

# MONTENEGRO AND TRAFFICKING IN HUMAN BEINGS



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## IS THERE ANY HOPE FOR VICTIMS

# **MONTENEGRO AND TRAFFICKING IN HUMAN BEINGS**

# *Is there any hope for victims*

During 2018, the Centre for Investigative Journalism of Montenegro conducted a research on trafficking in human beings in Montenegro. This brochure is the research's summary with recommendations on how Montenegro can deal with the problem and how we all can recognize the victims. The brochure is part of the "Trafficking in Human Beings - Is there any Hope for Victims" project which is implemented with the support of the Danish Foundation Jyllands-Postens Fond

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### **What is trafficking in human beings:**

According to the United Nations (UN) definition, trafficking in human beings means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use or force, for the purpose of exploitation.

About two and a half million people worldwide are victims of trafficking each year, and the criminal organizations involved in human trafficking earn some \$3 billion a year. This crime is often linked to other crimes. According to the United Nations, the proceeds in human trafficking are only exceeded by illicit drug trafficking. However, international institutions forecast that human trafficking will outpace illicit drugs and weapons trade by 2025.

The UN figures point out that around 140 million girls (of which 50 million are below the age of 15) in the world will be forced into marriage by 2020.

The European Commission estimates that children account for a half of some 2.5 million victims of trafficking. The human trafficking in the EU has been on the rise in recent years, especially when it comes to arrivals from Russia, Ukraine and Central and Southeast Europe.

According to the European Commission, prostitution/sex exploitation (79 percent) is the most prevalent in European countries, as well as forced labour (18 percent), which is currently on the rise in some EU countries. Less common forms of exploitation include forced begging and organ harvesting.

Anyone can fall victim to human trafficking - men and women, boys and girls - regardless of their origin, age, nationality, education, social status etc. It appears that women and girls are more liable to become victims of sexual exploitation, while men are likelier to become victims of labour exploitation.


The most common methods of recruitment can easily be found on the Internet:

- phony job and/or other offer from persons whom the victim knows or trusts;
- fraudulent dating;
- young men who fake relationships with girls, and once the girl trusts him, he invites her to come with him to another country/city where they will start a new, happier life;
- misleading job ads in various media (newspapers, the Internet, social networks);
- offered jobs appear to be more paid with better working conditions than in the countries where potential victims live;
- sale of a family member – due to poverty and other problems, although sometimes parents believe that their children will have a better life elsewhere, being unaware that they will actually end up as slaves.
- kidnapping is a possibility, but it's not much resorted to when it comes to human trafficking supply.

# 140 millions

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*is there any hope for victims*







## How to recognize a victim

The Office for Fight against Trafficking in Human Beings and the OSCE created a special list of indicators so that medical professionals can quickly spot the victims of trafficking. Similar indicators are listed in the textbooks which the same Office prepared for schools lecturers. Thus the person in question:

- does not possess any valid document of identification;
- claims to be "just visiting", but is unable to clarify where he/she is staying/address or cannot remember it;
- has counterfeit identification papers;
- does not know the current country or region of residence;
- is inconsistent with his/her story;
- has someone else speaks on his/her behalf, i.e. a translator, often a member of the same ethnic group, male or female;
- is not allowed to speak on their own;
- does not know the local language;
- is in condition of "hyper-insomnia" or paranoia, fear, anxiety, depression, subordination, tension...;
- has loss of sense of time;
- avoids eye contact;
- suffers from malnutrition or poor health in general;
- has injuries which point out to physical attack;
- has injuries which hint to physical restraint and confinement;
- has infection that can be easily treated in normal circumstances;
- is dependent on drugs/alcohol;
- cannot remember when was the last time he/she visited a doctor;
- has no health insurance, and pays with cash.

## Montenegro, a country under monitoring

Article 444 of the Criminal Code of Montenegro says that those guilty of human trafficking shall be punished from one to fifteen years of prison and the guilty for trafficking of minors shall be sentenced to at least three years of prison.

Not a single verdict for trafficking in human beings has been reached and upheld in the last four years, while at the same only one case of trafficking has entered judicial proceeding. The civil sector and the media keep warning about the rise and impact of the problem but they are ignored nevertheless. Another issue is how (in)effective the authorities are as they toss the hot potato around to each other. It goes from police to prosecution and on to court and again back to police... Is police doing a good job in collecting evidence, do prosecutors bother to examine the evidence and write good indictments and do court verdicts sloppily overthrow the efforts heretofore and discourage further combat?

The US State Department report on Trafficking in Human Beings has kept Montenegro on Tier 2 Watch List of human trafficking in the second consecutive year. Montenegro is designated as a source, transit and destination country for trafficking in men, women and children subject to sex trafficking and forced labour. Victims of sex trafficking, according to this report, are primarily women and girls from Montenegro and neighbouring Balkan countries, and victims of forced begging are mainly Roma and Albanian children.

The State Department encourages

Montenegro to vigorously investigate, prosecute and convict traffickers. It also recommends the increase of proactive screening of potential victims, especially for children involved in begging, women in prostitution and seasonal workers. In addition, the judges, prosecutors and police officers should receive advanced training in order to successfully conduct investigations when there are hints of human trafficking and to enable them to accurately identify victims. The US government believes it is necessary to encourage victims to participate in investigations and judicial proceedings and that the labour inspection should be equipped with means and resources to identify the victims of forced labour.

The report mentions that **for the first time since 2014**, two people have been prosecuted for trafficking in human beings. It is also pointed out that no victim was awarded compensation in either the litigation or the criminal proceedings. It is estimated that Montenegro's authorities did not do enough to combat trafficking in regard to the previous report, and that there have been no verdicts for criminal offenses in that area for 4 years. It is stated that the Labour Inspectorate lacks resources to proactively identify victims and that the Office for Fight against Trafficking in Human Beings has lost its independent status. It is recommended that the Office be vested with adequate authority, capacity and impact. (<https://www.state.gov/documents/organization/282802.pdf>)

It is noted in the last document of the European Commission which deals with chapters 23 and 24 that no one has been prosecuted for trafficking in human beings since 2015, let alone convicted in the last three years. However, the Montenegrin

prosecution issued one indictment which is related to sexual exploitation in the aforesaid time. The EC document estimates that many potential human trafficking cases are actually investigated and prosecuted under other crimes, such as brokering in prostitution and people smuggling.

According to the EC, the main reasons for not prosecuting perpetrators are inability to identify the victims of trafficking in Montenegro, poor proficiency of the specialized unit in the National Police, absence of proactive investigations, difficulties in gathering the much needed evidence, and lack of perception and knowledge about the forms and scope of trafficking in human beings. It is also noted that potential victims have no will to testify. International organizations reckon that victims are discouraged to report trafficking, due to small number of verdicts.

"Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighbouring Balkan countries, and they are exploited in bars, nightclubs, etc. Children, particularly ethnic Roma and Albanian, are coerced into begging in the streets. Roma girls from Montenegro are reported to have been sold into forced marriages while international criminal groups occasionally traffic Montenegrin women and girls for sex exploitation in other Balkan countries", the State Department report said last year and the latest report on Montenegro repeats the aforesaid.

**In the last 13 years, 34 people in Montenegro were convicted** for trafficking in human beings, and 5 have been fully cleared of the charges. At the same time, **38 victims of trafficking were registered**, of which 11



were men and 9 were minors.

However, the Montenegrin Women's Caucus have different data. In the last 13 years, **177 victims (of which 69 were minors)** were housed in the **Human Trafficking Shelter** run by the aforementioned organization.

Apart from eight locals, all other victims were foreign nationals, aged between 12 and 45. They had been subjected to labour and sexual exploitation, forced marriage and compulsory begging. Besides the Montenegrins, the victims came from Serbia, Kosovo, Bosnia and Herzegovina, Ukraine and Bangladesh.

At the same time, the police filed 21 criminal charges, and the prosecution lodged 20 indictments against 59 persons. Those found guilty were mostly men (30-60 years old) from Montenegro, Serbia, Kosovo, Albania, Croatia and Ukraine.

On the other hand the National Office for Fight against Trafficking in Human Beings was placed under the Ministry of Interior in the middle of the last year. Such move went against the Council of Europe and the European Commission recommendations that the Office should be either placed under the

Cabinet or become independent. The Office itself agrees that this is a poor solution as it will face many bureaucratic hurdles and reduce its freedom of action to the will of the interior minister.

The national anti-trafficking office and the NGO sector agree that the key problem lies with the police and the prosecution as they fail to identify victims or they simply diminish and relabel the criminal offences in cases of prostitution rings, arrangement of illicit juvenile marriages, etc. The National Office believes that the most important thing in the near future is to improve the proficiency of public servants. The mistakes made by police heretofore are taken into account since the police relied too much on the victims' statements. Hence, other evidence will have to be collected in addition to testimonies.

The NGO sector administers the National Human Trafficking Shelter which has been open since 2005, and has a **free, around the clock, SOS line- 116666**.

However, the informal sources admit that the Shelter is not completely safe and its location is widely known. Thus the Office for Fight against Trafficking in Human Beings mulls a different sheltering model, like renting



**MONTENEGRO**  
**In the last 13 years, 34 people were convicted for trafficking in human beings**

**38 victims of trafficking were registered**

apartments when needed since the Shelter is empty most of the time, they say.

## Prostitution – mild penalties for nightclubs

While the police claims that prostitution in Montenegro is mostly on voluntary basis, the NGO sector points out that in over 90% of cases prostitution is also a form of trafficking. The police reports that mostly younger women fall victim to sexual exploitation in Montenegro through various facilitators. However, the prosecutors generally do not classify it as trafficking in human beings, but mostly as “brokering in prostitution”. The NGO sector claims that prostitutes are actually exploited and their identity papers taken away. They are exposed to violence, beatings, blackmail, alcohol and drugs and as such they are unlikely to come to police and report the crime. On the other hand there are allegations that some police officers, work as security at sex places (to earn extra money). At the same time the Shelter remains empty. The CIN-CG research confirmed that some “nightclubs” that were previously shut down for criminal association and prostitution are quickly back in business and operate unhindered. The police confirmed the findings claiming that it couldn’t do much apart from occasional controls.

The Office for Fight against Trafficking in Human Beings admits that the number of victims who found refuge in the National Shelter is a way higher since many of them were not registered as human trafficking victims for inability to meet the laid out criteria. The police put the blame on the prosecutors and quote the European Expert Group guidelines. So if the mediator in question recruits women without use of

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force, threat, blackmail, does not confiscate their travel documents or restrict their movement while the women agree to trade sex for money and pay him commission, then prosecutors hardly have a ground to qualify those activities as trafficking in human beings.

The police officers often exonerate themselves saying that it is very difficult to prove those crimes. The investigations they

conduct for months, using wiretapping and all other surveillance end up as suspicions/charges for prostitution brokering at best. The fact that only one such case went to court last year is explained away by appealing to insufficient staffing and work overload. Hence a new team with more staff is in store to deal with the issue.

According to police, so far there have been no drastic cases of trafficking in human beings. On the other hand the NGO sector has information about girls who were abducted, locked up, physically and mentally abused. Lastly, when such cases arrive in court, having been relabelled so to appear milder, the prostitutes get charged with misdemeanour while the customers are exempted of any charges. That happens to be a common practice in Montenegro, the Balkans and Eastern Europe. Many NGOs are keen to change the current practice demanding that customers should be held accountable rather than the prostitutes. The prices of sexual services in Montenegro range from 10€ to several hundred. The prostitutes usually get a smaller cut or sometimes they get nothing.

## Begging, enslavement since early age

Relevant international institutions repeat year by year that begging in Montenegro is the most widespread aspect of economic exploitation of children. Nevertheless, this problem is largely ignored.

According to the United Nations, the European Commission and the US State Department, begging is the most widespread aspect of economic exploitation of children in the region, Montenegro included. These international institutions state in their reports that children, mostly of Roma descent, are forced into begging.

Montenegro endorsed the Convention on the Rights of the Child and is thereby obliged to protect and secure the rights of children, as well as to ensure that national laws prohibit every possible involvement of children in prostitution, pornography and forced labour. However, the reality is very different, and it appears that neither Montenegrin institutions nor its citizens care much about a great number of children begging in the streets every day.

NGO reports point out that no

24/7  
SOS line  
116666



reliable data on children turned beggars are available and thus it's unknown how many of them could be rescued from the vicious circle.

The Office for Fight against Trafficking in Human Beings knows of only one trafficked victim who had been forced to beg and was subsequently received into the Shelter in 2016. Last year, the police pressed around 60 misdemeanour charges, mostly against parents who forced their children into begging.

The civil sector sees many hurdles in tackling this issue. The public institutions sloppily coordinate their actions and don't really engage the problem while many public officers are rather callous when it comes to begging of children. They blame hazy and inadequate regulations and would rather toss the hot potato to someone else. There are also stereotypes and prejudices which put the begging into the context of the Roma culture.

The NGO sector believes that a solution to the problem may be a shelter which would welcome all children who are victims of violence. At the same time their families

should be approached and helped to repair the bonds with the children. It happens often that a child who is caught in begging is sent off to the Juvenile Centre and lodged together with other children who are in conflict with the law. They do not belong there, and the staff in those institutions says that they have neither opportunities nor working conditions to deal with those children separately.

The civil sector claims that children who live and work in the streets are at high risk of becoming victims of trafficking. Based on records most of those children come from the Roma and Egyptian communities and are exposed to various forms of violence. Their families often directly exploit them. The girls in those communities face a lot of discrimination and are particularly vulnerable to trafficking schemes.

Street begging is hardly ever reported by ordinary citizens or the authorities that should tackle it. The Law on Public Order and Peace prescribes fines from 30 to 200 Euros for those involved in begging. Criminal charges against children and juveniles are not files as they are treated as victims by the Convention on the Rights of the Child and other international acts. The Law on Public



2015 - 2017.

9

potential  
victims  
of forced  
marriage



Order also prescribes 30 to 60 days of prison for forcing a minor into begging, while the Criminal Code treats the begging of minors as the criminal offence of neglect and abuse of minors which is punishable from 3 to 5 years. The trafficking in human beings carries from 3 to 10 years of prison.

## Early marriages, the taking away of future

The civil sector wrote down some 60 cases of early marriages in the last 5 years in Montenegro. Just in 2 last years there were 49 cases reported to the police, but no judicial proceeding has taken place.

The Roma community seems to be in the deadlock which is hard to resolve as even the Roma National Council resorts to denial of problems thus only exacerbating the situation. The Council representatives claim that the sale of girls and the arrangement of early marriages have been eliminated in recent years. However, some non-governmental organizations claim that the elders of that umbrella council were involved in facilitating early marriages in their own families, and thus themselves implicated in the felony.

**From 2015 to August 2017, 9** potential victims of forced marriage were accommodated in the Shelter. Those were girls from Montenegro, Serbia and Kosovo. The victims of arranged child marriages are 11 to 14 years old. The NGOs claim that child marriages are common in that community. Although the number of unregistered members of the Roma population has significantly decreased, there are still those who do not have any documents and thus their children technically “do not exist” in this

country. For the same reason the arranged marriages cannot be recorded.

Moreover when such cases are discovered, parents or relatives often put the blame on the girls, saying that they “ran away from home because they fell in love”, and that they couldn’t do anything about it.

## According to UN

round 140 million girls will be forced into marriage by 2020. There will be 50 million just of those under 15.

A survey made in 2014 by the Centre for Roma Initiatives showed that as much as

**72.4 percent** of the Roma population in Montenegro entered wedlock at the **age from 12 to 18.**



The non-governmental organizations note that some girls are brought from nearby countries (Kosovo, Serbia, Macedonia, Albania) illegally or under pretense of visiting their relatives in Montenegro together with their parents. In reality, they arrive for the purpose of getting married. Families usually make such arrangements via the Internet, or by phone. Likewise the girls from Montenegro are sent to other countries where they are married off in accordance with the earlier deal between the parents of both families. Very often these girls are accompanied by their parents to Germany, Italy, Austria, and also to neighboring Kosovo, Serbia, Macedonia and Albania.

Forced marriages are designated as the criminal offense of trafficking in human beings according to Amendments to the Criminal Code in 2013. Marriage is forbidden to those who are below 16 years of age. Minors can marry after they turn 16, with the consent of their parents.

According to the last census, there are 8,305 people of Roma and Egyptian descent residing in Montenegro, half of them being women. According to the United Nations (UN), around 140 million girls will be forced into marriage by 2020. There will be 50 million just of those under 15. A survey made in 2014 by the Centre for Roma Initiatives showed that as much as 72.4 percent of the Roma population in Montenegro entered wedlock at the age from 12 to 18. They stress that those who pay and those who receive money for marriage brokering should be held accountable.

The civil sector worries that prosecutors and police are not up to the task in collecting sufficient evidence to justify criminal proceedings. They rather resort



only **two**  
cases of labour  
exploitation

to rebranding of the offence so that it doesn't look too serious and thus hard to prove. It is particularly worrying when girls are thereupon returned to their parents who had designed the crime and are left without external supervision. The Family Law prescribes that such families should be monitored by the Social Care Centre. The Centre didn't answer our questions on whether they monitor the families suspected of selling their children into arranged marriages.

The National Office acknowledges that poor education among the Roma poses a problem as they don't consider monetary arrangements as a sort of trafficking but rather as something acceptable. The Office says that although none is currently prosecuted, the number of reported cases is



on the rise which is a sign that people have become more perceptive and cognizant.

## Labour exploitation, a modern day slavery

Although various international organizations report about forced labour and exploitation in Montenegro none has been prosecuted for that over the last 13 years.

The international institutions say that mostly foreign men and boys are subjected to forced labour in the construction businesses. The Roma children are forced into begging while the women from abroad are often forced to work in Montenegro.

According to court records, only two cases of labour exploitation ended up in court, back in 2004 and 2005. Both trials were finally over in 2010, when 7 persons were convicted for labour exploitation and received from 2 to 3.5 years of prison. The perpetrators consisted of 4 Montenegrins, one Serb and one Ukrainian woman. The victims were 6 Ukrainians and 23 Bangladeshis.

The civil sector is of the opinion that

the Labour Inspectorate bears the greatest responsibility for just a couple of verdicts. Labour exploitation is less visible than other forms of trafficking and requires an extra mile of walk in order to prove it. Early detection of unregistered workers is crucial. The NGOs, based on their surveys, warn that labour exploitation of women is often closely related to sexual exploitation.

about  
**1,500 migrant**  
arrivals so far in 2018.  
On average, some  
**20 - 30 migrants**  
cross the border  
**each day**

year before  
the rate was  
**5 persons a day.**



Very recently, upon the CIN-CG research publication, the Labour Inspectorate responded that they could not comment on the labour exploitation (forced labour) in Montenegro, "since there are no charges or any concrete actions in that regard". They added that, "although they cooperate with all institutions that fight trafficking, no human trafficking victim has been detected so far".

## Migrants are victims already, and it may get worse

The police claim that despite the rising arrivals of migrants across the border lately the figures cause no worry for the time being. The police recorded about 1,500 migrant arrivals so far in 2018. On average, some 20 - 30 migrants cross the border each day while the year before the rate was 5 persons a day.

The Police officers concede that criminal groups are often involved in illegal transfers of migrants. Based on their findings the majority of criminal groups members are nationals of the countries where the migrants originate from while some are nationals of the countries which are on the migrant routes.

When it comes to the migrants themselves, there are no judicial proceedings for trafficking except for two cases of people smuggling. The Office for Fight against Trafficking in Human Beings explains that it could not prove coercion which was necessary for the offence to be characterized as human trafficking.

The police and the anti-trafficking authorities claim that migrants are particularly observed as there are records in other countries that some migrants had even donated their organs so to afford to move

across the borders. For now, the authorities put up with local migrant related "businesses", such as transportation from one border to another. In return the police officers expect information sharing from the local drivers. Some police officers that the CIN-CG journalists spoke to are of the belief that migrants do become victims of trafficking once they are demanded to hand over their documents and money and embark on the journey to unknown. Such notions remain unheeded by the authorities.

Crises, the horrors of wars and poverty drive people out of their homes and make them migrants and victims as well. Rumours of new migrant tide keep this topic high on the agenda.

## SUMMARY

- The international institutions estimate that trafficking in human beings as a form of organized crime, will outpace the smuggling of drugs and weapons by 2025. The UN figures say that by 2020, about 140 million girls will be married by force (of which 50 million will be those under 15). The European Commission estimates that children account for a half of some 2.5 million victims of trafficking.

- This year Montenegro is mentioned again as a source, transit and destination country for trafficking in men, women and children subject to sex trafficking and forced labour, and put on the watch list by the United States. Other internationals agree with the aforesaid.

- In the last four years not a single final verdict for trafficking in human beings has come through in Montenegro and only one case of trafficking has entered judicial proceedings. The civil sector and the media warnings about this growing problem and its impact are ignored.

- There is an apparent problem in police - prosecution - court line of work, as most cases remain unresolved, and only a handful end up in court having been reclassified into milder offences.

- The Office for Fight against Trafficking in Human Beings is placed under the Ministry of Interior which is a step backwards- it should have been kept as an independent governmental body.

- Efforts of the Roma activists to emancipate their community and suppress begging and arranged marriages are impressive but the overall strategic support from the government is still something hoped for.

## RECOMMENDATIONS

- It is requisite to maintain a high degree of awareness in regard to human trafficking issue in Montenegro and hence empower both the state institutions and the non-governmental sector.

- The Montenegrin authorities should in good faith request and, more importantly, accept assistance and support from other governments and international organizations which view Montenegro as a source, transit and destination country of trafficking in human beings.

- Police and prosecution should be trained to coordinate their work and become more professional and proficient when it comes to proving the human trafficking cases and avoid the easy path of reclassifying criminal offences to milder forms and punishments.

- It is requisite to staff and equip the police teams which are put under the Office for Fight against Trafficking in Human Beings.

- The Office and the authorities should embrace the NGOs that fight the human trafficking to co-administer the shelter for victims.

- It is especially important to support the Roma and Egyptian NGOs and their young activists who strive to emancipate their communities and come to grips with the culture that disguises slavery and exploitation under the veil of tradition.





