategic objective 1. To raise the awareness level of the entire public on the phenomenon of trafficking in human beings/children in order to understand better the problem, to strengthen trust in public authorities, to inform the public on the methods of reporting crimes keeping the identity of citizens confidential**

**Operational objective 1.1. To increase informing of the citizens on the problem of trafficking in human beings, in particular children and youth**

**Operational objective 1.2. To implement activities aimed at reducing demand for services of victims of trafficking in human beings**

### **8.1.1. Education**

Establishing of a good quality in the system for combating trafficking in human beings required continuous training and education of the personnel employed in the relevant institutions, which is conducted through specialized institutions for that purpose: the Supreme Court of Montenegro – Judicial Training Center and the Human Resources Management Authority. Also, trafficking in human beings has been studied in the Police Academy in Danilovgrad as a separate curriculum unit since 2006. Thus, a large number of trainings has been implemented at the institutional level for the representatives of the police, judiciary, prosecutor's office, military, education, social and health workers, representatives of inspectorate services, as well as other targeted groups (tourist workers, entrepreneurs, students, high school and primary school pupils, children shelter protégées), which were realized with significant support from the representatives of partner international and nongovernmental organizations<sup>40</sup>.

Due to changes in personnel in the institution and changes in the trends in trafficking in human beings/children, it is necessary to continue with organizing of systemic trainings for the representatives of all institutions included in combating trafficking in human beings/children through several modules which would be focused on prevention,

<sup>39</sup> Save the children 2007, Office of the Protector of Human Rights and Freedoms and the Office for Fight Against Trafficking in Human Beings, 2011

<sup>40</sup> List of trainings realized – Annex

*identification of potential victims, initial referral, protection, prosecution of offenders and reintegration of victims.*

*Since the criminal offence of trafficking in human beings is very complex, complicated and difficult to prove, revealing details of investigation, identity of victims and similar in the media severely compromises the proceedings, and therefore it would be significant to strengthen the activities relating to implementation of specific trainings for the representatives of media reporting on the concerned issue.*

*Also, it is necessary to strengthen the training programme for the representatives of local government and diplomatic and consular missions. There is evident need to introduce a special topic that would refer to specifics of interviewing for a statement and treatment of a victim of trafficking in human beings/children, as the injured party, in the training programme for the judiciary, and to amend the training programmes for investigation authorities.*

***Strategic objective 1. To strengthen professional capacities of all target groups regarding combating all forms of trafficking in human beings/children through proactive identification, good quality protection of potential victims and efficient prosecution of offenders***

***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***

***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***

***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***

***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***

***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***

***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***

***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*

***Operational objective 1.8.*** *To ensure informing of diplomatic and consular personnel on the specific of acting in cases of trafficking in human beings*

***Operational objective 1.9.*** *To strengthen the capacities of the representatives of local governments regarding combating trafficking in human beings*

## **8.2. Identification of victims of trafficking in human beings**

Strategic orientation of Montenegro is to act at the bilateral and multilateral level on combating trafficking in human beings and to participate actively in the work of all international organizations and initiatives focused on combating this type of crime, which is confirmed by a number of signed and ratified international instruments.<sup>41</sup> Due to its geo-political position, Montenegro has been recognized by international partners mostly as a country of transit for victims of trafficking in human beings, but also as a country of origin and final destination. For that reason, it is necessary to continue implementation of joint operational actions and projects focused on combating of this negative social phenomenon. Also, it is necessary to have continuity in strengthening of international cooperation through international police organizations such as INTERPOLA, EUROPOLA at the strategic level, SECI Center, FRONTEX, SEPC and liaison officers of the countries that have their diplomatic missions in Montenegro.

*Documents (Agreement on Cooperation) have been signed that define the procedures relating to actions of all individual services from the moment of identification of a potential victim of trafficking in human beings. The Law on Public Peace and Order prescribes sanctions for offences relating to organizing beggary and performing prostitution, which are a good basis for research and possible processing of crimes such as trafficking in human beings for beggary, i.e. forced labour and trafficking in human beings for forced prostitution.*

*Since the proactive identification of victims and potential victims may not be attributed solely to police activities, it is necessary to intensify in the following period the actions relating to further development and improvement of expert skills by the representatives of the institutions that may have contact with victims and potential victims of trafficking in human beings according to their scope of duties. Also, it is necessary to work to connect them better at the local level through forming of mobile teams and development of specific indicators to promote the work in the field. More frequent joint controls of temporary stay of foreign citizens, control of hospitality facilities, employers, imposing stricter sanctions for those violating the rights of employees, and increased participation of the Employment Agency, will provide the floor for better quality in identification of potential victims and make the entire process more efficient.*

***Strategic objective 1: To strengthen the existing mechanisms along with additional professional development of experts, authorities and organizations working together on identification of victims, compliance of common standards and protocols of conduct***

---

<sup>41</sup> See Annex

**Operational objective 1.1.** *To create specific indicators for early detection of potential victims of trafficking in human beings*

**Operational objective 1.2.** *To create conditions for raising of the level of detection or self-identification of potential victims in vulnerable groups, such as persons dealing with prostitution, migrants without personal documents, internally displaced persons – in particular members of RAE population.*

**Operational objective 1.3.** *To continue realization of the activities to improve the position of vulnerable population categories in order to reduce the risk factors and increase their resistance to trafficking in human beings*

**Operational objective 1.4.** *To strengthen proactive procedures for identification of victims of trafficking in human beings/children through proactive work in the field and cooperation with other, especially social, services.*

**Strategic objective 2.** *To establish a multidisciplinary approach in identification of victims of trafficking in human beings*

**Operational objective 2.1.** *To establish and strengthen multidisciplinary - mobile teams*

**Operational objective 2.2.** *To improve mechanisms of cooperation at the local, regional and international level.*

### **8.3. Support, protection and reintegration of victims**

*Significant results have been achieved in the field of protection of victims and potential victims of trafficking in human beings/children, through multidisciplinary approach and realization of partnership between the Government and the nongovernmental sector. Positive regulations of Montenegro and the signed agreements regulate in detail protection of victims of trafficking in human beings/children.*

*The Government is providing full financing for the Shelter for victims and potential victims of trafficking in human beings/children. In the Shelter, victims are provided with the initial recovery through 24-hour assistance from expert personnel and implementation of specific self-support and rehabilitation programmes. By signing the Agreement on Cooperation<sup>42</sup>, the legally defined obligations of the institutions were made concrete through clearly defines operational procedures to be realized by the signatories to the Agreement when resolving concrete cases of trafficking in human beings. Victims and potential victims of trafficking in human beings are provided with security protection, free legal, health, psychological, social protection with minimum identification data and according to the principle of priority, without the requirement to*

<sup>42</sup> Institution and organizations signatories to the Agreement on Cooperation: the Supreme State Prosecutor's Office, the Ministry of Education and Sports, the Ministry of Labour and Social Welfare, the Ministry of Health, the Police Directorate and three nongovernmental organizations. For more details on the Agreement see chapter 6.1. Text of the Agreement with the accompanying annexes defining individual obligations is available on the web stranici of the office: [www.antitraficking.me](http://www.antitraficking.me)

cooperate with the investigation authorities. Cases of trafficking in human beings are resolved by the relevant investigation and judicial authorities according to the principle of priority.

Significant results have also been achieved regarding encouraging victims of trafficking in human beings/children to participate in the proceedings before investigation and judicial authorities. The Support Service for injured parties/witnesses has been established in all Montenegrin courts in charge of processing cases of trafficking in human beings.

Certain progress has been achieved regarding creation of preconditions for good quality in reintegration, resocialization and repatriation of victims of trafficking in human beings/children by providing them to continue free education in regular education institutions as well as to attend various free specialized courses for fast professional training of victims, as well as by providing them with the opportunity of priority employment by signing the Protocol on Cooperation with the Employers' Federation.

At the institutional and extra-institutional level, it is necessary to work continuously to improve the quality of protection of victims and potential victims of trafficking in human beings/children, strengthening the existing ones and introducing new, quality programmes for integration, reintegration, resocialization and repatriation of victims and potential victims of trafficking in human beings.

It is necessary to work on systemic development of special protection measures for children victims and potential victims of trafficking in human beings in order to ensure their best interests and to develop, accordingly, alternative housing services, and to strengthen the level of inclusion of the local government in the activities for the protection of victims of trafficking in human beings.

**Strategic objective 1. To strengthen capacities of all service providers with regard to support, protection and reintegration of victims of trafficking in human beings/children**

**Operational objective 1.1.** To ensure continuity of work of the Shelter for children and adults victims of trafficking in human beings

**Operational objective 1.2.** To improve multidisciplinary cooperation between the relevant stakeholders included in the process of providing support, protection and reintegration of victims of trafficking in human beings;

**Strategic objective 2. To improve the quality, diversity, adequacy and availability of protection and support services for victims of trafficking in human beings**

**Operational objective 2.1.** To provide long-term programmes with the aim to improve the system for protection and reintegration of victims

**Operational objective 2.2.** *To ensure availability of information on the possibility to issue temporary stay permit for foreign citizens – victims of trafficking in human beings*

**Operational objective 2.3.** *To provide continuing of education to victims of trafficking in human beings (especially children);*

**Operational objective 2.4.** *To create conditions for professional development of victims of trafficking in human beings*

**Operational objective 2.5.** *To increase the level of availability of protection and support services for victims of trafficking in human beings/children*

**Operational objective 2.6.** *To provide compensation (indemnification) to victims of trafficking in human beings*

**Operational objective 2.7.** *To provide adequate support to children victims and potential victims of trafficking in human beings ensuring their best interest in accordance with the national and international standards*

#### **8.4. Efficient prosecution**

*The normative framework ensuring efficient prosecution and punishment of perpetrators of trafficking in human beings/children and providing assistance and protection of victims of trafficking in human beings/children in Montenegro is a result of long-term reform activity and approximation with the applicable international standards<sup>43</sup>.*

*The period before us will be marked by intensified implementation of the existing legislation, which is under constant amendments, in order to achieve full harmonization with the international standards in this field. To that regard, it is necessary to conduct comparable analysis of the national legislation and case law with the international standards relating to all forms of trafficking in human beings, to develop and implement recommendations through amendments to the applicable legal texts.*

*Unique methodology for collection and updating of the statistical data base on the processed cases of trafficking in human beings has been established. Data bases on the perpetrators and victims of trafficking in human beings have also been established. Detailed analysis of the collected data provides significant contribution to the assessment of the situation regarding the crimes in this field<sup>44</sup>. In the following period, it is necessary to continue the practice of regular updating of the data base and finding possibilities to improve it, in particular regarding collection of data on specific support programmes available to victims in accordance with the law.*

<sup>43</sup> Normative framework established for combating trafficking in human beings in Montenegro is explained in detail in the introductory part, see p. 18

<sup>44</sup> Statistical indicators for the period 2004 – 2011 are available in the Annex

### **Strategic objective 1. Efficient prosecution**

**Operational objective 1.1.** *To harmonize the normative framework with the international standards and assumed international obligations*

**Operational objective 1.2.** *To improve the existing system for collection, monitoring, analysis and reporting on trafficking in human beings and processing of cases*

### **8.5. International cooperation**

Strategic orientation of Montenegro is acting at the bilateral and multilateral level to combat trafficking in human beings and active participation in the work of all international organizations and initiatives focused on combating of this form of crime, supported by a number of signed and ratified international instruments<sup>45</sup>. Due to its geopolitical position, Montenegro is recognized by international partners mostly as a country of transit for trafficking in human beings, but also as a country of origin and final destination.

**United Nations:** Montenegro is a signatory to the United Nations Convention against Transnational Organized Crime and the Protocol on Trafficking in Human Beings (2000) and therefore it has the obligation to apply the Convention in the national legal system. Also, by signing the Convention on the Rights of the Child and both its Protocols, Montenegro has assumed the obligation to report periodically to the Committee on the Rights of the Child, in accordance with Article 44 of the Convention, on the method of its application and compliance with the guaranteed rights of the child.

**European Union:** As regards the process of European integration, it may be stated that there is readiness of all segments of Montenegrin society to give their full contribution to this process. The obligations arising from the Stabilization and Association Agreement, with its effective date for Montenegro on 1 May 2010, also include continuous harmonization of legislation with the EU provisions. Chapter VII of the Agreement is dedicated to cooperation in the field of justice, freedom and security, where trafficking in human beings is specially monitored within chapter 24. In the next phases of this process, it is envisaged to apply the provisions of the Directive 2011/36 of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing the Council Framework Decision 2002/629/JHA.

**Council of Europe:** Montenegro is a member of the council of Europe Convention against trafficking in human beings and, accordingly, it has the obligation to fulfill the recommendations of the GRETA expert group for monitoring of the implementation of the Convention by the member countries in accordance with Article 36 (1) of the stated Convention. To that regard, a person in charge of cooperation with the Secretariat of GRETA expert group was appointed from the Office for Fight against Trafficking in Human Beings. During 2011, the first evaluation round for Montenegro was

---

<sup>45</sup> See Annex

implemented. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was ratified as well.

**Regional cooperation:** In cooperation with the international organizations (OSCE; IOM; UNODC; ICMPD), a large number of regional projects aimed at strengthening mechanisms for international cooperation has been implemented. Implementation of ICMPD programme (TRM I; II I DCIM) established a unique operational procedure in all institutional activities relating to provision of assistance and protection for victims of trafficking in human beings in the territory of South Eastern Europe. Also, common data base has been created and a list of institutions and civil society organizations from the countries in South Eastern Europe which are included in combating trafficking in human beings.

The national coordinator for combating trafficking in human beings is also a member of MARRI regional network for combating trafficking in human beings established in June 2011, with the aim to set up a platform for strengthening cooperation, sharing experience and examples of good practice between the countries of the region.

Ministers of interior from the countries of the regional have signed the Memorandum of Understanding with the aim to provide support in creating conditions for forming of joint investigation teams for combating trafficking in human beings in SEE. To that regard, it is necessary to continue the work on establishing joint investigation teams.

Striving to make the positive trend in international cooperation on combating trafficking in human beings sustainable, it is necessary that the relevant public authorities continue their work on constant improvement of the system for combating trafficking in human beings with the aim to provide even better assistance and protection of victims of trafficking in human beings and to establish more efficient legal frameworks for prosecution and sanctioning of perpetrators.

Implementation of appropriate legal instruments for joint recognition of evidence and joint investigation at the international level needs to be more efficient as well.

***Strategic objective 1. To monitor implementation of international standards, improvement of regional and international cooperation and direct contact between police and judicial authorities from the countries of the region and broader with the aim to achieve more efficient combating trafficking in human beings***

***Operational objective 1.1. To monitor implementation of obligations arising from the membership of Montenegro in international bodies and international documents***

***Operational objective 1.2. To strengthen regional and international cooperation***

***Operational objective 1.3. To create conditions for establishing of joint investigation teams with the aim to implement joint investigations/criminal proceedings of the police, the prosecutor's office and judiciary between the countries of origin, transit and destination***

**Operational objective 1.4.** *To define procedures for establishing official contact with the relevant entities with the aim to improve efficiency of the process of identification, prosecution of perpetrators and the system for sharing data with other countries*

## **8.6. Coordination and partnership**

Coordination of activities of all public authorities, nongovernmental and international organizations included in realization of activities relating to combating trafficking in human beings is within the jurisdiction of the Office for Fight against Trafficking in Human Beings, which is an organizational unit of the Ministry of Interior. Monitoring realization of the planned objectives and activities with regard to implementation of the state policy in this field is realized through the Work Group for monitoring implementation of the National Strategy. Implementation of the programme for the prevention, identification and protection of victims of trafficking in human beings is achieved through realization of the obligations assumed by the relevant public administration authorities, judiciary, prosecutor's office and nongovernmental organizations through focal points appointed by the signatories to the Agreement. The Office also continuously implements activities aimed at mobilizing the local authorities, entrepreneurs and the civil sector regarding combating trafficking in human beings.

Since the complexity of combating trafficking in human beings implies necessary participation of a large number of institutions with various mandates and since their mutual cooperation is of exceptional importance, it is necessary to continue strengthening of the system for coordination and monitoring of their activities, strengthening vertical coordination within specific services at the local and national level. Also, it is necessary to continue regular analysis of activities implemented by public institutions, nongovernmental and international organizations in this field, and to make the data and analysis obtained as a result available to the public.

**Strategic objective 1.** *To strengthen cooperation between institutions at the national and local level, as well as cooperation between institutions and nongovernmental organizations with regard to implementation of the Strategy*

**Operational objective 1.1.** *To improve efficiency of the system for coordination of implementation of the objectives provided for in the strategy, to strengthen transparency, and the system of monitoring and evaluation*

**Operational objective 1.2.** *To improve horizontal and vertical coordination and communication within the services in charge of realization of the activities assumed upon signing of the Agreement on Mutual Cooperation*

**Operational objective 1.3.** *To strengthen the system of vertical coordination within the institutions included in realization of anti-trafficking activities*

**Operational objective 1.4.** *To increase the level of involvement of the local administrations in implementation of the state policy regarding combating trafficking in human beings*

### **8.6.1. Partnership**

Significant progress has been achieved in the previous period with regard to realizing partnership with entrepreneurs, tourist businesses and civil society organizations on combating trafficking in human beings.

Within the joint project called “Cooperation between the public and private sector on prevention of trafficking and sexual exploitation of juveniles in travel and tourism industries”, over 200 representatives of tourist industry signed the **“Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism Industries”** and they are continuously implementing its principles. The Code is aimed at increasing and providing dedication of tourist companies in Montenegro to join the efforts in combating trafficking in children, i.e. abuse of children for the purpose of trafficking in human beings.

The Protocol on Mutual Cooperation between the Office for Fight against Trafficking in Human Beings and the Employers’ Federation of Montenegro provides for joint activities relating to timely informing on the phenomenon of trafficking in human beings (employers, employees and persons entering into contract of employment). Also, since the economic independence of persons exiting the chain of trafficking in human beings is a key factor for their full reintegration into normal social flows, this Protocol provides them with the possibility to have free professional training and priority in employment.

Readiness of the institutions of the Government of Montenegro to confront trafficking in human beings in an efficient manner and signing of the Agreement on Cooperation<sup>46</sup>, which makes the cooperation between public authorities directly involved in the matters relating to trafficking in human beings more productive and thus making the legally defined obligations of the institutions more concrete through clearly defined operational procedures to be realized by the signatories of the Agreement when resolving a specific case of trafficking in human beings. The Agreement has placed special emphasis on treatment of women and children victims of trafficking in human beings. In order to resolve the cases of trafficking in human beings before courts as soon as possible, and appreciating significant contribution of the civil sector in the process of provision of assistance and protection of victims, it is expected that Agreement with the Supreme Court, PI Center for Support for Children and Family and another three nongovernmental organizations will be signed soon.

With the aim to foster general efforts to combat trafficking in human beings/children in the following period, it is necessary to work continuously on implementation of the existing ones, and upgrade and establish new cooperation mechanisms with special emphasis on mechanisms for identification, protection and provision of assistance to victims of trafficking in human beings. It is necessary to establish closer cooperation with the Administration for Prevention of Money Laundering with the aim to monitor financial flows, and identification of perpetrators of trafficking in human beings. It is also necessary to strengthen cooperation between civil society organizations at the regional level, to organize joint events for the youth, in particular among the vulnerable groups,

---

<sup>46</sup> Signatories of the Agreement: (the Supreme State Prosecutor’s Office, the Ministry of Education and Sports, the Ministry of Labour and Social Welfare, the Ministry of Health, the Police Directorate) and three nongovernmental organizations.

and to continue cooperation with the representatives of international organizations with missions in Montenegro.

**Strategic objective 1. To ensure intensive cooperation between public institutions and civil society organizations, including nongovernmental organizations active in the field of combating trafficking in human beings in initiatives for creating/improvement of policies and methodologies for combating trafficking in human beings at the national and international level**

**Operational objective 1.1.** To ensure active participation of the representatives of the civil sector and NGOs in the processes of adoption of national strategic documents aimed at improving the mechanisms for combating trafficking in human beings

**Operational objective 1.2.** To inform and actively involve representatives of the civil sector in regional and international initiatives, projects, meetings, seminars and workshops aimed at improving the mechanisms for cross-border cooperation in combating trafficking in human beings, with special emphasis on providing assistance for victims of trafficking in human beings

**Strategic objective 2. To ensure close cooperation and active participation of the civil sector/nongovernmental organizations in initiating and implementation of campaigns for awareness raising of the public on the phenomenon of trafficking in human beings, as well as conducting research in that field**

**Operational objective 2.1.** To achieve active involvement of the representatives of the civil sector/nongovernmental organizations in initiating and implementation of campaigns for awareness raising of the public on the phenomenon of trafficking in human beings

**Operational objective 2.2.** To achieve active involvement of the representatives of the civil sector/nongovernmental organizations in initiating and implementation of research on the phenomenon of trafficking in human beings

**Strategic objective 3. To conduct continuous evaluation of the implementation of the Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism Industry and, as appropriate, to improve implementation of the Code in the practice.**

**Operational objective 3.1.** To conduct continuous evaluation of the implementation of the Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism Industry

**Operational objective 3.2.** To improve implementation of the Code in the practice in accordance with the evaluation reports on implementation of the Code

**Operational objective 3.3.** *To ensure a higher level of involvement of tourist companies and organizations in Montenegro in combating trafficking in human beings*

**Operational objective 3.4.** *To promote cooperation with the Administration for Prevention of Money Laundering and Terrorism Financing in combating trafficking in human beings*

## **ANNEX 1**

### **Bilateral treaties on cooperation in criminal matters which Montenegro concluded with other countries:**

- Treaty between Montenegro and the Republic of Serbia on Legal Assistance in Civil and Criminal Matters (2009)
- Extradition Treaty between Montenegro and the Republic of Serbia (2009 and 2010)
- Treaty between Montenegro and the Republic of Serbia on Mutual Recognition of Judicial Decisions in Criminal Matters (2009)
- Treaty between Montenegro and Bosnia and Herzegovina on Legal Assistance in Civil and Criminal Matters (2010)
- Treaty between Montenegro and Bosnia and Herzegovina on Mutual Recognition of Judicial Decisions in Criminal Matters (2010)
- Extradition Treaty between Montenegro and Croatia (2010)
- Treaty between Montenegro and Croatia on Mutual Execution of Judicial decisions in Criminal Matters (2011)
- Extradition Treaty between Montenegro and the Republic of Macedonia (2011)

### **Bilateral agreements on cooperation in the fight against organized crime Agreements signed by the Government of Montenegro**

- Agreement between the Government of Montenegro and the Government of the Republic of Bulgaria on Cooperation in Fighting Terrorism, Organized Crime, Illicit Traffic in Narcotics, Psychotropic Substances and Precursors, Illegal Migration and Other Criminal Offences (2005);
- Agreement between the Government of Montenegro and the Republic of Albania on Cooperation in Fighting Terrorism, Organized Crime, Trafficking in Human Beings and other illicit activities (2003);
- Agreement between the Government of Montenegro and the Republic of Turkey on Police Cooperation (2007);
- Agreement between the Government of the Republic of Slovenia and the Government of Montenegro on Cooperation in Fighting Organized Crime, Trafficking in Human Beings and Illegal Migration, Illicit Traffic in Narcotics and Precursors, Terrorism and other forms of crime (2006);
- Agreement between the Government of Montenegro and the Council of Ministers of Bosnia and Herzegovina on Cooperation in Fighting Terrorism, Organized Crime, Illicit Traffic in Narcotics, Psychotropic Substances and Precursors, Illegal Migration and other Criminal Offences (2007);
- Agreement between the Government and the Government of the Republic of Macedonia on Cooperation in Fighting Terrorism, Organized Crime, Illicit Traffic in Narcotics, Psychotropic Substances and Precursors, Illegal Migration and other criminal offences (2003);

- Memorandum of Understanding on Police Cooperation between the Government of the Republic of Montenegro and the United Nations Interim Administration Mission in Kosovo (UNMIK) (2003).

**Agreements signed by the Ministry of Interior/Police Administration, Supreme State Prosecutor's Office and Supreme Court of Montenegro**

- Agreement between the Ministry of Interior of Montenegro and the Ministry of Interior of the Republic of Croatia on Police Cooperation (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 Fighting Terrorism, Organized Crime, Illicit Traffic in Narcotics, Psychotropic Substances and Precursors, Trafficking in Human Beings, Illegal migration and other criminal offences, as well as cooperation in other areas within their jurisdiction (2003);
- Agreement on Cooperation between the Ministry of Interior of Montenegro and the Ministry of Interior of the Russian Federation from 2008;
- Memorandum of Understanding on Enforcing and Improving Cooperation in Combat of All Forms of Serious Crime between the Supreme State Prosecutor's Office of Montenegro and the Republic Public Prosecutor's Office of the Republic of Serbia, signed in Podgorica on 31 October 2007;
- Agreement on Cooperation in criminal prosecution of the perpetrators of crimes against humanity and other values protected by international law between the Supreme State Prosecutor's Office of Montenegro and the War Crimes Prosecutor's Office of the Republic of Serbia, signed in Podgorica on 31 October 2007;
- Memorandum of Understanding on Cooperation between the Supreme State Prosecutor's Office of Montenegro and the General Prosecutor's Office of the Republic of Albania in Fighting Organized Crime, signed in Podgorica on 27 July 2007;
- Memorandum of Cooperation between the Supreme State Prosecutor's Office of Montenegro and the Public Prosecutor of the Republic of Macedonia in Fighting Transnational Crime, Trafficking in Human Beings and Illegal Migration, signed in Ohrid on 30 May 2007;
- International cooperation of prosecutorial authorities in the field of legal assistance in criminal matters, the Conference of Prosecutors of South East Europe and Central Asia.
- Agreement on Cooperation between the Supreme State Prosecutor's Office of Montenegro and the General Prosecutor's Office of the Russian Federation, signed in Podgorica on 8 September 2006;
- Memorandum of Agreement to Achieve Mutual Cooperation in Fighting All Forms of Severe Crime between the Supreme State Prosecutor's Office of Montenegro and the Prosecutor's Office of Bosnia and Herzegovina, signed in Podgorica May 2005;
- Memorandum of Agreement to Achieve and Advance Mutual Cooperation in Fighting All Forms of Severe Crime between the Supreme State Prosecutor's Office

of Montenegro and the Public Prosecutor's Office of the Republic of Croatia, signed in Podgorica on 25 February 2005;

- Memorandum of Understanding of the Public Prosecution of the Republic of Macedonia, of the General Prosecutor's Office of the Republic of Albania, of the State Prosecutor's Office of Bosnia and Herzegovina, of the State Attorney's Office of the Republic of Croatia, of the Republic Public Prosecutor's Office of the Republic of Serbia and the Supreme State Prosecutor's Office of Montenegro for Regional Co-operation against Organized Crime and Other Forms of Serious Crime, signed in Skopje on 30 May 2005;
- Memorandum on Cooperation between the State Prosecutor's Office of Ukraine and the Supreme State Prosecutor's Office of the Republic of Montenegro in Fighting Transnational Crime and Money Laundering, signed in Kiev on 21 September 2006;
- Memorandum of Understanding on Cooperation between the Supreme State Prosecutor's Office of Montenegro and EULEX Office in Kosovo in Fighting all forms of serious crime, signed in Podgorica on 26 June 2009;
- Agreement on Cooperation between the General Prosecutor's Office of the Russian Federation and the Supreme State Prosecutor's Office of Montenegro, signed in Podgorica on 8 September 2006;
- Agreement on Cooperation between the Supreme Court of Montenegro and the Supreme Court of the Russian Federation, signed in Moscow on 3 July 2009.

#### **List of signed agreements of readmission:**

- Law on Ratification of the Agreement between the Republic of Montenegro and **the European Community** on the readmission (return and acceptance) of persons residing without authorization (Official Gazette of Montenegro, no. 7/07), adopted by the Parliament of Montenegro, 13 November 2007;
- Law on Ratification of the Agreement between the Government of Montenegro and the Council of Ministers of **Bosnia and Herzegovina** on return and acceptance of persons with illegal entry and stay (Official Gazette of Montenegro, no. 02/10), adopted by the Parliament of Montenegro, 02. March 2010;
- Law on Ratification of the Agreement between the Government of Montenegro and the Council of Ministers of the **Republic of Albania** on return and acceptance of persons with illegal entry and stay (Official Gazette of Montenegro, no. 01/11), adopted by the Parliament of Montenegro, 22 December 2010;
- Law on Ratification of the Agreement between the Government of Montenegro and the Government of **the Republic of Croatia** on return and acceptance of persons with illegal entry and stay (Official Gazette of Montenegro, no. 02/10), adopted by the Parliament of Montenegro, 02 March 2010;
- Decision on publishing the Agreement between the Government of Montenegro and the Government of the **Kingdom of Norway** on the readmission (return and acceptance) of persons without permission to stay (Official Gazette of Montenegro - International Treaties, No. 5/2011);
- Law on Ratification of the Agreement between Montenegro and **the Swiss Confederation** on readmission (return and admission) of persons without permission to stay, and the Protocol on its implementation. The Law was published in the Official Gazette of Montenegro - International Treaties, No. 14/2011), from 11.11.2011;

- Law on Ratification of the Agreement between Montenegro and **the Republic of Kosovo** on readmission (return and acceptance) of persons without permission to stay, and the Protocol on its implementation. The Law was published in the Official Gazette of Montenegro - International Treaties, No. 15/2011), from 28.11.2011;

## ANNEX 2

### STATISTICAL INDICATORS ON TRAFFICKING IN HUMAN BEINGS IN MONTENEGRO FOR THE PERIOD 2004-2011

#### POLICE ADMINISTRATION:

Year	Number of criminal charges	Number of persons involved	Type of criminal offence
2004	6	15	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2005	3	3	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2006	1	1	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
	1	6	CO art. 445 Criminal Code of Montenegro- trafficking in children for adoption
2007	1	4	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
	1	4	Mediation in prostitution
2008	2	9	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2009	2	4	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2010	2	16	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
<b>Total</b>	<b>18</b>	<b>62</b>	

**Total:** Within the period from 2004 to 01 April 2011 the Police Administration filed 18 criminal proceedings for criminal offence of trafficking in human beings pursuant to Article 444 of the Criminal Code of Montenegro and 1 for a criminal offence of trafficking in children for adoption pursuant to Article 445 of the Criminal Code of Montenegro.

**STATE PROSECUTOR'S OFFICE  
CHARGES:**

Year	Number of persons against whom charges have been filed	Type of criminal offence
2004	12	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2005	8	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2006	6	CO art. 445 Criminal Code of Montenegro- trafficking in children for adoption
	1	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2007	3	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2008	9	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2009	4	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
2010	16	CO art. 444 Criminal Code of Montenegro- trafficking in human beings
<b>Total:</b>	<b>59</b>	

**Total:** Within the period from 2004 to 31 December 2010 state prosecutors filed charges against 53 persons for criminal offence of trafficking in human beings pursuant to Article 444 Criminal Code of Montenegro and against 6 persons for a criminal offence of trafficking in children for adoption pursuant to Article 445 of the Criminal Code of Montenegro.

**COURTS:  
JUDGEMENTS:**

Year	Number of judgments	Convictions	Final judgments	Number of persons
2004	1	/	/	/
2005	3	2	/	/
2006	5	4	1	1
2007	2	2	1	1
2008	3	1	/	/
2009	7	4	2	4
2010	9	8	5	15
2011	7	1	4	12
<b>Total:</b>	<b>37</b>	<b>22</b>	<b>13</b>	<b>33</b>

**Total:**

Within the period from 2004 to 01 December 2011 the competent courts have delivered a total of 37 judgments. NOTE: judgment in the first instance proceedings, the second instance proceedings, and final decisions for each case individually were covered.

From 2004 to 2011 the competent courts had a total of 14 cases in the process for trafficking in human beings, 13 of which up to 31.12.2011 has been solved.

In 11 final cases the accused were found guilty (27 persons), while in 2 final cases the accused were acquitted.

## **ANNEX 3**

### **TRAININGS OF REPRESENTATIVES OF INSTITUTIONS INVOLVED IN THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS**

The Office for Fight against Trafficking in Human Beings, in accordance with its responsibilities, at the beginning of the year develops a training plan of civil servants, based on which line ministries, public administration bodies, independently or with financial assistance from international organizations, conduct continuous trainings for their employees who deal with activities in the field of prevention, protection of victims and effective criminal prosecution of perpetrators.

There is in Montenegro the established legal framework that adequately addresses the issue of education of judiciary (judges and public prosecutors). Namely, in 2006 the Judiciary Training Law (Official Gazette of the Republic of Montenegro, No. 27/206) was adopted, which defined education as organized acquisition and improvement of theoretical and practical knowledge and skills, by using programs that provide active engagement of judiciary during education.

Police in cooperation with the Police Academy conducts education and training of police staff. The issue of trafficking in human beings has entered into the regular curriculum of the Academy for all police staff through a number of teaching units. In cooperation with the OSCE, ICITAP, IOM, UNDP, specialized seminars for officers of criminal and border police and other civil servants are being organized, which are covered by the measures of the Action Plan through prevention and in particular protection of victims of trafficking in human beings.

In the previous period, employees of the Office, but also employees from other sectors, participated in several trainings, seminars and conferences on trafficking in human beings at home and abroad:

#### **In 2006:**

- In organization of the OSCE trainings were organized for 178 border police officers on "Development of border police".
- In organization of the Police Academy a three-day seminar was realized on police cooperation in fight against trafficking in human beings and illegal migration for officers of the Border Police and the Criminal Police.
- Experts from the Police in cooperation with the Police Academy organized four courses on illegal migration and trafficking in human beings for 85 police officers.

#### **In 2007:**

- On 17 - 18 April 2007 a seminar was conducted on trafficking in human beings in the purpose of forced labor, with a focus on indicators, identification of victims, differences between forced labor and illegal employment for representatives of employment bureaus and agencies, labor inspectorates and police

- On 23 - 26 April 2007 representative of the Office participated at the seminar 'Support the Development of Transnational Referral Mechanisms for Trafficked Persons in South-East Europe, organized by the International Centre for Migration Policy Development in Vienna, with a view to revising the draft Guidelines for transnational referral mechanisms;
- On 25 - 29 May within the project "Public-Private Co-operation in the Prevention of Trafficking and Sexual Exploitation of Minors in Travel and Tourism", training was organized for signatories of the "Code of Conduct for Protection of Children from Sexual Exploitation in Travel and Tourism" (staff of travel agencies and hoteliers).
- On 09 - 12 October at the Police Academy in Danilovgrad, a seminar on of "Trafficking in Human beings" was organized by the Criminal Police of Austria.
- On 15 October a UNODC seminar was organized in relation to the project: "Strengthening operational capacities for investigation and stopping trafficking activities in the Western Balkans."
- On 22 - 23. October in Kolasin a workshop was organized by the OSCE and the Office of the National Coordinator for Fighting Trafficking in Human Beings with a view to complying document the Transnational Referral Mechanisms with the Agreement on Mutual Cooperation Agreement with Annexes.

#### **In 2008**

- On 13 - 15 February 2008 a representative of the Office of the National Coordinator attended the Vienna forum, which was organized under the Global Initiative for Fight against Trafficking in Human Beings (UN GIFT). The forum had a goal to raise awareness regarding all forms and dimensions of trafficking in human beings, through intensification of cooperation and partnership among the participants.
- On 24 - 28 March, a representative of the Office of the National Coordinator took part in the Fourth Regional Conference on Combating Trafficking in Human Beings, organized by CARE International, in Ilidza Sarajevo. The aim of the conference was to review the existing legal framework and effectiveness of referral mechanisms for identification, protection and reintegration of domestic victims of trafficking in Bosnia and Herzegovina, Croatia, Serbia and Montenegro.
- On 9 April a representative of the Office of the National Coordinator took part in a round table discussion on "Combating Trafficking in Human Beings - repatriation and reintegration of victims" organized by the Office for Human Rights of the Republic of Croatia and the Ministry of Foreign Affairs and European Integration.
- On 24 April a representative of the Office took part in the seminar - workshop which was organized as part of the ICMPD project "Support to the Development of Transnational Referral Mechanisms (TRM) for victims of trafficking in human beings in South Eastern Europe" held at Hotel Maestral in Milocer.
- On 19-22 May a representative of the Office of the National Coordinator took part in a seminar entitled 'Support to development of transnational referral mechanism for victims of trafficking in human beings in South Eastern Europe', which was organized by the ICMPD MO held in Rome.
- On 05-07. June in Bar, within the project "Strengthening Anti-Trafficking Networks in the Western Balkans", organized by the NGO Montenegrin Women's

- Lobby and the American Foundation CARE International, a seminar was organized entitled "What's the problem". The seminar was intended for judges and prosecutors from all Montenegro cities.
- On 23-25. July in organization of the Office of the National Coordinator with the financial support of the OSCE and IOM, a meeting was held with the aim to gather all relevant parties involved in fight against trafficking in Montenegro in order to exchange experiences, suggestions and proposals, which will serve as guidelines for development of the Action Plan.
  - On 10 - 11 September in Helsinki a representative of the Office for Fight against Trafficking in Human Beings took part in the OSCE's international conference entitled "Successful conduct of criminal procedures for perpetrators of crime of trafficking in human beings - challenges and good practice",
  - On 18 - 19 September 2008, participation of representatives of the Office on the Regional conference on Fight against Trafficking in Human Beings and money laundering, organized by the OSCE in Larnaca in Cyprus, with the aim of exchanging experiences on anti-trafficking and money-laundering in countries of the Mediterranean zone.
  - On 22 and 23 September, representatives of the Office took part in the work of the Technical Seminar on National Rapporteurs and equivalent mechanisms to combat trafficking in human beings organized by the OSCE's.
  - On 25-28 November, representatives of the Office took part in the III World Congress against Sexual Exploitation of Children and Adolescents, which was organized by the UNICEF, and was held in Brazil, Rio de Janeiro with the aim of developing and promoting joint activities in the field of protection of children and adolescents from sexual harassment and abuse. The Congress has driven dialogue at the level of senior government officials.
  - On 01 and 02 December a representative of the Office, together with representatives of the Ministry of Justice and the Police took part in the seminar with the aim of studying the relationship between illegal migration and trafficking in human beings, which was organized by the Centre for Security and Cooperation, held in the "Racviac" center in Rakitija, Zagreb.
  - On 15 - 24 November representatives of the Office were trained on "Combating Trafficking in Human Beings" organized by the Center for Training - Partnership for Peace of the Republic of Turkey, which was held in Ankara.
  - During December, the Office, in cooperation with the National Team for implementation of TRM guidelines organized six seminars on "Improving the mechanisms for combating trafficking in human beings" in the three regions of Montenegro for civil servants of relevant institutions (courts, prosecutor's offices, centers for social work, health centers, employees in education, as well as representatives of local governments)
  - On 24 - 26 March in Sarajevo in organization of the "CARE International" the fourth regional Conference on combating trafficking in human beings was held with regard to the legal and social status of victims of trafficking. The Conference was attended by two officers of the Department for Combating Organized Crime and Corruption - Police.
  - On 14 -15. March in Skopje, in organization of the International Centre for Migration Policy, a seminar was held regarding the project: "Program for the Enhancement of Anti-trafficking Responses in South-Eastern Europe – Data Collection and Information Management"

- On 16 -18. April in Belgrade, in organization of the UN Office on Drugs and Crime (UNODC), a seminar was held regarding the project "Enhancing Operational Capacity to Investigate and Disrupt Human Trafficking Activities in the Western Balkans".
- On 12 -14. May in Prcanj, in organization of the IOM, a seminar was held on "Combating trafficking in human beings in Montenegro."
- On 05-06. June, in organization of the NGO Montenegrin Women's Lobby in Bar, a meeting was held regarding the project "Transnational Referral Mechanisms for protection of victims of trafficking in human beings"

### **In 2009**

- On 23-26. February, members of the National Team for implementation of TRM guidelines had a working visit to Ukraine in order to exchange experiences with representatives of relevant institutions involved in the fight against trafficking in human beings.
- On 30 March in organization of the International Organization for Migration (IOM) and the UN GIFT in Vienna at the Conference on Principles of Agreement on cooperation between key actors for fight against trafficking in human beings, introduced and lauded as the best example in the region was the Montenegrin Agreement on mutual cooperation of institutions and NGOs, after which it was published in the international publication "Leading principles of the Agreement on cooperation between key stakeholders and law enforcement agencies.
- During April 2009 the Office, in cooperation with the IOM MO organized in secondary schools a lecture on "Fight against trafficking in human beings". After that, the final survey of graduate students was conducted in five municipalities with the aim to test the resistance level of students on trafficking in human beings.
- On 18.-20. May in Budva in organization of the MO IOM Mission within the program "Strengthening of police capacities in order to prevent cross-border illegal migrations and organized crime," a seminar titled "Fight against organized crime" with the aim to train trainers from the police by lecturers from Austria, who addressed topics in the field of combating human smuggling, illegal migration and trafficking in human beings, with a particular emphasis on international cooperation in criminal matters.
- On 1 - 4 June the National Team for implementation of cross-border referral mechanism for victims of trafficking (TRM) participated in work of the Regional seminar in Ohrid on "Support Program for development of Transnational Referral Mechanisms (TRM) for victims of trafficking in South Eastern Europe."
- On 15-18. July representatives of the Office together with a representative of the Ministry of Labor and Social Welfare and the international organization "Save the Children", were in a working visit to Croatia in order to exchange experiences and examples of good practice in the fight against trafficking in human beings.
- On 21 -24. April in the Police Academy a seminar was realized on "System of police detention and human rights" for 12 participants from the Police, and it was realized within the Austrian project "Police cooperation in combating trafficking in human beings, human smuggling and illegal migration";
- On 04 - 08 May, in organization of the OSCE MO, Academy TADOC from Turkey and the Police Academy, a training course was held on "Illegal migration and trafficking in human beings" for 3 officers from the Customs Administration

and 13 officers of the Border Police Department and 1 officer from the Department for Fight against Organized Crime and Corruption.

- On 11 - 15 May, organized by the OSCE MO, Academy TADOC from Turkey and the Police Academy held a training course on "Illegal migration and human trafficking," the three customs officers, 13 officers of the Border Police and an officer of the Department for Combating organized crime and corruption.

## In 2010

- On 24 - 29 May in the Police Academy in Danilovgrad a training was organized for officer of the Police Administration on "Trafficking in Human Beings and illegal migration";
- On 23 and 24 September in Budva, in organization of the Office and the U.S. Embassy representatives of relevant institutions (Police Administration, Supreme State Prosecutor's Office, Supreme Court, Ministry of Health, Ministry of Labor and Social Welfare, Ministry of Education and Sports, Ministry of Human and minority rights) , took part in the conference "Trafficking in Human Beings- a world problem - the answer of the region";
- On 16 - 19 February seminar was held on "The rights of the child with special focus on international law and juvenile justice", which was attended by 26 prosecutors
- On 14 February to 2 March a state prosecutor was in a working visit to the U.S. on "Fight against corruption and organized crime";
- On 24 - 26 February in Strasbourg a meeting was held of the working group of the Consultative Council of European Prosecutors on "Juveniles and judicial reform"
- From 28 February to 5 March 2010 one judge of the Supreme Court was in Berlin in a working visit on "Juvenile Justice Reform";
- On 15-16. April in Strasbourg, officers from the Office took part in the Conference for signing of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
- Officers of the Police Administration attended the following training courses, seminars and workshops:
  - Meeting of the group for reviewing implementation of the UNCAC Convention, Vienna, on 28. June -02 July,
  - Study visit to Germany: PROSECO project, Berlin, 31 May -04. June 2010
  - Regional thematic training on the PROSECO project: "Witness Protection," Bar, 8- 9 June 2010
  - The PROSECO project, training on money laundering, Podgorica, 22 June 2010
  - The ILECUS project: Study visit to the Ministry of Interior in Romania, the Center for International police cooperation and the SECI Centre in Bucharest, 21-25 June 2010
  - Conference on "Criminal conspiracy, definition, characteristics and methods of proof and the use of special investigative measures", Ohrid, 23 - 25 September 2010.
- On 23 and 24 September in Budva representatives of the State Prosecutor's Office took part in the conference "Trafficking in Human Beings - a world problem - the response of the region", organized by the Office for the fight against trafficking in

human beings with the support of the U.S. Embassy in Montenegro, which was aimed at strengthening professional capacities of direct officers involved in the fight against trafficking in human beings.

- During the reporting period, a number of trainings were realized for representatives of labor inspectorate, occupational safety inspectorate and health inspectorate and representatives of the Center for social work, in order to strengthen professional capacities of inspection and social services in relation to the phenomenon of trafficking in human beings, in order to better identify potential victims of trafficking;

## **In 2011**

- Within the Rulebook on professional development of teachers for the school year 2011/2012 the training program for teacher "Integration of principles of prevention through the educational system" was accredited, which includes introduction of the topic of trafficking in human beings as a separate teaching unit within the regular school subject of Civic Education, which will make education of children about this phenomenon mandatory and in the way systematically solved. Within the period from January to November in total 70 professors from the whole territory of Montenegro passed a training program on the said topic, the Methodological manual on the best methods of transferring knowledge about trafficking for teachers was developed as well as information materials for pupils.
- With the aim to strengthen administrative capacities of relevant institutions at the regional level, representatives of the Office, the Police, Prosecutor's Office and NGOs participated in three workshops dedicated to promoting transnational cooperation on transnational trafficking cases in South Eastern Europe with emphasis on the cases of labor exploitation and trafficking of children. The result of these workshops was the finalization and adoption of a unique form for tracking transnational referral of trafficked persons.
- Representatives of the Office together with representatives of countries from the region gathered on 07 and 08 June in Belgrade at a conference "Street Children in South East Europe - Our Responsibility", which aimed to review comparative practices and systematic approach to prevention, taking joint activities aimed at protecting the mentioned categories of children who are at the greatest risk of trafficking.
- On 20 and 21 June in Vienna in organization of the OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, the XI Alliance for Fighting trafficking in human beings entitled "Prevention of trafficking for labor exploitation, decent work and social justice", where representatives of the Office participated;
- In early October the Montenegrin delegation participated in the international conference in Zagreb, organized with the aim of strengthening the mechanisms of proactive identification of victims of trafficking in human beings in South Eastern Europe.
- At the end of October a video conference was organized with experts chosen by the U.S. State Department, with whom on this occasion in close communication, Montenegrin representatives of the police, courts, prosecutor's offices, social work centers and non-governmental sectors, exchanged experiences and best practices in the fight against evils of the modern era such as trafficking in human beings.

- On 07 - 11 November representatives of the National Team for implementation of TRM guidelines took part in international meetings in Nicosia and Skopje dedicated to strengthening mechanisms for combating trafficking in human beings.

#### **ANNEX 4 List of conventions that Montenegro ratified in the area of the fight against trafficking in human beings**

- United Nations Convention against Transnational Organized Crime
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted on 15 November 2000).
- Council of Europe Convention on Action against Trafficking in Human Beings
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
- International Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, as amended by the Protocol signed at Lake Success, New York, on 12 November 1947.
- International Agreement for the Suppression of the White Slave Traffic, signed at Paris on 18 May 1904, amended by the Protocol signed at Lake Success on 4 May 1949.
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Lake Success, New York, 21 March 1950.
- Final Protocol to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Lake Success, New York, 21 March 1950.
- UN Convention on the Rights of the Child,
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (ratified on 23 October 2006).
- Council Conclusions of 8 May 2003 on the Brussels Declaration on Preventing and Combating Trafficking in Human Beings



