

FOURTH EVALUATION ROUND

Measures to prevent and detect vulnerabilities
to human trafficking

EVALUATION REPORT MONTENEGRO

GRETA
Group of Experts
on Action against
Trafficking in Human Beings



Implementation of the
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on Action against Trafficking
in Human Beings

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Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

www.coe.int/en/web/anti-human-trafficking

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Preamble

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings (“the Convention”), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by States Parties. The second evaluation round examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking, in particular trafficking for the purpose of labour exploitation, and child trafficking. The third evaluation round focused on trafficking victims’ access to justice and effective remedies.

For the fourth evaluation round of the Convention, GRETA has decided to focus on vulnerabilities to human trafficking and measures taken by States Parties to prevent them, detect and support vulnerable victims, and punish the offenders. An additional focus concerns the use of information and communication technology (ICT) to commit human trafficking offences, which brings structural changes to the way offenders operate and exacerbates existing vulnerabilities.

A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. The concept of “vulnerability” appears in Articles 4 (definitions), 5 (prevention of trafficking in human beings) and 12 (assistance to victims) of the Convention. According to paragraph 83 of the Explanatory report to the Convention, “by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim’s administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce.”

GRETA refers to the ICAT Issue Brief No. 12/2022 on Addressing vulnerability to trafficking in persons which refers to vulnerability as “those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked”. It classifies vulnerability factors in three categories: personal (e.g. age, gender, ethnicity, disability), situational (e.g. destitution, unemployment, legal status) and contextual (e.g. discriminatory laws, policies and social norms, armed conflicts, crises) factors, which interact and may increase the risk of human trafficking for certain individuals, groups and/or communities.¹ Vulnerability to human trafficking is also subject to intersectional factors, such as gender, belonging to a minority group and socio-economic status.

In addition to the thematic focus on vulnerabilities to human trafficking, GRETA has decided that each State Party will receive country-specific follow-up questions related to recommendations not implemented or partially implemented after the third evaluation round.

GRETA recalls that it has adopted the use of three different verbs - “urge”, “consider”, and “invite” – which correspond to different levels of urgency for bringing the State Party’s legislation and/or practice into compliance with the Convention. Thus, GRETA uses the verb “urge” when it assesses that the national legislation or policies are not in compliance with the Convention or when it finds that, despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking. In other situations, GRETA “considers” that it is necessary to make further improvements to fully comply with an obligation of the Convention. By “inviting” a country to pursue its efforts, GRETA acknowledges that the authorities are already on the right track and encourages them to continue existing action.

¹ [ICAT Issue Brief No. 12 on Addressing vulnerability to trafficking in persons - Search \(bing.com\)](#)

Executive summary

This report, covering the period 2021 - June 2025, evaluates the measures taken by Montenegro to prevent vulnerabilities to trafficking in human beings (THB), detect and support vulnerable victims, and punish the offenders. In doing so, it pays particular attention to the use of information and communication technology (ICT) to commit human trafficking offences as well as the use of technological innovations to prevent THB, protect victims and prosecute traffickers. The report also evaluates progress made in selected areas examined by GRETA during previous evaluation rounds.

The Montenegrin authorities have taken a series of steps to develop the legislative and institutional framework for action against THB. In December 2023, the Criminal Code of Montenegro was amended to include a provision on the non-punishment of victims of THB for offences they were compelled to commit, as well as expanding the definition of THB in Article 444. In May 2024, representatives of relevant institutions and NGOs concluded a revised agreement on mutual co-operation in the area of combating THB, which covers prevention, identification and protection of victims.

Montenegro is a country of origin, destination and transit for victims of THB. The number of victims identified in the period 2021-2024 was 67, of whom the majority were children (79%). The main form of exploitation was forced begging, followed by forced marriage and sexual exploitation.

In Montenegro, the Roma and Egyptian communities, and particularly women and children from these communities, are often exposed to forced begging and child or forced marriage. Further, women and girls are vulnerable to THB for the purpose of sexual exploitation. Stateless persons, most of whom belong to the Roma and Egyptian communities, also face the risk of exploitation due to their precarious status. The number of migrant workers has been on the rise, particularly in the construction industry, and together with seasonal workers employed in the hospitality sector, they are vulnerable to exploitation. Asylum seekers represent another category of persons vulnerable to THB.

GRETA welcomes the efforts of the Montenegrin authorities to prevent child trafficking, including the adoption of strategic documents aimed at improving access to health care and education, and increasing the state budget for social and child care. GRETA considers that the authorities should strengthen prevention by raising awareness regarding children's rights and the risks of human trafficking for different types of exploitation, and providing training on trafficking in human beings to teachers and other professionals working with children, enabling them to build children's resilience.

Further, GRETA considers that the Montenegrin authorities should develop specific measures to strengthen prevention through promoting gender equality and eradicating gender-based violence, as well as taking concrete steps to prevent trafficking of women and girls for the purpose of sexual exploitation in the context of the so-called "elite prostitution".

LGBTI persons are among the most vulnerable groups in Montenegro, but no research concerning their vulnerability to trafficking in human beings has been conducted in Montenegro. GRETA invites the Montenegrin authorities to conduct such research and to develop preventive measures specifically aimed at LGBTI persons, in close co-operation with civil society organisations.

The number of third-country migrant workers in Montenegro has increased, due to growing workforce shortages. GRETA notes that work permits tie migrant workers to specific employers and this dependency renders them more vulnerable to exploitation and possibly THB. Further, the lack of human and financial resources of the Labour Inspectorate has a negative impact on its ability to conduct regular and proactive inspections. GRETA considers that the authorities should reduce migrant workers' dependency on their employers by issuing work permits that allow them to change employers, set up safe reporting mechanisms, and ensure the availability of interpreters for the languages commonly spoken by foreign workers during inspections.

Further, GRETA considers that the Montenegrin authorities should take steps to prevent asylum seekers and refugees from becoming victims of trafficking in human beings, through improving their access to the labour market and health care. Moreover, GRETA urges the Montenegrin authorities to increase the human and financial resources of centres for social work with a view to ensuring that unaccompanied and separated children are provided with adequate protection by legal guardians.

The Montenegrin authorities have taken measures to address the vulnerabilities to THB of Roma and Egyptian children through legislative changes, educational campaigns and prevention of school drop-outs. However, further efforts should be made to address poverty and social exclusion of Roma and Egyptians, which constitute root causes of trafficking in human beings. The report also stresses the need to ensure that persons at a risk of statelessness have full access to civil registration procedures.

There have been cases of persons with disabilities involved in forced begging and cases of sexual exploitation of children with intellectual disabilities which were dismissed as THB cases by the police for lack of evidence. Consequently, GRETA considers that the Montenegrin authorities should conduct research into the vulnerabilities of persons with disabilities to trafficking in human beings, and develop preventive measures specifically aimed at this group. Further, training on trafficking in human beings should be provided to professionals assisting persons with disabilities.

In 2019, the authorities established a team for the formal identification of victims of trafficking in human beings and adopted Standard Operating Procedures for victim identification. Since then, the number of victims of THB identified in Montenegro has increased. However, no victims of trafficking have been identified amongst asylum seekers and persons in immigration detention. While welcoming the multi-disciplinary approach to victim identification which is independent of the initiation of criminal proceedings, GRETA considers that the Montenegrin authorities should take further steps to ensure that a proper procedure is in place for the identification of victims of trafficking among irregular migrants and asylum seekers, including unaccompanied and separated children, by the border police and in asylum reception centres. Further, GRETA urges the Montenegrin authorities to ensure that whenever there are reasonable grounds to believe that a foreign national is a victim of THB, the person concerned has access to a recovery and reflection period.

While welcoming the opening of a designated state shelter for child victims of THB, GRETA is concerned by the continuing absence of a shelter for male victims of trafficking. GRETA urges the authorities to ensure that there is accommodation for male victims and that the process of approval and revocation of licenses for NGOs which are running the shelters is transparent and includes proper monitoring procedures. Further, the GRETA considers that the authorities should provide long-term assistance to victims of THB and facilitate their reintegration into society.

Moreover, GRETA considers that the Montenegrin authorities should ensure that the abuse of a position of vulnerability is properly acknowledged in criminal cases. In this context, the authorities should continue providing training to relevant professionals on how victims' position of vulnerability may exist or arise and how its abuse may operate in the context of trafficking.

The number of THB cases investigated and prosecuted annually has increased as compared to the previous reporting period. While welcoming this, GRETA stresses the need for proactive investigations of cases of THB for the purpose of labour exploitation, as well as for the purpose of sexual exploitation allegedly taking place in coastal areas. In this context, the authorities should ensure that sufficient human and financial resources are available to the police and prosecution. Further, GRETA urges the Montenegrin authorities to provide victims of THB with adequate protection and support throughout the criminal proceedings.

The Montenegrin authorities have stressed the increasing role of the internet in the recruitment and exploitation of victims, with children being particularly vulnerable. The report refers to various initiatives to raise awareness of the risks of ICT in relation to trafficking in human beings. GRETA invites the Montenegrin authorities to develop further measures specifically aimed at preventing ICT-facilitated trafficking in human beings, including investing in capacity building and digital tools to conduct proactive investigations, and enhance co-operation with ICT companies and Internet service providers.

While welcoming the recent amendments to the Law on Free Legal Aid, GRETA is concerned that no victims of trafficking in human beings have benefited from free legal aid. Therefore, GRETA considers that the Montenegrin authorities should take steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking.

The report notes that, similar to the situation at the time of the second and third evaluations, no victims of THB have been awarded compensation. Therefore, GRETA urges the authorities to make full use of the legislation on the seizure and confiscation of criminal assets to secure compensation, ensure that the collection of evidence about the harm the victim has suffered is part of the criminal investigation, and provide training on compensation to lawyers, prosecutors and judges. Moreover, the authorities should ensure that all victims of THB, regardless of nationality and residence status, are eligible for state compensation, by bringing into force the Law on Compensation for Damages to Victims of Violent Crimes without further delay.

General information on trafficking in human beings in Montenegro (covering the period from 2021 until 4 July 2025)

Entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings (THB)	1 November 2008
Previous evaluations by GRETA	• First evaluation report (published on 13 September 2012) • Second evaluation report (published on 28 September 2016) • Third evaluation report (published on 2 June 2021)
Co-ordination of national action against THB	• Ministry of the Interior Department for the Fight against Trafficking in Human Beings (National Anti-Trafficking Co-ordinator) • Co-ordinating Body for Monitoring the Implementation of the Strategy for Combating Trafficking in Human Beings
National Rapporteur on THB	The position of National Rapporteur has not been established yet.
Specialised bodies	• Multi-disciplinary Team for the Formal Identification of Victims of Trafficking in Human Beings • Operational Team for Combating THB and Migrant Smuggling, comprising representatives of the police and prosecution. • Police Directorate Group for Combating Smuggling of Migrants, Trafficking in Human Beings and Illegal Migration
National Strategy/Action Plan	Strategy for Combating Trafficking in Human Beings (2019-2024), accompanied by annual action plans
Relevant legislation	• Criminal Code of Montenegro (Article 444 criminalises trafficking in human beings) • Criminal Procedure Code • Law on Free Legal Aid • Law on Compensation for Damages to Victims of Violent Crimes (not in force yet) • Law on Social and Child Welfare • Law on Health Care • Law on Foreigners
National Referral Mechanism (NRM)	The formal identification of victims of trafficking is conducted by a multi-disciplinary team comprising law enforcement officers, a social worker and a civil society representative, and is disconnected from the opening of criminal proceedings. Institutions and NGOs providing services to victims of THB concluded a revised co-operation agreement in May 2024.
Trafficking profile	Montenegro is a country of origin, destination and transit for victims of THB. The majority of the identified victims were children (79% of all victims).. Most of the victims were exploited in forced begging, followed by forced marriage and sexual exploitation. Nine women were identified as victims of THB, primarily for the purpose of sexual exploitation. Eight victims of THB for the purpose of labour exploitation were identified, all in 2024.

I. Introduction

1. Montenegro was amongst the first countries to ratify the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”). Over the years, the Montenegrin authorities have taken a series of steps to develop the legislative and institutional framework for action against trafficking in human beings (THB), as well as to strengthen co-ordination between relevant actors and international co-operation. This includes amending the definition of THB in the Criminal Code (CC) of Montenegro to bring it in line with the Convention and adopting Standard Operating Procedures for the identification of victims of trafficking. The authorities regularly adopt strategies and action plans for combating THB. Moreover, the authorities have established a multi-disciplinary team for the formal identification of victims of THB, a police division for combating human trafficking, as well as the Operational Team for Combating THB and Migrant Smuggling, which comprises representatives of the police and the prosecution. However, after three rounds of evaluation, GRETA concluded that there were continuing gaps in certain areas, such as the identification of victims of human trafficking, victims’ access to assistance and compensation, and the investigation and prosecution of THB cases.

2. On the basis of GRETA’s third report, on 4 June 2021 the Committee of the Parties to the Convention adopted a recommendation to the Montenegrin authorities, requesting them to inform the Committee within a two-year period of measures taken to comply with the recommendation. The report submitted by the Montenegrin authorities was considered at the 32nd meeting of the Committee of the Parties (16 June 2023) and was made public.²

3. On 1 March 2024, GRETA launched the fourth round of evaluation of the Convention in respect of Montenegro by sending the questionnaire for this round to the Montenegrin authorities. The deadline for submitting the reply to the questionnaire was 1 July 2024 and the authorities’ reply was received on that date.

4. An evaluation visit to Montenegro took place from 2 to 5 December 2024 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Biljana Lubarovska, member of GRETA;
- Mr Luka Mađerić, member of GRETA;
- Ms Asja Žujo, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation met representatives of the Ministry of the Interior, including the Department for Combating Trafficking in Human Beings, the Group for Combating Smuggling, Trafficking in Human Beings and Irregular Migration, the Border Police, the Directorate for Asylum, the Directorate for Foreigners, Migration and Readmission, the Directorate for Reception of Foreigners Seeking International Protection, the Group for Countering Cybercrime, as well as the Ministry of Justice, the Ministry of Labour, Employment and Social Dialogue, the Ministry of Social Welfare, Family and Demography, the Ministry of Tourism, the Ministry of Health, the Ministry of Education, Science and Innovation, the Ministry of Foreign Affairs, and the Ministry for Human and Minority Rights. Meetings were also held with the prosecution authorities, representatives of the Supreme Court and High Court in Podgorica, and the Administration for Execution of Criminal Sanctions. Further, the delegation met with representatives of the Office of the Protector of Human Rights and Freedoms, members of the Parliament, and the Roma Council.

² <https://rm.coe.int/report-submitted-by-the-authorities-of-montenegro-on-measures-taken-to/1680aba92c>.

6. The GRETA delegation held separate meetings with non-governmental organisations (NGOs). Meetings were also held with representatives of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), and the Organization for Security and Cooperation in Europe (OSCE).
7. In the course of the visit, the GRETA delegation visited the state shelter for child victims and the shelter for adult female victims of human trafficking and the reception centre for asylum seekers in Podgorica.
8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 3 to this report. GRETA is grateful for the information provided by them.
9. GRETA wishes to place on record the co-operation provided by the Montenegrin authorities and in particular by the contact persons appointed to liaise with GRETA for the organisation of the visit, Ms Irena Vuković and Ms Dragana Babić from the Department for Combating Trafficking in Human Beings of the Ministry of the Interior.
10. The draft version of the present report was approved by GRETA at its 53rd meeting (24-28 March 2025) and was submitted to the Montenegrin authorities for comments. The authorities' comments were received on 11 June 2025 and were taken into account by GRETA when adopting the final report at its 54th meeting (30 June - 4 July 2025). The report covers the situation up to 4 July 2025; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 2.

II. Overview of trends and changes in the legislative, institutional and policy framework for action against human trafficking

11. Montenegro is a country of origin, destination and transit for victims of THB. The overall number of victims identified in the period 2021-2024 was 67³ (see the table in Appendix 1 for detailed statistics). The overwhelming majority of the victims were children (79%). Nine women were identified as victims of THB, primarily for the purpose of sexual exploitation. Only five men were identified as victims of THB, all in 2024. The majority of the identified victims were exploited in forced begging, followed by forced marriage and sexual exploitation. Eight victims of THB for the purpose of labour exploitation were identified, all in 2024. As regards emerging trends, several cases of trafficking of women for exploitation in pornography were identified for the first time in 2023.

12. There have been several changes in the legislative and institutional framework in Montenegro since GRETA's third evaluation, which are relevant for anti-trafficking action.

13. In December 2023, the CC was amended to include a provision on the non-punishment of victims of THB for offences they were compelled to commit (Article 444, paragraph 11). GRETA welcomes the adoption of a specific non-punishment provision and invites the authorities to ensure its effective application in practice. Further, kidnapping was added to the definition of THB as one of the means for committing the offence in Article 444, paragraph 1, of the CC, and in Article 444, paragraph 5, a more serious form of the criminal offence of THB was added if, as a result of the offence referred to in paragraph 3 of this article, severe physical injury to a child has occurred. A separate offence of sale of children was added to the CC through Article 445a, and the offence of forced conclusion of marriage, common law marriage or same-sex partnership was introduced through Article 214a (see paragraph 35).

14. In May 2024, representatives of relevant institutions and NGOs concluded a revised Agreement on mutual co-operation in the area of combating THB, which covers prevention, identification and protection of victims of trafficking (see paragraph 106).

15. As regards the institutional framework, action against THB continues to be co-ordinated by the Department for the Fight against Trafficking in Human Beings, within the Ministry of the Interior, which is headed by the National Anti-Trafficking Co-ordinator. At the time of GRETA's visit, the authorities were in the process of appointing a new Anti-Trafficking Co-ordinator, following the promotion of the previous holder to a different post. In their comments to the draft GRETA report, the Montenegrin authorities indicated that a new Anti-Trafficking Co-ordinator has not yet been appointed.

16. In April 2024, the competence of the Operational Team for Combating Trafficking in Human Beings, established in 2018, was extended to include migrant smuggling and it was renamed the Operational Team for Combating Trafficking in Human Beings and Migrant Smuggling (see paragraph 133).

17. There has been no progress on establishing the position of an independent National Rapporteur on THB, despite the fact that the Strategy for Combating Trafficking in Human Beings for 2019-2024 provides that the authorities would consider the possibility. GRETA reiterates its view that the human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. The key features of National Rapporteurs' mechanisms, in the sense of Article 29, paragraph 4, of the Convention,⁴ should be the ability to critically monitor the efforts and effectiveness

³ By way of comparison, the total number of victims identified during the previous reporting period was 70, namely three in 2016, four in 2017, 10 in 2018, one in 2019 and 52 in 2020.

⁴ "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders.⁵ GRETA considers that the Montenegrin authorities should examine the possibility of establishing an independent National Rapporteur or designating another existing mechanism for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29, paragraph 4, of the Convention.

18. At the time of GRETA's visit, the authorities were implementing the Strategy for Combating Trafficking in Human Beings for 2019-2024, described in GRETA's third report,⁶ and its Action Plan for 2024, which was adopted in May 2024. A budget of 657,680 euros was envisaged for the implementation of the 2024 Action Plan (378,050 of these funds were to be allocated from the state budget and the remainder was to be covered by international donors). In May 2024, the authorities also adopted the government report on the implementation of the previous Action Plan (2023).⁷ An independent evaluation of the 2019-2024 Strategy, commissioned by the OSCE, was prepared in November 2024 and submitted to the members of the Co-ordination Body, which monitors the implementation of the Strategy.⁸ The evaluation found that the implementation of the Strategy was overall positive, but that there were areas which could be improved, especially in strengthening partnerships and coordination at the local and international level.⁹ The evaluation further found that the large number of activities foreseen in the action plans, together with the impact of the COVID-19 restrictions and frequent change in government, had created a substantial burden for the implementing institutions.¹⁰ The evaluation contained concrete recommendations for the preparation of the next strategy, such as strengthening synergies with other policy documents, including more cross-cutting issues and addressing them accordingly (e.g. gender, persons with disabilities and the connection between THB and poverty), and improving co-ordination between central level institutions as well as between central and local level institutions.¹¹ GRETA was informed that a draft of the new strategy, which will cover the next four years, has been prepared and would be further developed and adopted by a working group (including observers from international organisations) at two meetings which were to be held at the end of December 2024. In their comments to the draft GRETA report, the Montenegrin authorities indicated that the new strategy (2025-2028) and the accompanying action plan for 2025 were being finalised, in consultation with the relevant institutions and the OSCE.

⁵ In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially in women and children, in Berlin, 23-24 May 2013.

⁶ See GRETA's third report on Montenegro, paragraph 15.

⁷ The report found that out of 63 activities envisaged, 43 were fully implemented, five activities were partially implemented, and 15 activities remained unimplemented. The unimplemented activities fell within the following strategic areas: prevention of THB, protection of victims of THB, the criminal justice response to THB, and partnership, co-ordination, and international co-operation.

⁸ See GRETA's third report on Montenegro, paragraph 16.

⁹ Netkova Bistra, Evaluation of the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, p. 33.

¹⁰ Ibidem.

¹¹ Ibid., p. 54.

III. Addressing vulnerabilities to trafficking in human beings

1. Prevention of trafficking in human beings

a. Introduction

19. Prevention is crucial in combating trafficking in human beings. Article 5 of the Convention therefore requires States Parties to establish and/or strengthen effective policies and programmes to prevent THB in co-ordination between relevant public agencies, non-governmental organisations and other elements of civil society. Such policies and programmes should have a particular focus on persons vulnerable to trafficking and professionals concerned with trafficking in human beings, and shall include research, information, awareness-raising and education campaigns, social and economic initiatives and training programmes. In the development and implementation of prevention measures, States Parties are required to promote a human rights-based approach and to use gender mainstreaming and a child-sensitive approach, taking specific measures to reduce children's vulnerability to trafficking. Furthermore, Article 5 of the Convention requires States parties to take measures to enable migration to take place legally. In addition, Article 6 of the Convention places a positive obligation on Parties to adopt measures to discourage the demand that fosters all forms of exploitation of persons which leads to trafficking.

20. The Montenegrin authorities and NGOs active in the area of combating THB have identified several groups as vulnerable to trafficking in human beings in Montenegro. Members of the Roma and Egyptian communities, particularly women and children, are often exposed to forced begging and child or forced marriage. Stateless persons, most of whom belong to the Roma and Egyptian communities, also face the risk of exploitation and possibly THB due to their precarious status. Further, the number of migrant workers has been on the rise, particularly in the construction industry, and together with seasonal workers employed in the hospitality sector, they are vulnerable to exploitation. GRETA's interlocutors have also noted that women and girls are vulnerable to THB for the purpose of sexual exploitation in coastal areas. Asylum seekers represent another category of persons vulnerable to THB.

21. The Strategy for Combating Trafficking in Human Beings for 2019-2024 contains a chapter on prevention, which outlines the following goals: 1) improving the knowledge of professionals who may come in contact with victims of THB, 2) raising awareness of THB among the general public and reducing demand for services of victims of THB, 3) reducing the vulnerability of vulnerable groups through projects aimed at their empowerment, 4) improving the data collection system and conducting research on emerging trends related to THB, and 5) improving knowledge of risks and consequences of child pornography and other forms of sexual exploitation, as well as child abuse through the use of information and communication technology. The Action Plan for 2024 further elaborates the measures to be implemented under each goal. These include financing projects of NGOs (under goal 3) aimed at combating THB for the purpose of child/arranged marriage and forced begging and the protection of the rights of minorities (i.e. Roma and Egyptians), for which a total budget of 80,000 euros is envisaged. The Action Plan stressed in its introduction the need to intensify the identification of victims among migrants, seasonal workers and asylum seekers. However, it does not contain any preventive measures specifically aimed at these categories or other groups which have been identified as vulnerable.

22. The Montenegrin authorities and civil society organisations have implemented a number of campaigns aimed at raising awareness of THB among the general public. In 2021, the Department for the Fight against Trafficking in Human Beings, with the support of the U.S. Embassy, created and displayed billboards in eight cities and at border crossings containing messages about THB and the hotline for victims of THB (11 66 66). In July 2022, the Department ran a video spot on national television with information about the hotline. On 30 July 2023, on the occasion of the World Day against THB, the Department, in co-operation with local governments, IOM, the Red Cross and the NGOs Montenegrin Women's Lobby, Defendology and SOS telephone for women and children victims of violence, organised

an information campaign in 15 cities entitled “Recognise and report human trafficking.” As part of this campaign, flyers and leaflets were distributed to citizens. The independent evaluation of the Strategy and its action plans mentioned above found that, while it is not possible to assess whether the indicator of “increased level of public awareness by 10 percent by 2024” had been reached, the awareness-raising campaigns have had a positive impact as evidenced by the increase in the number of calls from possible victims of trafficking to the THB hotline.¹²

23. According to the Montenegrin authorities, the experiences of victims of trafficking are taken into account when developing anti-trafficking policies and are included in the training provided to relevant professionals. GRETA welcomes this practice. Noting the importance of taking into account the lived experiences and views of victims and survivors of trafficking when designing anti-trafficking policies and measures, GRETA invites the Montenegrin authorities to set up a trafficking survivors’ advisory council. Reference is made in this context to the ODIHR Guidance on establishing and maintaining National Survivors of Trafficking Advisory Councils¹³ and ICAT’s Issue Brief on Ensuring Ethical Survivor Inclusion.¹⁴

b. Measures to prevent the vulnerability of specific groups to trafficking in human beings

24. This section examines the preventive measures taken with regard to certain vulnerable groups based on the information provided by the Montenegrin authorities as well as non-state actors. GRETA underlines that not every individual belonging to one of these groups is vulnerable to human trafficking per se, as there are usually additional vulnerability factors involved. The different groups selected should be viewed with due regard to the complexity and intersectionality of vulnerabilities to trafficking.

i. Children

25. In its previous reports on Montenegro, GRETA paid particular attention to the prevention of trafficking of children, especially children from the Roma and Egyptian minorities and unaccompanied or separated foreign children. The present section deals with general measures aimed at the prevention of child trafficking and related phenomena. Measures aimed at reducing the vulnerability of Roma and Egyptian children are discussed in paragraphs 74-80 and unaccompanied children in paragraphs 61-63 of this report. Further, the prevention of ICT-facilitated THB against children is addressed in paragraphs 156, 157 and 159.

26. The Strategy for Combating Trafficking in Human Beings for 2019-2024 recognises the vulnerability of children to THB. However, the evaluation of the Strategy mentioned in paragraph 18 found that it failed to include sub-categories of children who are also vulnerable to THB, such as children without parental care and children victims of domestic violence.¹⁵ It appears that no research has been conducted into the vulnerabilities to THB of different groups of children that would serve as a basis for developing targeted preventive measures.¹⁶ The Action Plan for 2024 contains a number of measures of relevance for the prevention of trafficking in children in general, such as the training of teachers, organisation of workshops for students of elementary and high schools, and support for NGO projects aimed at combating child and forced marriages and forced begging.

¹² Netkova Bistra, Evaluation of the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, p. 36.

¹³ OSCE/ODHIR, *Guidance on establishing and maintaining National Survivors of Trafficking Advisory Councils (NSTACs)*, 2024.

¹⁴ ICAT, *Ensuring Ethical Survivor Inclusion*, Issue Brief, 2025.

¹⁵ Netkova Bistra, Evaluation of the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, p. 47.

¹⁶ The Strategy (p. 28) simply acknowledges that regional and international trends, as well as statistical data, indicate that young people, particularly children without parental care, children with disabilities, children experiencing behavioural challenges, children suffering from substance abuse and children who are exposed to abuse represent vulnerable groups.

27. Montenegro has adopted a number of other strategic documents which are of relevance for the prevention of trafficking in children, such as the Strategy on Children's Rights (2019-2023), the Strategy for the Deinstitutionalisation (2025-2028) and its Action Plan for 2025, the Strategy for the Development of a System of Social Protection and the Protection of Children (2025-2028), and the Strategy on the Prevention and Protection of Children from Violence (2025-2029) and its Action Plan for 2025-2026. These documents make reference to the phenomenon of trafficking in human beings and the abovementioned Anti-Trafficking Strategy, and contain measures which are of relevance for the prevention of trafficking in children, such as improving access to health care and education for children, the protection of children from violence, including sexual abuse and THB, and increasing the state budget for social and childcare.

28. The Ministry of Education, Science and Innovation organises an annual information campaign in elementary and secondary schools on the occasion of the European Anti-Trafficking Day (18 October), involving workshops, lectures, performances and debates on the topic of THB, sexual violence and exploitation, and cyber violence. In total, 427 events were held in 2021, 363 in 2022, encompassing 49 schools, 700 in 2023, covering more than 70 schools, and about 600 in more than 60 schools in 2024. On 17-18 October 2024, the Ministry of the Interior conducted, in co-operation with the Ministry of Education, Science and Innovation, lectures in several secondary schools on the risks of human trafficking through social media and online platforms.

29. GRETA was informed that the Institute for Social and Child Protection provides training to social workers and other staff on the prevention, identification and referral of victims of trafficking in human beings, including in relation to the topics of child begging and child/forced marriage. Training is also provided to the relevant social/child welfare professionals with regard to protection of children from abuse, neglect and exploitation, as well as working with children and young people from the Roma and Egyptian communities. In 2023, the Institute for Social and Child Protection organised a conference on intersectoral co-operation in protecting children from domestic violence. Parents and guardians have access to a handbook online, and printed copies of the handbook have been provided to schools included in the socio-emotional skills training. In 2023 and 2024, the Department for Continuous Professional Development of the Institute for Education organised three training sessions for teachers on the role of the educational system in the prevention of child trafficking, illicit marriages and child economic exploitation.

30. The Ministry of Education, Science and Innovation monitors cases of violence in schools and measures taken to address them through the Montenegrin Educational Information System. The Institute for Education has developed recommendations on managing the problem of violence in schools, which were sent to all educational institutions in the country. Further, support teams for children who have been involved in peer violence or are at risk of dropping out of school, with a special focus on children from disadvantaged groups, have been established in schools, consisting of a pedagogue, a representative of the administration, the classroom teacher, the subject teacher and a mediator. Each team is headed by a team co-ordinator who, together with team members, organises workshops on combating prejudice and stereotypes, known as the Non-Discrimination Package.¹⁷ GRETA invites the Montenegrin authorities to strengthen the support teams for Roma and Egyptian pupils by integrating trafficking prevention into their activities.

31. GRETA welcomes the efforts of the Montenegrin authorities and considers that they should strengthen measures to prevent trafficking of children, and in particular:

- conduct research into vulnerabilities to THB of different groups of children (e.g. children with disabilities, children without parental care, children in institutional care), and develop specific measures aimed at those groups;

¹⁷<http://www.skolskiportal.edu.me/Ideje%20za%20rjeavanje%20dilema%20izazova/Paket%20nediskriminacija.pdf>.

- continue raising awareness among children, parents and other caregivers regarding children's rights and the risks of human trafficking for different types of exploitation, paying particular attention to children in vulnerable situations;
- continue providing training on trafficking in human beings to teachers and other professionals working with children, enabling them to build children's resilience.

ii. Vulnerabilities related to the gender dimension of human trafficking

32. Women and girls who are victims of THB are predominantly subjected to sexual exploitation as well as child or forced marriage. Male victims of THB have been primarily subjected to labour exploitation. Boys are vulnerable to forced begging and, to a lesser extent, child marriage.

33. The gender dimension of THB is recognised in the Strategy for Combating Trafficking in Human Beings for 2019-2024. Nevertheless, the previously mentioned independent evaluation of the Strategy found that the strategic goals and objectives, as well as most activities, are gender neutral and that the strategy does not provide for gender disaggregated indicators at the level of performance indicators and result indicators.¹⁸ Further, of relevance are several other policy and legal documents adopted by Montenegro, namely the Strategy for the Implementation of the United Nations Security Council Resolution – Women, Peace and Security 2024-2027 and its action plan for 2024-2025, the National Plan for the Implementation of the Istanbul Convention 2023-2027, the Gender Equality Strategy 2021-2025, and the Law on Gender Equality.

34. Two new criminal offences of relevance were introduced through the amendments to the CC of Montenegro adopted in 2023, namely, the abuse of someone else's recording, photograph, portrait, audio recording or file with sexually explicit content (Article 175a) and forced conclusion of marriage, common law marriage or same-sex partnership (Article 214a). The latter offence is punishable by a sentence of imprisonment between six months and five years. The minimum punishment is raised to one year in case the victim is a child. Moreover, the article provides for a sentence of imprisonment between three months and three years for anyone who takes or persuades another person to travel abroad for the purpose of concluding a forced marriage. According to information provided by the Montenegrin authorities in their comments to the draft GRETA report, since the adoption of the aforementioned amendments, a total of 16 cases have been initiated by state prosecutor's offices under Article 175a of the CC. No criminal proceedings have been initiated by state prosecutor's offices under Article 214a of the CC.

35. In its first thematic report on Montenegro, GREVIO noted that, according to a 2019 OSCE survey, 42% of women in Montenegro have experienced some form of intimate-partner or non-partner violence in their adult life.¹⁹ Noting that violence against women may constitute an additional vulnerability factor in the context of THB, GRETA refers to CEDAW's Concluding observations on the third periodic report of Montenegro,²⁰ issued in June 2024, in which it recommended, *inter alia*, that the Montenegrin authorities conduct public educational and awareness-raising campaigns on the criminal nature of all forms of gender-based violence against women, and ensure through mandatory training for members of law enforcement and the judiciary that gender-based violence is effectively investigated and prosecuted. Further, reference is made to the abovementioned GREVIO report, which urged the Montenegrin authorities to "step up their efforts to counter patriarchal attitudes that persist in all sectors of society by developing and implementing regular preventive measures."²¹

¹⁸ Netkova Bistra, Evaluation of the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, p. 47.

¹⁹ GREVIO, Building trust by delivering support, protection and justice: First thematic evaluation report on Montenegro (November 2024), paragraph 49.

²⁰ CEDAW, Concluding observations on the third periodic report of Montenegro, paragraph 26.

²¹ GREVIO, Building trust by delivering support, protection and justice: First thematic evaluation report on Montenegro (November 2024), p. 53, paragraph 6.

36. GRETA is concerned by reports of sexual exploitation and forced prostitution²² that is reportedly taking place in upscale hotels and yachts in coastal towns during the tourist season (so-called “elite prostitution”). According to civil society representatives met by GRETA, there have been other cases of women being lured to coastal areas under false promise of a job (e.g. as a hostess) and being forced into prostitution. Media reports have alleged that the clientele includes politicians and other well-known persons.²³ GRETA was informed of one case from October 2023 involving 15 women who were identified as victims of human trafficking by law enforcement officers (see paragraph 144). The women reportedly originated from Ukraine, Belarus, Israel and other countries and were recruited online by members of an international organised criminal group. One of the perpetrators was a photographer who invited women to parties where he took photographs of them promising to make them famous. Instead, the photographs were used to blackmail the women, and they were forced to post sexually explicit content on an online platform. According to information provided by the Montenegrin authorities in their comments to the draft GRETA report, a criminal case was launched by the High State Prosecutor's Office in Podgorica against four individuals under Article 444, paragraphs 1 and 6, of the CC (organised trafficking in human beings). They were charged with having recruited and transported the women concerned to coastal towns of Montenegro, by misleading them and by abusing their difficult circumstances and dependency, with the aim of sexual exploitation and use for pornographic purposes. Following the investigation, which included a financial investigation against the defendants,²⁴ an indictment was filed in April 2024, and the proceedings are ongoing before the High Court in Podgorica.

37. GRETA was informed that the Ministry of Tourism, in co-operation with the Ministry of the Interior Department for the Fight against THB, conducts training for hotel staff in tourist locations to sensitise them to indicators of THB. While this effort is commendable, it appears that no measures have been taken to address the problem of sexual exploitation that is reportedly taking place on yachts. In fact, the authorities appear to be unaware of the extent of this problem and/or unwilling to sufficiently tackle it.

38. GRETA considers that the Montenegrin authorities should intensify their efforts to address specifically the vulnerabilities related to the gender dimension of THB, including by:

- developing specific measures to strengthen prevention of THB through promoting gender equality and eradicating gender-based violence. The new anti-trafficking strategy should incorporate gender-specific measures and include gender-disaggregated indicators to effectively track and address the distinct needs and vulnerabilities of different genders;
- taking concrete steps to prevent trafficking of women and girls for the purpose of sexual exploitation in the context of the so-called “elite prostitution” taking place in coastal areas. Allegations of corruption and possible involvement of officials in trafficking in human beings taking place in coastal areas should be promptly investigated and sanctioned.

²² Prostitution is punished as a misdemeanour in Montenegro.

²³ <https://www.slobodnaevropa.org/a/crna-gora-elitna-prostitucija/31420272.html>.

²⁴ According to information provided by the Montenegrin authorities, the financial investigation in the case has not yet been concluded.

iii. LGBTI persons

39. GRETA emphasises that, in general, LGBTI people are at greater risk of becoming victims of trafficking, particularly because they are often marginalised in society and excluded from their families, making them ideal targets for traffickers looking for people with less protection. They also face difficulties in accessing the labour market, as employment opportunities are scarce for those who identify outside the traditional gender binary, leading them to work more in the informal economy (including prostitution) or even to accept abusive job offers. In addition, LGBTI people are often over-represented among children in street situations and can be victims of discrimination by the authorities and services, making them less likely to file a complaint or ask for help.²⁵

40. LGBTI persons are among the most vulnerable groups in Montenegro and are often subjected to discrimination, hate speech and hate crime.²⁶ According to an analysis carried out by the LGBTIQ Social Centre, violence and discrimination are among the main problems LGBTI persons face in daily life, and almost 84% of those surveyed said they have experienced hate speech.²⁷ Most of the reported cases of hate speech against LGBTI persons are processed as misdemeanours by the courts, under the Law on Public Order.²⁸ Economic marginalisation and discrimination in employment further contribute to the vulnerability of LGBTI persons. According to a survey from 2024, 87.7% of respondents stated that they have faced discrimination at work on the basis of their sexual orientation and 26.9% on the basis of their gender identity. Moreover, 39.4% of respondents stated that they lost their job due to their actual or perceived membership in the LGBTI community.²⁹ It appears that no research specifically concerning the vulnerability of LGBTI persons to trafficking in human beings has been conducted in Montenegro.

41. Montenegro has adopted a new Strategy for improving the quality of life of LGBTI persons (2024-2028), accompanied by an Action Plan for 2024-2025. According to the assessment of the European Commission, the objectives under the previous strategy (2019-2023) concerning social acceptance of LGBTI persons and their access to labour, services and support services had not been achieved.³⁰ In its annual report for 2024, the Office of the Ombudsperson recommended that the Montenegrin authorities adopt a law on the legal recognition of gender identity based on self-determination, and that they intensify efforts to raise awareness among the general population about the rights of LGBTI persons and ensure an effective response to offences against LGBTI persons.³¹

42. GRETA was informed that the Ministry of the Interior has established a 'trust team' consisting of representatives of the police and NGOs representing LGBTI persons, whose tasks include strengthening the role of LGBTI police focal points³² in municipalities with a view to improving the communication between the LGBTI community and the police on the local level. In addition to the provision of training to police officers and participation in other activities aimed at further sensitising the police about the specificities of working with LGBTI persons, the trust team has a role in working out the modalities of solving crimes and misdemeanours committed against LGBTI persons. However, it appears that many LGBTI persons are not aware of the existence of this team and focal points.³³

²⁵ See: <https://lac.iom.int/en/blogs/lgbtqi-victims-human-trafficking> and <https://2017-2021.state.gov/wp-content/uploads/2019/02/272968.pdf> (accessed on 12/2/2025).

²⁶ European Commission, Montenegro 2024 Report, p. 6. According to the report (pp. 41-42), in 2023 the Police Directorate received 264 reports against 264 people for hate speech against LGBTIQ people.

²⁷ LGBTIQ Social Centre, The Impact of Hate Speech on the Security of LGBTI Persons (February 2023), pp. 9 and 11.

²⁸ LGBT Forum Progres/Socijalni Centar, Tracing hate: a report on cases of hate speech and verbal harassment against the LGBTI community in Montenegro, p. 11.

²⁹ LGBT Forum Progres/LGBTIQ Socijalni Centar, Discrimination of LGBTI Persons in the Work Place and in the Area of Work Relations, pp. 6 and 8.

³⁰ European Commission, Montenegro 2024 Report, p. 41.

³¹ Office of the Ombudsperson, Annual Report for 2024, p. 236.

³² Every police security department has a specifically trained LGBTI contact police officer. In those cases where it becomes clear that the threats, insults or attacks against an LGBTI person could have been motivated by their sexual orientation or gender identity, the LGBTI contact officer usually gets involved, providing support to the person concerned.

³³ LGBTIQ Social Centre, The Impact of Hate Speech on the Security of LGBTI Persons (February 2023), p. 16.

43. According to information provided by the authorities, none of the victims identified during the reporting period was subjected to exploitation on the basis of their sexual orientation and/or gender identity. The Strategy for Combating Trafficking in Human Beings (2019-2024) did not contain any measures specifically aimed at addressing the vulnerability of LGBTI persons to THB.

44. GRETA invites the Montenegrin authorities to conduct research into the vulnerabilities of LGBTI persons to trafficking in human beings and develop preventive measures specifically aimed at this group, in close co-operation with civil society organisations.

iv. Migrant workers

45. As noted in GRETA's previous reports, a significant number of migrant workers, mostly from neighbouring countries (Serbia, Bosnia and Herzegovina, North Macedonia, Albania), come to Montenegro for seasonal work in the summer, particularly in the hospitality sector³⁴ and the construction industry. Migrant workers from non-European countries are also present in Montenegro and it is likely that their number will increase, due to growing workforce shortages.³⁵ GRETA was informed of a case involving 334 foreign construction workers, mostly from Türkiye, in which an indictment was filed in 2024 against six persons. The construction company allegedly promised the workers that they would receive a salary of 1,500 euros, but they were paid 100 euros or nothing at all. Moreover, their passports were confiscated, they were not registered in the country and were subjected to physical violence (see paragraphs 101 and 145). Further, the number of Montenegro nationals migrating to work abroad (predominantly to Germany and the United States) has increased in recent years.³⁶

46. As explained in GRETA's previous reports, the employment of migrant workers is regulated by the Law on Foreigners (Official Gazette nos. 12/2018, 3/2019 and 86/2022) and the Labour Law (Official Gazette nos. 74/2019, 145/2019, 8/2021, 59/2021, and 68/2021). Persons who have permanent residence, have been granted international or temporary protection or are in Montenegro for the purpose of family reunification have free access to the labour market (see, however, paragraph 68). All other foreigners must obtain a one-year renewable temporary work and residence permit (single document) or a certificate of employment registration by the Ministry of the Interior in order to work in Montenegro legally. Within 24 hours from the issuance of the work and residence permit, employees must be issued a contract of employment and registered with social insurance. The government sets the quota for the number of work/residence permits to be issued annually. GRETA was informed that 40,000 work permits were issued to foreign workers in 2023. The Law on Foreigners provides for fines of between 1,000 and 10,000 euros for employers who violate the provisions of the law. The Ministry of Labour, Employment and Social Dialogue has prepared a draft law on simplified employment in seasonal and temporary jobs in sectors such as tourism, catering, trade, construction and agriculture.³⁷ The draft law introduces the notion of "permanent seasonal worker", enabling the continuity of the employment relationship in seasonal activities and improving social security through the employer's obligation to register such workers for pension and disability insurance. The draft law also provides for an obligation on the part of the employer to offer permanent seasonal workers employment in the following season.

³⁴ The hospitality and tourism industries constitute 32% of the Montenegro GDP. See Global Initiative against Transnational Organized Crime, Đorđević S. and Petrović V., Forced to work: Labour Exploitation in the Western Balkans (August 2024), p. 8.

³⁵ Reportedly, seasonal workers from the neighbouring countries are increasingly turning to Croatia, due to better conditions, leaving significant shortages in the labour market in Montenegro. In 2023, employers' attempt to recruit seasonal workers from Nepal and Cameroon was reportedly blocked by the Government. See <https://www.cdm.me/ekonomija/vlada-blokirala-dolazak-sezonaca-iz-azije-hotelijeri-najavljuju-blokadu-tunela-sozina/>.

³⁶ European Training Foundation, How Migration, Human Capital and the Labour Market Interact in Montenegro (2021), p. 11. See also OECD, Labour Migration in the Western Balkans: Mapping Patterns, Addressing Challenges and Reaping Benefits, p. 173.

³⁷ <https://investitor.me/2025/01/18/nova-pravila-za-sezonske-radnike-od-1-maja-drzava-placa-doprinose-i-podsticaje/>.

47. The work permits oblige migrant workers to remain with the employer for whom the work permit was issued. GRETA notes that this dependency of migrant workers on the employer renders them more vulnerable to exploitation and possibly trafficking in human beings. According to the Montenegrin authorities, the legal provision stipulating that foreigners can work only in jobs for which they have been issued a permit for temporary residence and work or a certificate of employment registration and only with the employer who employs them can be interpreted as a protective measure that contributes to legal security and stability of employment. In this way, it is possible for employers to plan longer-term employment of the workforce, which can result in greater investment in training and integration of workers. However, there appear to be no confidential complaints mechanisms available to migrant workers which would allow them to report violations of their rights and possible cases of exploitation. In this context, GRETA refers to the recommendation of the Council of Europe Committee of Ministers CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation which recommends that States establish safe and effective complaint mechanisms, as a way of increasing the propensity of trafficked persons to self-identify.³⁸

48. Since GRETA's third evaluation, the Labour Inspectorate has been moved to the Ministry of Labour, Employment and Social Dialogue. GRETA was informed that there were 26 labour inspectors (a decrease compared to the 31 inspectors employed during the previous reporting period³⁹) which is not sufficient, particularly during the tourist season when many seasonal workers are employed. The authorities recognise that the lack of human and financial resources of the Labour Inspectorate has had a negative impact on its ability to conduct regular and proactive inspections. The insufficient human resources are attributed, *inter alia*, to the fact that salaries are not attractive and it is difficult to recruit new staff.

49. GRETA was informed during the visit that the Labour Inspectorate had initiated the conclusion of a co-operation agreement with the Police Directorate in order to outline the procedures for the detection and reporting of possible cases of THB to the police, as envisaged by the Action Plan for 2023. In their comments to the draft GRETA report, the Montenegrin authorities indicated that the preparation of a protocol on co-operation between the Police Directorate, the Ministry of Labour, Employment and Social Dialogue and the Prosecutor's Office is underway. The goal of the protocol is to improve co-ordination in the prevention and identification of cases of labour exploitation and the protection of victims, allowing for a faster response by the competent authorities.

50. According to information provided by the Montenegrin authorities, in 2021 the Labour Inspectorate carried out 8,105 inspections, during which 945 persons were found working without a contract. In 2022, the number of inspections was 6,042, and in 2023 the Labour Inspectorate carried out 6,867 inspections, during which 1,356 persons were found to be illegally employed (895 foreigners and 461 Montenegrins). GRETA was informed that one possible case of THB was referred to the Department for Combating Trafficking in Human Beings by the Labour Inspectorate during the reporting period. Currently under investigation by the High State Prosecutor's Office in Podgorica, it concerns an Azerbaijani man suspected of having exploited four Azerbaijani men on a construction site, by organising their transport from one city to another in Montenegro, with the promise of earnings which they apparently did not receive.

51. The Labour Inspectorate also conducts joint inspections with the Police Directorate, in accordance with the action plans to the Strategy on Combating THB. In 2021, joint inspections were carried out in 1,895 facilities and locations, including construction sites, hotels, business entities, bus and railway stations, taxi stands, catering facilities and marinas, and 7,803 foreign citizens were controlled. In 2022, joint inspections were carried out in 563 construction sites, 171 hotels, 357 private accommodation facilities, 841 business entities, and 387 catering establishments, and a total of 12,484 foreign citizens were controlled. During 2023, the Labour Inspectorate and the Police Directorate carried out 202 joint inspections. While welcoming the joint inspections, GRETA notes that labour inspectors do not have access to interpreters or cultural mediators to enable communication with foreign workers.

³⁸ Council of Europe Committee of Ministers Recommendation to Member States CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, paragraph 20.

³⁹ See GRETA's third report on Montenegro, paragraph 149.

52. Mediation in employment can be performed by the State Employment Agency⁴⁰ or private agencies which fulfil the requirements under the Law on Employment Mediation and Rights during Unemployment (Official Gazette no. 24/19 and 29/25), including being registered as legal persons and submitting reports on their work, including statistical data, to the Ministry of Labour, Employment and Social Dialogue.⁴¹ At the time of GRETA's visit, there were seven private agencies registered, but the authorities noted that there may be others that have not been registered. The inspection of private employment agencies falls within the competence of the Labour Inspectorate. In addition to facilitating the employment of foreigners in Montenegro, employment agencies also assist Montenegrin citizens who are seeking employment abroad, with a focus on organised employment. The agencies conduct checks, in co-operation with the authorities of the destination country, in relation to the employer and conditions of employment. Another type of agencies operating in Montenegro are temporary employment agencies. At the time of GRETA's visit, there were around 30 such agencies.⁴²

53. Montenegro has not concluded any bilateral agreements with other countries which would facilitate the employment of migrant workers in Montenegro.

54. In December 2023, the Department for the Fight against Trafficking in Human Beings organised a training on the topic "Fight against Human Trafficking – Getting to know the Indicators for Identifying Cases of Labour Exploitation," which was attended by a total of 12 representatives of the Labour Inspectorate, the Employment Agency of Montenegro and temporary employment agencies. Further, in May 2022, the Ministry of the Interior and the OSCE organised a two-day conference on the prevention of THB in supply chains. However, there is no regular training on THB for labour inspectors.

55. Referring to GRETA's Guidance Note on combating trafficking for labour exploitation⁴³ and the Council of Europe Committee of Ministers Recommendation to Member States CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,⁴⁴ GRETA urges the Montenegrin authorities to ensure that the Labour Inspectorate has adequate human and financial resources to carry out regular and proactive inspections with a view to preventing and detecting cases of THB for the purpose of labour exploitation.

56. Further, GRETA considers that the Montenegrin authorities should take additional steps to protect migrant workers from trafficking in human beings, in particular by:

- providing regular training and guidelines on trafficking in human beings to labour inspectors and other relevant officials, with a focus on vulnerabilities that lead to THB and on early detection of cases of THB for the purpose of labour exploitation;
- reducing migrant workers' dependency on their employers by issuing work permits that allow workers to change employers on the same residence permit or provide workers possibilities to apply for a new residence/work permit with a new employer with a simple administrative procedure from within the country;

⁴⁰ The State Employment Agency assists Montenegrin citizens as well as foreigners with lawful residence in Montenegro.

⁴¹ The conditions are further stipulated in the Rulebook on conditions in terms of space, staff and equipment for carrying out work related to employment (Official Gazette no. 66/2020).

⁴² The register published in 2023 by the Ministry of Labour, Employment and Social Dialogue, lists 31 temporary employment agencies, of which four had ceased to operate and two had their licenses revoked.

⁴³ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>.

⁴⁴ <https://rm.coe.int/booklet-preventing-and-combating-trafficking-in-human-beings-for-the-p/1680aa08ef>.

- ensuring that migrant workers are systematically provided with clear and accessible information about the risks of human trafficking for labour exploitation and the rights of victims of trafficking, as well as their rights under labour laws, in a language and format they can easily understand;
- setting up safe reporting mechanisms and effective anonymous complaint mechanisms for workers so that victims of abuse or exploitation can submit their case without fear of reprisals;
- ensuring the availability of interpreters for the languages commonly spoken by foreign workers during inspections carried out by the Labour Inspectorate and joint inspections with the police.

v. Asylum seekers and refugees

57. As noted in paragraph 20, asylum seekers are particularly vulnerable to THB. Montenegro is part of the Western Balkans mixed movement route. According to the UNHCR, while most asylum seekers enter Montenegro from Albania and exit towards Bosnia and Herzegovina, a new entry point was opened in the north of the country in March 2024 with asylum seekers arriving also from Kosovo.* GRETA was informed that the number of persons expressing intention to apply for asylum⁴⁵ decreased by 45% in 2024⁴⁶ compared to the previous year, while the number of unaccompanied and separated children (mostly from Afghanistan and Egypt) increased. The number of persons granted international protection has increased (9 in 2022, 14 in 2023 and 24 in 2024). Further, there were 8,600 persons displaced by the war in Ukraine at the time of GRETA's visit who had been granted temporary protection.

58. There are two reception centres for asylum seekers, located respectively in Božaj, near the Albanian border, and in Spuž, near Podgorica, with a total capacity of 164 places.⁴⁷ The centre in Božaj accommodates single men, while families, single women and unaccompanied and separated children are accommodated in Spuž. There is a big turnover of asylum seekers at the reception centres, with many of them remaining in the centres for only two to three days. GRETA was informed that only around one half of the persons who express intention to seek asylum report to a reception centre. This was attributed to the fact that many persons, including unaccompanied children, do not intend to stay in Montenegro and continue their journey. GRETA was informed that the border police officers who conduct the first interview with migrants sometimes do not inform the person of their rights, including the right to seek asylum, and do not make sufficient efforts to identify possible vulnerabilities and/or THB (see paragraph 102).

59. GRETA visited the reception centre in Spuž, which consists of a main building and four containers with additional places. There are separate sections for boys/men, girls/women and families, as well as two rooms with an adjacent bathroom equipped for persons with disabilities. GRETA is concerned that unaccompanied children have been accommodated together with unrelated adults and refers to the recommendation of the UN Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material, that unaccompanied children in Montenegro should be accommodated separately from adult members of the group in which they arrived,

* All reference to Kosovo whether to the territory, institutions or population, in this report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁴⁵ Asylum seekers must first express their intention to seek asylum in Montenegro, usually at a border crossing, after which they are issued a certification of registration which is valid for 15 days. During these 15 days, they are accommodated in the reception centre Spuž and must file a request for international protection with the Directorate for Asylum.

⁴⁶ In 2024, 2,572 persons (60% of whom are from Afghanistan) registered their intention to apply for asylum, while 117 persons filed an asylum application with the Directorate of Asylum in the same year.

⁴⁷ The number of persons who have stayed in the period 2020-2024 was: in 2020, 1,878 persons in Spuž and 824 in Božaj; in 2021, 1,829 in Spuž and 850 in Božaj; in 2022, 4,106 in Spuž and 1,916 in Božaj, in 2023, 1,244 in Spuž and 1,849 in Božaj; and in 2024, 801 in Spuž and 836 in Božaj.

including alleged relatives, at least until it is established that the child is not at risk.⁴⁸ In their comments on the draft GRETA report, the authorities indicated that, bearing in mind the risks of placing unaccompanied children with adults they are not related to, children are placed in separate accommodation units. A team consisting of a psychologist, accommodation officer, a social worker and a medical worker conducts a vulnerability assessment during a short interview with newly admitted asylum seekers. Particular attention is said to be paid to physical and psychological signs of trauma, as well as possible indicators of THB (see also paragraph 102). GRETA was informed that the staff of the reception centre has been provided with training on THB. However, providing interpretation for certain languages spoken by asylum seekers, other than English, can represent a challenge.⁴⁹

60. Next to the reception centre in Spuž is the detention centre for foreigners whose request for asylum was rejected or who are awaiting extradition.⁵⁰ There have been cases where persons in the detention centre decided to apply for asylum, and they were reportedly provided with all of their rights under the asylum procedure, while remaining in the detention centre.

61. In case of unaccompanied and separated children who express their intention to seek asylum in Montenegro, the competent centre for social work is contacted in order to appoint a legal guardian for the child. A single social worker can represent up to 200 children which, coupled with the unavailability of interpreters, makes it difficult for them to effectively represent the interests of the children. As mentioned previously, unaccompanied children often spend only a few days at the reception centre before continuing their journey towards other countries.

62. GRETA was informed that some 100 children from Egypt had arrived in Montenegro in several large groups since the beginning of 2024. They stayed in the reception centre in Spuž for a few days and appeared to have maps and clear instructions about their movement and were reluctant to speak about their circumstances. The staff of the reception centre learned from some of the children that their parents had paid for their journey, while others were expected to pay for it by working for their smugglers. The information was forwarded to the police, but it was not possible to conduct an investigation since the children had left.

63. The Law on International and Temporary Protection (Article 41) outlines the age assessment procedure to be applied in case of doubt concerning the age of a child, which takes into account expert opinions of the social worker and reception centre staff working with the child, and provides for a medical examination as a last resort, with the agreement of the child and the guardian.⁵¹ However, it appears that the age assessment procedure is not applied in practice. GRETA was informed that a working group was established by the Ministry of the Interior in April 2023 for the development of "Procedures for determining and confirming the age of unaccompanied minor migrants". The working group consists of representatives of competent institutions and international and national organisations and is supported by the European Union Asylum Agency (EUAA). In this context, reference is made to the Council of Ministers recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration.⁵² In their comments to the draft GRETA report, the Montenegrin authorities also indicated that the Standard Operating Procedures for the treatment of children separated from their parents and unaccompanied children, developed in co-operation with UNICEF and the Montenegrin Red Cross, are consulted by the Centre for the Reception of Foreigners Seeking International Protection.

⁴⁸ Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material (10 January 2022), paragraph 78.

⁴⁹ Office of the Ombudsperson, Analysis of the work of state authorities with regard to the treatment of persons seeking international protection in Montenegro (2022), p. 56.

⁵⁰ Office of the Ombudsperson, Analysis of the work of state authorities with regard to the treatment of persons seeking international protection in Montenegro (2022), p. 57.

⁵¹ The age assessment is conducted on the basis of available information and an expert opinion of the official of the Centre for the Reception of Foreigners working with the child, as well as the opinion of the child's guardian.

⁵² <https://rm.coe.int/0900001680a96350>

64. Asylum seekers are provided with free legal aid by the NGO Civic Initiative (*Gradanska inicijativa*), through a programme funded by the UNHCR. The authorities have an agreement with MARRI (Migration, Asylum, Refugee Regional Initiative) for the use of its digital interpretation platform and the IOM team which is present at the border with Albania includes interpreters for Urdu and Pashtu. In addition, Frontex provides cultural mediators who assist in the communication with asylum seekers.

65. GRETA was informed that information materials on the rights of asylum seekers and the services available to them, as well as materials on human trafficking, have been prepared and distributed to asylum seekers in reception centres. In November 2023, the Department for the Fight against Trafficking in Human Beings organised two information sessions for 11 asylum seekers in the reception centre in Spuž on the prevention of trafficking in human beings.

66. The majority of persons displaced by the war in Ukraine who have been granted temporary protection are self-supported. Reportedly, some Ukrainians who had initially gone to Germany and Poland chose to relocate to Montenegro after some time. At the time of GRETA's visit, the state was providing accommodation to 107 persons from Ukraine in a hotel rented by the state. The Montenegro Red Cross provides information on the rights and services available to persons from Ukraine through the free phone line (080 041 041), which contains recorded information and access to operators speaking Ukrainian. Since December 2023, IOM has supported four centres for persons from Ukraine which provide information about their rights as well as educational and social activities. The IOM has also produced leaflets aimed at helping Ukrainian nationals recognise vulnerabilities. One of the main problems concerning the displaced persons from Ukraine is the low number of children enrolled in school (25%),⁵³ which is partly attributed to the fact that many children continue to attend school in Ukraine online. The Ministry of Education, Science and Innovation, in co-operation with UNICEF, implemented a support programme for the inclusion of children from Ukraine in the educational system of Montenegro, including through distribution of information materials on enrolment procedure, and it has instructed all schools to provide additional support to parents and children from Ukraine with a view to facilitating their enrolment in school. Further, the UNHCR implements a campaign through the organisation Good Deed aimed at promoting school enrolment among children from Ukraine.

67. GRETA was informed that asylum seekers and persons granted temporary protection have limited access to health care, due to the fact that they are not covered by the legislation on health insurance. According to information provided by the Montenegrin authorities in their comments to the draft GRETA report, following an amendment made to the Law on International and Temporary Protection of Foreigners in 2024, the Ministry of Health, the Health Insurance Fund and the Ministry of the Interior have started drafting relevant by-laws, which will regulate in the modalities and scope of providing health care to persons seeking international protection and those who have been granted it. The authorities also indicated that, in the meantime, thanks to the activities of the relevant authorities, asylum seekers and those under temporary protection have had unhindered access to primary, secondary and tertiary health care in public health institutions in Montenegro.

68. Persons seeking/granted international protection have the right to work after nine months from the date the application for international protection was lodged. Civil society organisations met by GRETA have stressed that this delay leaves asylum seekers vulnerable to exploitation and THB as they are forced to seek employment on the black market.

69. GRETA urges the Montenegrin authorities to increase the human and financial resources of centres for social work with a view to ensuring that unaccompanied and separated children are provided with adequate protection by legal guardians, in order to prevent them from becoming victims of trafficking in human beings.

⁵³ According to the information provided by the authorities in their reply to the questionnaire, 526 children from Ukraine were enrolled in school in Montenegro, of which 208 were displaced by the war in Ukraine.

70. Further, GRETA considers that the Montenegrin authorities should take further steps to prevent asylum seekers from becoming victims of trafficking in human beings, in particular by:

- systematically screening migrants and asylum seekers for vulnerabilities and indicators of THB at the border (see also paragraph 104);
- providing training on trafficking in human beings to border police officers, as well as other relevant officials, with a focus on vulnerabilities that lead to THB and on early detection of cases of THB among asylum seekers;
- ensuring that asylum seekers are provided with adequate information about their rights and services available from the first contact with the authorities and that the information is provided in a clear, understandable language and format, ensuring it is accessible to all individuals;
- ensuring that asylum seekers and persons granted temporary protection have access to sufficient and adequate health care;
- providing timely access to the labour market for asylum seekers;
- continuing the support provided to Ukrainian refugees and conducting regular and comprehensive assessments of the risks of exploitation and THB risks. In this context, GRETA refers to its Guidance Note on Addressing the Risks of Trafficking in Human Beings Related to the War in Ukraine.⁵⁴

vi. Disadvantaged minorities

71. As noted in GRETA's previous reports, members of the Roma and Egyptian communities, especially women and children, are particularly vulnerable to THB due to multiple factors. Roma and Egyptians face discrimination and social marginalisation resulting, *inter alia*, in low access to education⁵⁵ and employment. Moreover, they face obstacles in accessing health care and decent housing, which further exacerbate their marginalisation and expose them to the risk of exploitation and THB. In addition to these problems, internally displaced Roma and Egyptians from Kosovo* face the risk of statelessness.⁵⁶ The 2022 report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material, indicated that in 52% of cases, girls from the Roma community did not choose a husband or the time when they marry and 44.2% of girls did not know their future husband until they were married. Moreover, there have been cases of Roma and Egyptian children being sold into marriage abroad.⁵⁷ Forced begging predominantly affects Roma and Egyptians from neighbouring countries who come to Montenegro during the tourist season (see paragraph 79).

⁵⁴ <https://rm.coe.int/guidance-note-on-addressing-the-risks-of-trafficking-in-human-beings-r/1680a663e2>, accessed 10 July 2024.

⁵⁵ The primary school completion rate in Roma settlements is reportedly 56%, as opposed to the 96% among the general population, while the high school graduation rate is only 3%, as compared to 85% among the general population. See Strategy for Social Inclusion of Roma and Egyptians (2021-2025), p. 47.

⁵⁶ Strategy for Social Inclusion of Roma and Egyptians (2021-2025), p. 25.

⁵⁷ Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material, 10 January 2022, paragraph 14.

72. The Strategy for Social Inclusion of Roma and Egyptians (2021-2025) and its accompanying Actions Plans contain a number of measures which can contribute to addressing some of the vulnerabilities to THB, including reducing housing segregation of Roma and Egyptians, increasing the percentage of members of this population who have successfully completed primary and secondary school, and reducing the unemployment rate. Further, the Strategy to Combat Human Trafficking (2019-2024) and the accompanying Action Plans outline measures aimed at preventing trafficking of Roma and Egyptians. Specifically, the Action Plan for 2024 envisages the financing of NGO projects aimed at combating child/arranged marriages and begging (30,000 euros) and projects focused on the protection and promotion of human and minority rights (50,000 euros). According to information provided by the Montenegrin authorities in their comments to the draft GRETA report, in 2024, the following three NGO-run projects were supported in the field of combating human trafficking, for a total amount of 46,000 euros: “Action of all actors in local communities for the social inclusion of Roma and Egyptian women in Montenegro” (“Centre for Roma Initiatives”); “Prevention of violence in Roma families in Bijelo Polje” (“Culture Club from Bijelo Polje”); and “Improving the socio-economic situation of Roma/Roma women and Egyptians in Montenegro” (“Centre for Security Sociological and Criminological Research of Montenegro – Defendology”).

73. The Ministry of Human and Minority Rights finances the work of the Roma Council and has a dedicated department for Roma and Egyptians, headed by the National Co-ordinator for the Roma and Egyptians. The first youth parliament of Roma and Egyptians was established in Nikšić in November 2024, the key activities of which include representing the interests of young Roma and Egyptians before local authorities and at the national level, promoting human rights, especially the rights of children (prevention of arranged marriages and child begging), encouraging the realisation of the right to education and work, and initiating and supporting projects and activities aimed at improving the lives of young Roma and Egyptians.

74. As part of a joint project between the EU and the Government of Montenegro,⁵⁸ between March and the end of December 2022, the Ministry of Human and Minority Rights implemented the campaign “My Life” which focused on preventing child and forced marriage, domestic violence and forced begging. The campaign included workshops, the distribution of brochures and leaflets, and a media campaign. The Ministry also organised 45 workshops and other events on the vulnerability of women and girls to THB in primary schools in Bar, Berane, Podgorica, Nikšić, Herceg Novi and Tivat, on the occasion of World Roma Day (8 April). Another workshop for 45 members of the Roma and Egyptian communities was organised at the end of 2023 in Berane on the topic of combating THB, arranged marriages and forced begging, in collaboration with the NGO Association for the Support of Roma and Egyptians.

75. Furthermore, the NGO Centre for Roma Initiatives implemented a project on combating domestic violence and child and forced marriages, with funding from the government (18,201 euros) and participation of representatives of relevant institutions. The project included the empowerment of 15 Roma and Egyptian activists from the Network PRVA in Nikšić, Podgorica, Bijelo Polje and Bar to monitor and influence policies related to Roma and Egyptian women. Moreover, workshops and information campaigns on the topics of child and forced marriage and gender-based violence were organised for around 500 families and around 1,000 young people.

76. As noted in paragraph 13, separate offences of the sale of children and forced marriage were introduced in the CC through amendments adopted in 2023. Conclusion of unlawful marriage is also listed as one of the forms of exploitation related to THB in Article 444 of the CC. Civil society organisations have advocated for changes to the CC and Family Law in order to raise the age limit for the conclusion of marriage from 16 to 18.⁵⁹ However, these proposals did not have the necessary support. Reportedly, the authorities considered that this would not solve the problem of child and forced marriages since many such marriages are concluded informally. In this context, GRETA refers to the recommendation of the

⁵⁸ The project is part of the EU-Montenegro Programme for Employment, Education and Social Protection (SOPESS 2015-2017) worth 265,000 euros.

⁵⁹ Children between the ages of 16 and 18 can marry with the consent of their parents.

2022 report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material, who recommended to raise the age of marriage to 18⁶⁰ and to ensure that the interpretation of unlawful marriage includes all forms of child marriage, both formal and informal, as one of the forms of exploitation under Article 444 of the CC.⁶¹

77. The Ministry of Education, Science and Innovation, in co-operation with the Ministry of Human and Minority Rights, the Institute of Education, the Roma Council and NGOs, promotes the enrolment of children in pre-school education, primary and secondary schools, by reaching out to Roma and Egyptian parents and children and distributing flyers in Montenegrin, Romani and Albanian with information on how to enrol children in school. GRETA was informed that 300 Roma and Egyptian children were enrolled in pre-school education in 2024 and 280 in 2023. Free transportation has been provided to around 600 primary school pupils in Podgorica, Nikšić, Berane and Cetinje during the reporting period. Further, high school and university students have access to scholarships.

78. The authorities continue to apply the Protocol on the prevention of school dropouts and use the services of mediators to facilitate the work with children at risk of leaving school. During the reporting period, 24 mediators were hired in primary schools in Podgorica, Nikšić, Bar, Berane, Ulcinj, Herceg Novi and Tivat and were provided with training. At the time of GRETA's visit, there were 52 mediators. The relevant rules were amended to provide that each mediator shall cover 35 children, as opposed to 70 children under the previous rules, and allowing pre-school institutions to hire mediators as well. GRETA was informed that the number of Roma and Egyptian children dropping out of school has decreased as the result of the work of the mediators. In its latest conclusions concerning Montenegro, issued in 2020, the European Commission against Racism and Intolerance (ECRI) concluded that the Montenegrin authorities had fully implemented its recommendation to institutionalise and increase the number of Roma mediators/assistants at the pre-school and primary school level to ensure children's attendance and decrease the risk of dropping out.⁶²

79. In 2021, the authorities revised the protocol concerning children living and working on the streets, adopted in 2019,⁶³ which defines the actions of relevant professionals in relation to the protection of children in street situations. The composition of the co-ordination body for the implementation of the protocol, led by the Ministry of the Interior, was revised in 2022 to reflect the changes in the structure and competence of the relevant institutions. A study on the awareness of and the implementation of the protocol was conducted as part of the project "PACT - Prevention and combating of human trafficking in the Western Balkans", supported by German Agency for International Cooperation (GIZ) and the Migration, Asylum, Refugee Regional Initiative (MARRI). Based on interviews with relevant professionals, the study found that most of the children living and working on the street were members of the Roma and Egyptian communities, predominantly originating from outside of Montenegro. Among the main shortcomings identified by the study were the lack of awareness of the protocol by the relevant professionals, the lack of human and financial resources of relevant institutions, as well as a need to prepare guidelines and establish local teams for the implementation of the protocol and provide training to the relevant professionals. The implementation of the protocol was discussed at round tables organised in Bijelo Polje, Bar and Podgorica in October and November 2023.

⁶⁰ The same was recommended by CEDAW in its Concluding observations on the third periodic report of Montenegro, paragraph 26(e).

⁶¹ Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other sexual abuse material, 10 January 2022, paragraph 54.

⁶² ECRI, Conclusions on the Implementation of the Recommendations in Respect of Montenegro Subject to Interim Follow-up, adopted on 7 April 2020, p. 5.

⁶³ GRETA's third evaluation report on Montenegro, paragraph 187.

80. The NGO "Center for Security, Sociological and Criminological Research of Montenegro – Defendology ("Defendology") from Nikšić operates the only licensed day centre in the country for children at risk of living and working on the streets. The centre works with parents and children, mostly from the Roma and Egyptian communities, to help the children return to school. The centre receives funding from the government, but the funding is neither regular nor sufficient to cover their activities.

81. The lack of interpreters for the Romani language has been highlighted as one of the obstacles for the provision of support to the Roma community, including with regard to informing them of their rights. Reportedly, some of the interpretation needs have been covered by the IOM, which has published and distributed leaflets in Romani, but this was not deemed sufficient.

82. The Strategy for Social Inclusion of Roma and Egyptians (2021-2025) sets as one of its objectives providing access to quality and sustainable employment for members of the Roma and Egyptian population. Further, on 20 February 2025, the Government adopted a National programme for the transformation of informal employment of Roma and Egyptians in Montenegro for the period 2024-2026. In the framework of the implementation of this programme, the Ministry of Human and Minority Rights has hired 21 associates in the social inclusion of members of the Roma and Egyptian communities in Montenegro.

83. Statelessness puts a person at a higher risk of becoming a victim of human trafficking. As noted in GRETA's third report,⁶⁴ statelessness affects some of the Roma and Egyptians who were born outside of Montenegro and who were displaced following the breakup of Yugoslavia,⁶⁵ as well as their children. While legislative changes were introduced to implement the procedure for the determination of statelessness and facilitate the registration of children born outside of health-care institutions, the problem of statelessness persists. According to UNHCR data, as of November 2024, there were 424 persons at risk of statelessness in Montenegro, as compared to 467 in 2020.⁶⁶ Half of them were children. Even though Montenegrin law allows for access to citizenship for children born in Montenegro to stateless parents, it appears that this provision is not applied in practice. Moreover, there are still obstacles to the registration of children born outside of health-care institutions, especially in cases where the mother lacks identity documents. As the system of free legal aid does not cover administrative procedures such as birth registration, UNHCR serves as the sole provider of free legal aid for stateless persons in Montenegro. GRETA notes positively that the Strategy on Migration and Reintegration of Returnees in Montenegro for 2021-2025 contains a number of measures aimed at addressing statelessness, including through co-operation with the countries of origin of persons at risk of statelessness and strengthening the capacity of the relevant state bodies.

84. GRETA welcomes the steps taken to address the vulnerability of Roma and Egyptian children to forced marriage and forced begging, including through legislative changes, awareness and educational campaigns, and prevention of school drop-outs. Nonetheless, more emphasis should be placed on raising awareness of the harmful nature of these phenomena among the parents, the relevant professionals, as well as the general public. Further, efforts should be made to address poverty and social exclusion of the Roma and Egyptians, which constitute root causes of trafficking in human beings. There is also a need to ensure that persons at a risk of statelessness have full access to civil registration procedures.

⁶⁴ GRETA's third evaluation report on Montenegro, paragraph 159.

⁶⁵ Such persons are at a risk of statelessness if they cannot prove a link to any of the former Yugoslav countries.

⁶⁶ It is also of note that there were 18 more stateless persons in 2024 than in 2023.

85. While welcoming the measures taken by the Montenegrin authorities to address the vulnerabilities to THB of the Roma and Egyptian communities, GRETA considers that additional steps should be taken towards the prevention of trafficking in human beings among disadvantaged minorities, namely:

- continue to raise awareness among the Roma and Egyptian communities as well as the general public about trafficking in human beings, in particular for the purpose of child and forced marriage and forced begging;
- ensure sufficient funding for NGOs implementing activities aimed at the prevention of trafficking in human beings among the Roma and Egyptian communities;
- provide training on THB to professionals working with the Roma and Egyptian communities, including social workers, school teachers and other school staff, health-care professionals, representatives of law enforcement, mediators and local administration officials, to help them recognise the signs of child and forced marriage and forced begging in the THB context;
- ensure the availability of interpreters for the Romani language in order to facilitate full access to rights and services of members of the Roma and Egyptian communities;
- ensure effective access to civil registration procedures and issuance of personal documents to refugees from former Yugoslavia and persons at risk of statelessness;
- implement measures to facilitate access to employment for members of the Roma and Egyptian communities.

vii. Persons with disabilities

86. Persons with disabilities⁶⁷ are not expressly mentioned in the Council of Europe Anti-Trafficking Convention, but their vulnerability to human trafficking is documented in reports issued by GRETA and other international bodies. Amongst the factors which render persons with disabilities vulnerable to THB are dependence on caregivers or support systems, limited access to information and resources, difficulty communicating or advocating for themselves, stigma and discrimination, as well as lack of or limited access to the labour market and decent work.⁶⁸ Reference can also be made to the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 38 (2020), which states that women and girls with disabilities are a group particularly vulnerable to being trafficked, and calls on States to provide them with special economic and social support.⁶⁹

⁶⁷ According to Article 1 of the UN Convention on the Rights of Persons with Disabilities, persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

⁶⁸ See OSCE, *Invisible Victims: The Nexus between Disabilities and Trafficking in Human Beings*, March 2022, p. 16.

⁶⁹ CEDAW, [General recommendation No. 38 \(2020\) on trafficking in women and girls in the context of global migration](#), paragraphs 40 and 55.

87. In Montenegro, according to available information, persons with intellectual and psychosocial disabilities, women and girls with disabilities, as well as Roma and Egyptian persons with disabilities have limited access to support services.⁷⁰ While there were no persons with disabilities among the victims of THB identified during the reporting period, GRETA was informed by NGOs of cases of persons with disabilities involved in forced begging and cases of sexual exploitation of children with intellectual disabilities which were dismissed as THB cases by the police for lack of evidence. The Strategy for Combating Trafficking in Human Beings (2019-2024) does not contain any measures aimed at addressing the vulnerability of persons with disabilities to THB, and it appears that no research has been conducted with regard to the vulnerability of persons with disabilities to THB.

88. Montenegro ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol in 2009 and was evaluated by the Committee on the Rights of Persons with Disabilities (CRPD) in 2017. The CRPD recommended, *inter alia*, that Montenegro take further legislative steps to prevent discrimination, as well as exploitation, abuse of and violence against persons with disabilities, and promote employment of persons with disabilities, particularly women, in the open labour market in the public and private sectors.⁷¹

89. Montenegro has adopted several strategic documents relevant for the protection of persons with disabilities, namely, the Strategy for the Integration of Persons with Disabilities in Montenegro (2016-2020), the Strategy for the Protection of Persons with Disabilities from Discrimination and for the Promotion of Equality (2017-2021 and 2022-2023), and the Strategy of Deinstitutionalisation in Montenegro (2025-2028). In March 2024, Montenegro began implementing the World Health Organisation's Disability guide for action - a national strategic planning tool that provides a step-by-step guidance for countries to integrate disability inclusion in their existing health systems' plans.⁷²

90. The Directorate for the Protection and Equality of Persons with Disabilities was re-established in March 2024 within the Ministry of Human and Minority Rights. Its main focus is on the preparation of draft laws, reports and analyses related to the position of persons with disabilities.

91. At the beginning of 2024, the Office of the Ombudsperson established the Independent Monitoring Mechanism for the Promotion, Protection and Monitoring of the Implementation of the UNCRPD, with the support of the United Nations, consisting of representatives of the Office of the Ombudsperson and 10 non-governmental organisations representing persons with disabilities. The monitoring mechanism has conducted a number of field visits to educational and health institutions as well as institutions for the care of children and issued a report on the position of persons with disabilities in Montenegro in October 2024. The report contains a number of recommendations, including that the authorities establish a single register of persons with disabilities, improve the system of foster care for children without parental care, define the procedure for the assessment of the work of assistants for children with disabilities in educational institutions, and bring the definition of work capacity in line with the UNCRPD.⁷³

92. Access to education for children with disabilities is regulated through the Law on Education of Children with Special Educational Needs, in accordance with which children with disabilities attend mainstream schools. The previously existing so-called "special schools" have been transformed into three resource centres,⁷⁴ which provide, *inter alia*, training for teachers and professional assistants. An agreement concluded between resource centres and centres for social work enables families to be accommodated in resource centres for reasons of early intervention and individual treatment.

⁷⁰ UNPRPD, Situation Analysis of the Rights of Persons with Disabilities: Montenegro (2022), p. 19.

⁷¹ See CRPD, Concluding observations on the initial report of Montenegro (2017), paragraphs 11, 33 and 49.

⁷² <https://www.who.int/news-room/feature-stories/detail/montenegro--the-first-country-in-the-european-region-to-implement-the-who-disability-guide-for-action>.

⁷³ Office of the Ombudsperson, Report on the position of persons with disabilities on the basis of field visits carried out by the Independent Monitoring Mechanism for the Promotion, Protection and Monitoring of the Implementation of the UNCRPD (October 2024), available at https://www.ombudsman.co.me/Posebni_lzvjestaji.html (in Montenegrin).

⁷⁴ Resource Centre for Hearing and Speech "Dr Peruta Ivanović" in Kotor, Resource Centre for Intellectual Disabilities and Autism "June 1st" in Podgorica, and Resource Centre "Podgorica" for physical and visual disabilities.

93. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (Official Gazette no. 49/2008, 73/2010, 39/2011, and 55/2016) aims at increasing the employment of persons with disabilities through providing incentives to employers and professional rehabilitation and training to persons with disabilities. GRETA was informed that the incentive most used by employers is the salary subsidy which amounts to between 50% and 75% depending on the disability. The amount of subsidy has steadily decreased over the years. According to the authorities, the main obstacle to employment faced by persons with disabilities is prejudice on the part of employers.

94. GRETA considers that the Montenegrin authorities should conduct research into the vulnerabilities of persons with disabilities to trafficking in human beings and develop preventive measures specifically aimed at this group. Further, training on trafficking in human beings should be provided to professionals assisting persons with disabilities.

2. Measures to protect and promote the rights of victims of trafficking

95. Chapter III of the Convention provides for a series of measures to protect and promote the rights of victims. In the first place, it is of paramount importance to identify victims of trafficking correctly as identification enables them to benefit from the other measures and rights contained in the Convention. Pursuant to Article 10 of the Convention, States Parties shall ensure that the authorities competent to identify victims of trafficking have persons trained and qualified to perform the identification, and that these authorities collaborate with relevant support organisations in the identification process. Further, Article 12 of the Convention sets out the assistance measures which States Parties must provide to trafficking victims. Paragraph 7 of this article requires Parties to ensure that services are provided taking due account of the special needs of persons in a vulnerable position as well as the rights of children. Given the relevance of victim identification and assistance to the thematic focus of the fourth evaluation round of the Convention, this part of the report examines the application of these two provisions. Other provisions of Chapter III of the Convention, which have been examined in detail by GRETA during the previous evaluation rounds, are discussed in the chapter of the report entitled "Follow-up issues".

a. Identification of victims of THB

96. As noted in GRETA's third report on Montenegro,⁷⁵ in 2019 the authorities established a team for the formal identification of victims of trafficking in human beings and adopted Standard Operating Procedures (SOPs) for the identification of victims, with the aim of disconnecting the formal identification of victims from the initiation of criminal proceedings. The composition of the team has changed since GRETA's third report to include a representative of civil society. At the time of GRETA's visit, the team consisted of four members, namely, the head of the Department for the Fight against Trafficking in Human Beings as the chair⁷⁶, the head of the police group against THB, a social worker (who is a trained psychologist) and a representative of the NGO Centre for Women's Rights (who is a trained psychologist). A fifth member of the team, from the Ministry of the Interior, had recently moved to a different ministry and was in the process of being replaced. Representatives of civil society met by GRETA welcomed the inclusion of an NGO in the composition of the team. However, they noted that the team should also include a representative of a Roma/Egyptian NGO, as many of the victims come from these communities.⁷⁷

⁷⁵ GRETA's third evaluation report on Montenegro, paragraph 165.

⁷⁶ At the time of GRETA's visit the position was not filled and the function was performed by other representatives of the department.

⁷⁷ Reportedly, the NGO representative in the team must be a psychologist, which limits the number of NGO representatives who are eligible for membership in the team.

97. Following a referral of presumed victims by institutions or NGOs which have detected them and come into contact with them, the team discusses the case and issues a formal decision on identification, by a majority vote. The team may decide to hear the victim if necessary, before issuing its decision and request additional information. In case the victim is a child, a social worker (acting as the child's guardian) is present during the discussion of the team but does not participate in the voting. The written decision on the formal identification is forwarded to the Ministry of Social Welfare, Family and Demography.

98. The Strategy on Combating THB contains a list of indicators for the identification of victims of THB for different types of exploitation. An additional list of indicators specifically for health workers has been developed. Relevant professionals have been provided with training to facilitate the identification of victims of THB. By way of example, in 2022 and 2023 the Ministry of the Interior organised several trainings for health care providers, as well as trainings in co-operation with IOM for a total of 97 representatives of the police, centres for social work, public institutions providing accommodation to victims of THB and NGOs. Training on recognising indicators of THB and the application of police guidelines for interviewing victims of THB was also organised for 29 police representatives, including border police officers, in the period 2022-2024 with the support of the OSCE. GRETA was informed that an e-learning platform on THB has been set up in the police and will be operational once all the relevant information has been inserted. A web application for the identification of victims of THB, intended for relevant professionals as well as the general public, has also been developed with the support of the IOM. The purpose of the application is to enable users to easily detect indicators of trafficking and receive instructions on how to act in situations where they are detected.

99. GRETA was informed that the hotline for victims of trafficking operated by the NGO Women's Lobby is no longer functional, due to the lack of funding from the government.

100. The number of victims of THB identified in Montenegro has increased since the setting up of the multi-disciplinary identification team: five in 2021, 16 in 2022, 18 in 2023, and 28 in 2024 (see the table in Appendix 1). Women and children comprised most of the identified victims. While the majority of the victims were nationals of Montenegro, there were also 18 foreign nationals identified in 2021-2024 who originated from Albania (1), Azerbaijan (4), Bosnia and Herzegovina (1), Israel (1), Kosovo* (1), Russia (3), Serbia (4), Ukraine (3). Seven victims of forced begging who were identified in 2024 were internally displaced persons from Kosovo*.

101. The statistics on identified victims probably do not represent the full extent of the phenomenon of THB in Montenegro. GRETA is aware of one case in which 15 persons allegedly exploited on yachts were identified (see paragraph 37). Further, cases of THB of women for the use for pornographic purposes were identified in 2023. Only eight victims of THB for labour exploitation have been identified (in the construction sector), even though the police have reportedly placed greater emphasis on the detection of such cases in recent years.⁷⁸ As mentioned in paragraph 45, a case involving 334 foreign citizens, mostly from Türkiye, who were allegedly exploited in the construction industry was detected in 2024. However, these persons were not identified as victims of trafficking by the formal identification due to the fact that they left the country soon after the case was detected, but they have the status of victims in the proceedings before the prosecutor's office, as well as in the proceedings before the court (see paragraph 145).

102. No victims of trafficking were identified among asylum seekers during the reporting period. There were three cases of suspected THB for the purpose of sexual exploitation, involving a man from Iran and two women from Morocco and Serbia. The cases were referred to the police by the Section for the reception of foreigners seeking international protection, but the persons were not identified as victims of THB. Representatives of the relevant agencies met by GRETA have noted that, although the authorities have been trained to recognise indicators of THB, the identification of victims of THB among asylum seekers is complicated by the fact that most asylum seekers spend a short time in Montenegro and are

⁷⁸ One of the victims was a citizen of Bosnia and Herzegovina who was exploited in Tivat, while the other case concerned four citizens of Azerbaijan who were exploited in construction in Podgorica.

not willing to speak about their experience during their brief interaction with the authorities (see for example paragraph 62, regarding the unaccompanied children from Egypt). Nonetheless, GRETA notes that more efforts should be made to detect possible cases of THB among asylum seekers, including by putting in place screening procedures at border crossings and in reception centres.

103. No victims of trafficking have been identified in Montenegrin prisons, nor in the detention centre for foreigners (see paragraph 60). There are reportedly plans to include training on THB in the basic training provided to prison staff. GRETA was informed of one suspected case of THB concerning an unaccompanied foreign child who was charged with kidnapping and placed in the "Ljubović" centre for children in conflict with the law while awaiting trial. The case was reported to the multi-disciplinary victim identification team, which concluded that the child was not a victim of trafficking. GRETA notes the need to raise the awareness of staff working in prisons and remand prisons to the issue of THB, due to the fact that some victims of trafficking might be detained/imprisoned as a result of failure to carry out the identification procedure and apply the non-punishment principle.

104. GRETA welcomes the multi-disciplinary approach to victim identification which is independent of the initiation of criminal proceedings and considers that the Montenegrin authorities should take further steps to improve the identification of victims of trafficking, including by:

- proactively identifying victims of trafficking in human beings for different forms of exploitation, paying increased attention to THB for the purpose of sexual exploitation in the tourism industry (including on yachts) and for the purpose of labour exploitation in the construction and tourism sectors;
- ensuring that a proper procedure is in place for the identification of victims of trafficking among irregular migrants and asylum seekers, including unaccompanied and separated children, by the border police and in reception centres;
- facilitating the involvement of specialised NGOs in the identification of victims of trafficking in human beings, including by providing funding for the operation of the hotline for victims of trafficking;
- providing further training on THB to members of the team for the formal identification of victims of THB, social workers, asylum officers, health care providers, prison staff and other relevant professionals involved in the identification of victims of trafficking in human beings.

105. None of the foreign victims identified during the reporting period were granted a recovery and reflection period.⁷⁹ According to the authorities, this is due to the fact that the victims decided to return to their countries of origin. No victims were granted a residence permit during the reporting period either. GRETA urges the Montenegrin authorities to ensure that whenever there are reasonable grounds to believe that a foreign national is a victim of THB, the person concerned has access to a recovery and reflection period. In this context, GRETA refers to its Guidance Note on the recovery and reflection period.⁸⁰

⁷⁹ Pursuant to Article 54 of the Law on Foreigners, victims of human trafficking have the right to a recovery and reflection period of up to 90 days.

⁸⁰ <https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca>.

b. Assistance to victims

106. In May 2024, representatives of relevant institutions and NGOs⁸¹ concluded a revised Agreement on mutual co-operation in the area of combating THB, which provides, *inter alia*, that the signatories shall provide assistance to victims and potential victims of trafficking,⁸² regardless of their willingness to co-operate with the criminal justice authorities, and will inform victims of their rights, including the right to free legal aid. Each signatory institution/NGO has signed an annexe to the agreement outlining their role in the provision of assistance to victims of THB. The annexe pertaining to the role of the former Ministry of Labour and Social Care⁸³ provides that the provision of assistance to victims of trafficking shall be co-ordinated by the competent centre for social work.

107. A number of GRETA's interlocutors have remarked that the agreement has not necessarily facilitated victims' access to services. GRETA was given the example of a victim who was denied access to a hospital even though the Ministry of Health is a signatory to the agreement and the relevant annex which specifies that the Ministry of Health shall ensure that victims of THB are provided with priority access to health care.⁸⁴ According to the authorities met by GRETA, there are plans to improve co-ordination of service providers on the local level.

108. Under the Law on Social and Child Welfare, the provision of care to victims of trafficking in human beings, as well as victims of other forms of violence, can only be performed by service providers who are licensed to perform activities in the field of social and child protection and to operate shelters. Only licensed providers are eligible to receive state funding. The procedure for the licensing of providers of social and child care (as well as for the revocation of licenses)⁸⁵ and the minimum standards for the operation of shelters are set out in two bylaws. Representatives of civil society met by GRETA have stressed that the licensing process is onerous and many NGOs are not able to meet the requirements, such as the minimum number of employees, certain spatial requirements for shelters, and the need to employ a certain number of individually licensed employees (e.g. psychologists).⁸⁶ Licenses are issued for a period of three or six years, while funding is allocated on an annual basis, which creates uncertainty and makes it difficult for NGOs to provide long-term support to victims. GRETA was informed that most of the licensed NGOs providing services other than accommodation (see paragraph 113) receive very little or no funding from the state.⁸⁷ An expert report requested by the Montenegrin authorities and prepared under the EU Technical Assistance and Information Exchange (TAIEX) recommended that the authorities introduce a multi-step licensing procedure whereby NGOs would initially be issued with a temporary license, as well as to ensure that NGOs to whom the state has delegated the provision of services to victims of THB should be provided with 100% of the cost of basic services.⁸⁸

⁸¹ The signatories of the agreement were: Supreme Court, Supreme State Prosecutor's Office, Ministry of Interior, Ministry of Education, Science, and Innovation, Ministry of Health, Ministry of Labor and Social Welfare, Center "Ljubović," Center for Support to Children and Families Bijelo Polje, Red Cross of Montenegro, and NGOs: "Montenegrin Women's Lobby," "Safe Women's House," "SOS Hotline for Women and Children Victims of Violence - Niksic," and "Center for Security, Sociological and Criminological Research of Montenegro – Defendology Niksic."

⁸² Article 2 defines potential victims of trafficking in human beings as any person who is or is suspected to be exposed to the risk of THB.

⁸³ Now Ministry of Social Welfare, Family and Demography.

⁸⁴ Specifically, the annex to the agreement mentions emergency medical care, prevention and treatment for infectious diseases and maternity care. In all other cases, healthcare is provided in accordance with the law. As was the case under the previous version of the agreement, the costs for the treatment of victims of THB are covered from the state budget, and if the victim is a citizen of a state with which Montenegro has signed a bilateral agreement on social insurance, the costs are covered in accordance that agreement.

⁸⁵ At the time of GRETA's visit, the procedure for the revocation of licenses was being revised.

⁸⁶ This issue was raised by GREVIO in its First thematic evaluation report: Building trust by delivering support, protection and justice concerning Montenegro (2024), p. 6.

⁸⁷ At the time of GRETA's visit, the only other funded service was the SOS hotline for victims of domestic violence operated by the NGO SOS Nikšić.

⁸⁸ De Hovre S., Minet J., Nemes A., Report of the expert mission on the protection of victims of trafficking in human beings, pp. 7 and 8.

109. At the time of GRETA's visit, there were two shelters specifically designated for victims of trafficking in Montenegro: an NGO-run shelter for adult female victims of THB and a newly opened state shelter for child victims of THB. GRETA visited both shelters.

110. The NGO-run shelter for victims of trafficking can accommodate up to three female victims of trafficking for the purpose of sexual exploitation. The same NGO also operates a shelter for victims of gender-based violence, which has 20 places, and they provide psychological counselling to victims. The shelter for THB victims receives around one half of its annual operational costs (the total cost is 105,000 euros) from the government. GRETA was informed that the authorities did not refer any victims of trafficking to the shelter in 2024. Seven women from Ukraine who were part of the group of women allegedly exploited on a yacht (see paragraph 37) were accommodated in the shelter for victims of gender-based violence. There were also two other women who were suspected to be victims of THB but were accommodated in the shelter for victims of gender-based violence as they preferred to stay in that shelter with other women. The first was a 19-year-old woman who had come to Montenegro as a seasonal worker and was subjected to sexual exploitation. The second one was allegedly sold into forced marriage in Montenegro and was accommodated with her two children. The NGO referred both women to the team for the formal identification of victims of THB. According to information provided by the authorities in their comments to the draft GRETA report, in the case of the first woman, the team unanimously decided that she was not a victim of human trafficking, but was at risk of becoming one.

111. Victims of trafficking can also be accommodated in the shelter for women and children victims of violence run by the NGO Safe Women's House. Two victims of THB were accommodated in this shelter in 2023.

112. The state shelter for child victims of trafficking was opened in April 2024 in a two-floor building that used to be part of the centre "Ljubović" for children experiencing behavioural challenges and children in conflict with the law. The building is surrounded by a fence which separates it from the rest of the "Ljubović" complex. Civil society organisations have raised concerns regarding the proximity of the shelter to the institution for children experiencing behavioural challenges. The GRETA delegation observed that child victims only have access to a small yard which, together with the fact that the building is surrounded by a high fence, creates a restrictive and isolating environment for the children. GRETA is concerned by reports that a boy who had been accused of trafficking his sister was housed only a few meters away from her, in the building for children in conflict with the law. Additionally, there appears to be a lack of confidential complaints mechanisms available to children, making it difficult for them to report any violations of their rights. This gap in the system leaves children vulnerable to further exploitation and abuse without a secure, trusted channel to address their concerns.

113. The shelter for child victims of trafficking has four bedrooms on the upper floor and one bedroom on the ground floor which is adapted to children with disabilities. It can accommodate a total of 10 victims who can stay in the shelter for up to one year. Boys and girls are accommodated separately. At the time of GRETA's visit, there were seven children in the centre, including a 14-year-old girl who was six months pregnant. All of the children were from the Roma community, and four of them did not have Montenegro citizenship. An individual plan is developed for each child and the children attend a local school. The shelter employs two social workers, one sociologist, and eight associates (*saradnik*), including educators. Further, an external child psychiatrist is available when needed. GRETA was told that the licensing requirements, which prescribe the number of staff from each professional category (e.g. the number of staff with a university degree) are too rigid and make it difficult for the shelter to cover all of its staffing needs. The shelter receives 350 euros per month per child, but there is no separate funding for overhead expenses. Staff of the shelter expressed concern regarding their lack of capacity and expertise to deal with certain complex cases, such as the beneficiary who is pregnant, and stressed the need for more training. GRETA was informed that the shelter has used the services of the child psychologist from the institution for children experiencing behavioural challenges and children in conflict with the law in certain situations. While recognising that there is a shortage of child psychologists in Montenegro, GRETA notes

that needs of child victims of trafficking, who require specialised psychological support to address the trauma they have suffered, often vastly differ from those of children experiencing behavioural challenges.

114. GRETA was informed that the previous shelter for victims of THB was closed in 2022 due to allegations of physical abuse and mistreatment of children, most of whom came from the Roma and Egyptian communities. Reportedly, the director of the shelter, who had previously been convicted of violence against children, and another employee of the shelter were accused of physical mistreatment, intimidation and exploitation of some of the beneficiaries of the shelter, whom the director allegedly forced to work in his home. The shelter's license was revoked, but GRETA understands that no legal action was taken against those responsible.

115. Child victims of trafficking can also be accommodated in the Children's Home Mladost in Bijela, which was visited by GRETA during the visit in March 2020.

116. Civil society organisations have expressed concern that child victims of THB for the purpose of forced begging and forced marriage are often returned to their families where they are exposed to the risk of re-trafficking and which may endanger their safety. GRETA was informed that centres for social work co-operate with mediators for the Roma and Egyptian communities as well as 'family associates' who began working with members of these communities in 2024. However, the funding for the work of family associates has been provided through projects and was expected to run out at the end of 2024.

117. There is no shelter for male victims of trafficking in Montenegro. GRETA was informed that the Ministry of the Interior has concluded a memorandum of understanding with the city of Podgorica, pursuant to which a shelter for male victims of THB will be established in one of the buildings within the collective centre "Vrela Ribnička". According to the authorities, most male victims quickly returned to their countries of origin so there was no need to provide accommodation.

118. Representatives of centres for social work have reportedly received training on THB and are sensitised to work with persons with disabilities and LGBTI persons. A future project to be implemented with the support of GIZ envisages a training of trainers on THB to be provided to 15 representatives of centres for social work who will be issued with certificates and will provide training to social workers across the country. The training is expected to contain a module on work with persons with disabilities, LGBTI persons and the Roma and Egyptians.

119. There are a number of NGOs that provide support to victims of trafficking and vulnerable groups such as the Women's Lobby, Centre for Women's Rights and the Montenegrin Red Cross. They mostly rely on funding from international donors. The NGO Centre for Roma Initiatives is the only licensed provider of counselling to victims of forced marriage in the country, and it has a license for a hotline for victims of forced marriage. Neither of these services is funded by the state.

120. While welcoming the opening of a designated state shelter for child victims of THB, GRETA is concerned that a number of gaps remain in the provision of assistance to victims of THB in Montenegro. GRETA urges the Montenegrin authorities to take steps to improve the provision of assistance to victims of trafficking in human beings, in particular by ensuring that:

- all service providers, including health care institutions, are aware of their obligation to provide support to victims of THB under the relevant regulations and the Agreement on mutual co-operation in the area of combating THB, and there is proper co-ordination and follow-up with regard to the provision of support to victims;
- the process of approval and revocation of licenses for NGOs which are running the shelters is transparent and includes proper monitoring procedures;

- child victims are accommodated in safe and child-friendly premises and the staff of the shelter, including psychologists, as well as other professionals working with child victims of THB are provided with training and sensitisation on THB;
- there is availability of accommodation for male victims of THB;
- there is an effective complaint mechanism in each shelter enabling its residents to contact competent outside bodies on a confidential basis, and any complaints of staff misconduct are effectively investigated.

121. Further, GRETA considers that the Montenegrin authorities should take steps to:

- ensure that the assistance programme for victims of trafficking addresses the specific needs of individuals with physical, mental, intellectual or sensory impairments, and other marginalized groups, such as LGBTI persons;
- ensure the availability of long-term financing of NGOs that run shelters and provide other services for victims of human trafficking;
- provide long-term assistance to victims of THB and facilitating their reintegration into society.

3. Substantive criminal law and procedural law

122. The Convention places on States Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. As the implementation of these provisions of the Convention was examined in detail by GRETA during the preceding evaluation rounds, given the focus of the fourth round, particular attention is paid to the notion of “abuse of a position of vulnerability” and its application in case-law. Further, GRETA has decided to examine as part of the fourth evaluation round the application of Article 19 of the Convention on the criminalisation of the use of services of victims of trafficking.

a. Notion of “abuse of a position of vulnerability” in the law and case-law

123. Abuse of a position of vulnerability is an integral part of the international legal definition of trafficking in human beings and is central to any understanding of trafficking.⁸⁹ It is one of the means by which trafficking acts are committed and is relevant to all forms of trafficking and all exploitative purposes. Abuse of a position of vulnerability occurs when “an individual’s personal, situational or circumstantial vulnerability is intentionally used or otherwise taken advantage of, to recruit, transport, transfer, harbour or receive that person for the purpose of exploiting him or her, such that the person believes that submitting to the will of the abuser is the only real or acceptable option available to him or her, and that belief is reasonable in light of the victim’s situation.”⁹⁰

⁸⁹ See UNODC Issue Paper *Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons*, United Nations, April 2013, p. 3.

⁹⁰ UNODC [Guidance Note](#) on “abuse of a position of vulnerability” as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

124. Pursuant to Article 444, paragraph 1 of the CC of Montenegro, “abuse of authority, trust, dependency, or the difficult circumstances of another” constitutes one of the means used in the commission of trafficking in human beings in the case of adult victims. Moreover, under Article 42a of the CC, the fact that the offence was committed against a person who belongs to a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees) is considered as an aggravating circumstance at sentencing.

125. GRETA was provided with three examples of judgments in which courts found that the defendant(s) had abused the dependence of the victim. All three cases concerned child victims. In their reasoning, the courts acknowledged that the use of means (i.e. the abuse of authority, trust, dependency, or the difficult circumstances of another) is not required by Article 444 in case of child victims, but they nonetheless found that the defendants had abused the position of dependence of the victims. It does not appear that this factor was taken into account as an aggravating circumstance at sentencing.

126. The first case provided by the authorities (K. no. 87/17) was already described in GRETA's third report and it dates back to 2017.⁹¹ It concerned a 12-year-old girl who had been forced to provide sexual services by her mother and stepfather. While acknowledging that the means element is not required in case of a child victim, and that the consent of the victim is irrelevant, the court found that it was evident that “through the abuse of the relationship of dependence in which the injured party was obviously in relation to her mother, the defendant --, who, by abusing the importance of parental authority, and the defendant --, by abusing the control he had as a stepfather over the upbringing of the injured party, caused the injured party to feel loyalty, fear and guilt, and all with the aim of significantly reducing her autonomy of will and thus via the incriminated recruiting induce her to the described acts of performing prostitution.” The court concluded that “the totality of the mentioned symptoms of the overall mental and physical condition of the injured party which is solely a consequence of the specific context of the incriminated actions, made the injured party even more vulnerable, which produced a shift in feelings of guilt, fear for the life and future fate of the persons close to her, all of which resulted in the helplessness of the injured party to find another solution than running away and intending to end her life....”

127. The second case (K. no. 4/19) concerned four children between the ages of seven and 10 who were forced by their father to beg, together with their mother, and wash car windows in Podgorica and Budva. The defendant confiscated the victims' documents and would use force against them if they refused to work or if they failed to bring him the expected amount of money. The court found that “the defendant was aware that by using force, abusing the relationship of dependence and confiscating the personal documents of the injured parties and their mother, he was recruiting and transporting them for the purpose of begging and exploiting the injured parties as minors...” In July 2020, the High Court in Podgorica found the defendant guilty of human trafficking under Article 444, paragraphs 1, 3 and 6, of the CC and sentenced him to 10 years of imprisonment, which was reduced to eight years on appeal.

128. The third case (K. no. 82/20), mentioned in GRETA's third report,⁹² concerned a 12-year-old child who had been forced by her father to enter an illicit marriage in 2017, for which he received 5,000 euros. The court noted that the use of means was not required in case of a child victim of trafficking and that the victim's consent is irrelevant. Nonetheless, the court found that the defendant “by abusing the relationship of dependence, trust and difficult circumstances of his child, recruited her in order to enter into an illicit marriage, so as the actions were carried out against a 12-year-old child, the defendant with direct intent committed the criminal offence of human trafficking.” The defendant was sentenced to two years of imprisonment.

⁹¹ GRETA's third evaluation report on Montenegro, paragraph 85.

⁹² GRETA's third evaluation report on Montenegro, paragraph 88.

129. GRETA was informed of a case of trafficking in adults reportedly involving the abuse of a position of vulnerability, which resulted in a sentence of one year and two months of imprisonment against the defendant (see paragraph 140). The defendant had used force, threats and abuse of the difficult circumstances of the victim when she recruited the injured party and several other women and forced them into prostitution. In another case (Kt no. 232/19), the defendants were accused of abusing difficult circumstances and relationships of dependence, using threats to keep two adult victims in a situation similar to slavery, in order to perform forced labour. An indictment was filed in this case in December 2019; however, the High Court in Podgorica acquitted the defendants. The prosecution filed an appeal, and by decision of the Appellate Court of Montenegro dated 9 September 2021, the first-instance judgment was quashed and the case was sent back for retrial, which is currently ongoing.

130. Moreover, GRETA was informed that the concept of “abuse of a position of vulnerability” is included in the training provided to judges, prosecutors and lawyers by the Centre for Training in the Judiciary and State Prosecutor’s Office. The training programmes provide guidance on the interpretation of this concept, using a wide range of indicators. Although specific categories of victims are not discussed in detail, the training also contributes to a better understanding of the concept of “abuse of a position of vulnerability” in respect of migrants.

131. GRETA considers that the Montenegrin authorities should ensure that the abuse of a position of vulnerability is properly acknowledged in criminal cases involving adult victims, and continue providing training to relevant professionals on how victims’ position of vulnerability may exist or arise and how its abuse may operate in the context of trafficking.

b. Investigation, prosecution and sanctions

132. The Group for Combating Migrant Smuggling, Trafficking in Human Beings and Illegal Migrations⁹³ within the Police Directorate continues to have eight members. The head of the group is a member of the Operational Team for Combating Trafficking in Human Beings (see paragraph 133). Whereas the group had previously focused on investigating cases of smuggling, since 2020 greater emphasis has reportedly been placed on combating THB. The group co-operates with focal points for serious crimes and crimes involving children on the local level, depending on the case. Representatives of the group met by GRETA noted that the appointment of THB-specific focal points in local police jurisdictions would improve their work and facilitate investigations in THB cases. However, it appears that this may be difficult in light of the lack of resources in the police, especially since many police officials are expected to retire soon.

133. As noted in paragraph 16, in April 2024, the competence of the Operational Team for Combating THB was extended to include migrant smuggling.⁹⁴ According to the members of the Operational Team met by GRETA, this change has resulted in the increased ability of the team to exchange information and co-ordinate the work of the relevant law enforcement entities with regard to THB investigations and prosecutions. The Operational Team co-operates with international counterparts and the team for the formal identification of victims, and it also assists with the provision of support to victims where appropriate. The Operational Team exchanges experiences and provides guidance to prosecutor’s offices, as exemplified by a meeting held with representatives of basic prosecutor’s offices prior to GRETA’s visit.

⁹³ The division was lowered to the level of a group as part of recent reorganisation of the police. However, GRETA was informed that there were plans to once again bring it back to the level of a division.

⁹⁴ The Operational Team is comprised of representatives of the Supreme Prosecutor’s Office, Higher Prosecutor’s Offices of Podgorica and Bijelo Polje, Basic Prosecutor’s Offices of Kotor and Pljevlja, the Group for Combating Migrant Smuggling, Trafficking in Human Beings and Illegal Migrations (Police Directorate), Group for Combating Migrant Smuggling and Transborder Crime (Border Police), the team for the formal identification of victims of trafficking, and the Directorate for the Reception of Foreigners Seeking International Protection.

134. GRETA was informed that there are prosecutors who have been provided with training on THB and are considered to be specialised in this area. This includes two prosecutors in the Special Prosecutor's Office, six in the Higher Prosecutor's Office of Podgorica and two in the Higher Prosecutor's Office in Bijelo Polje. Two more prosecutors were in the process of receiving training. Reportedly, duty prosecutors for THB have been designated at all higher prosecutors' offices in the country and they inform the Operational Team of any suspected cases of THB. According to representatives of the Operational Team, an increased number of cases involving forced marriage and forced prostitution are referred to higher prosecutor's offices by basic prosecutor's offices as possible cases of THB.

135. Pursuant to the Agreement on mutual co-operation in the area of combating THB mentioned in paragraph 106, criminal proceedings in THB cases are to be conducted without undue delay. GRETA was informed that the proceedings in THB cases last on average three years.

136. Training on trafficking in human beings is provided to representatives of law enforcement and the judiciary by the Centre for Training in the Judiciary and the State Prosecutor's Office, the Ministry of the Interior, international organisations (UNODC and OSCE) and NGOs.⁹⁵ Nonetheless, GRETA's interlocutors have noted that more training is needed, especially for police officers due to a frequent turnover of staff.

137. GRETA was informed during the visit that, through a regional project financed by Denmark, the IOM was developing a database of THB cases, which will include information on victims and alleged perpetrators at the national level and will be accessible to representatives of the police, prosecutor's offices and courts, in accordance with their competence. In their comments to the draft report, the Montenegrin authorities indicated that the database is operational and includes data from the Police Directorate and the team for formal identification of victims of THB. Further, it is planned to sign a co-operation agreement with the Supreme State Prosecutor's Office and the Supreme Court to enable the exchange data on THB. GRETA welcomes the setting up of the database, which should enable the monitoring of trends in THB and the carrying out of analysis as a basis for shaping future policies.

138. The number of THB cases investigated and prosecuted annually has increased as compared to the previous reporting period.⁹⁶ According to the information provided by the Montenegrin authorities, in the period 2021-2024, the police filed a total of 46 criminal reports for the criminal offence of THB (five in 2021; nine in 2022; 16 in 2023 and 16 in 2024), while an order for the initiation of investigation was issued by the prosecution in 29 cases (four in 2021, five in 2022, nine in 2023 and 11 in 2024). The cases concerned forced begging, labour exploitation, forced prostitution and other types of sexual exploitation (including use for pornographic purposes), and child marriage. The number of prosecuted cases was five in 2021, seven in 2022, 15 in 2023 and four in 2024. At the time of GRETA's visit, the proceedings were pending in 17 THB cases.

139. There have been seven convictions that were handed down in THB cases during the reporting period. In case no. 21/21 (trafficking for the purpose of sexual exploitation), the defendant was sentenced to one year and two months of imprisonment; in case no. 196/21 (trafficking of a child for the purpose of forced begging), the defendant was sentenced to one year of imprisonment; and in case no. 163/21 (trafficking of a child for the purpose of forced marriage), a sentence of two years' imprisonment was issued. The authorities met by GRETA also mentioned that, while no judgments were issued in 2022, two cases involving forced marriage and forced begging were finalised in 2023, resulting in sentences of imprisonment of two and three years respectively. Further, in 2024, one judgment in a case concerning forced marriage was issued resulting in a three-year sentence of imprisonment against the defendant, while in a second case, which involved trafficking for the purposes of forced begging and forced marriage, two defendants were sentenced to three years and 16 months of imprisonment respectively. GRETA notes that most prison sentences are close to or below the minimum prescribed under Article 444 of the CC (one year of imprisonment in case of adults and three years of imprisonment in case of child victims).

⁹⁵ For the full list of trainings provided, see the authorities' reply to the 4th round questionnaire, pp. 72-74.

⁹⁶ As mentioned in GRETA's third evaluation report on Montenegro, paragraph 84, there were four investigations for THB and two indictments filed in the period 2016-2019. Six cases were investigated and five were prosecuted in 2020.

140. According to an UNODC analysis of case law in THB cases, in the first case mentioned above (case no. 21/21) the conviction was issued on the basis of a plea-bargaining agreement which had been concluded between the prosecution and the defendant.⁹⁷ The investigation revealed that the defendant had used force, threats and abuse of the difficult circumstances of the victim when she recruited the injured party and several other women and forced them into prostitution. The defendant also threatened to publish videos of the women engaging in sexual acts if they did not continue to provide sexual services to clients brought in by the defendant. The injured party was reportedly largely excluded from the plea-bargaining procedure. GRETA recalls that the plea-bargaining procedure should be used only exceptionally in human trafficking cases, while ensuring that the rights of victims are properly safeguarded.

141. The above-mentioned UNODC analysis concluded, *inter alia*, that there was good co-operation between the police, prosecution and courts with regard to the collection of material evidence in the cases analysed, and noted positively the use of special investigative measures and digital evidence in the investigation of THB cases.⁹⁸ Further, it noted as good practice the decision of the acting prosecutor in one of the analysed cases to conduct a financial investigation in parallel to the criminal investigation, with the view to confiscating the proceeds of crime.⁹⁹ In their comments to the draft GRETA report, the Montenegrin authorities indicated that all six financial investigations initiated in THB cases against 17 persons during the reporting period are still ongoing.

142. Police and prosecution representatives met by GRETA noted that investigations of cases of THB for the purpose of forced marriage are often challenging, since it is difficult to secure evidence of the conclusion of the marriage and the exchange of money between the families. This problem is being addressed through efforts to improve co-operation with representatives of the Roma and Egyptian communities.

143. Another challenge is the lack of available interpreters for certain foreign languages, reportedly due to low remuneration for interpreters. This problem is particularly present when it comes to cases of smuggling of migrants which may also involve victims of THB. The difficulty in communicating with victims of smuggling seriously impedes the authorities' ability to detect possible cases of THB among them. Lack of interpretation was also an issue in the case of sexual exploitation of women on yachts, in which the NGO assisting the victims had to secure interpretation for Russian and Ukrainian. Reportedly, this was due to the fact that it was not clearly established which centre for social work was responsible for assisting the victims and providing them with interpretation.

144. As noted in paragraph 37, GRETA's interlocutors have raised concern about the lack of investigations into possible cases of THB for the purpose of sexual exploitation in coastal areas. The only case mentioned by the law enforcement authorities met by GRETA was the case involving 15 female victims who were allegedly exploited on yachts, mentioned in paragraph 37.

145. Further, although the police have reportedly paid increased attention to cases involving THB for the purpose of labour exploitation, the number of investigations into cases concerning the exploitation of foreign workers remains low given the suspected extent of the phenomenon. As mentioned in paragraph 45, one case detected during the reporting period involved 334 foreign citizens, mostly from Türkiye, who had allegedly been exploited by a construction company in Montenegro. The investigation into the case, which lasted six months, uncovered fictitious contracts with workers who came to Montenegro months after the contracts were concluded. The prosecution mainly relied on documentary evidence, since most of the workers chose to return to their country immediately after the case was detected and could not be tracked down later. The criminal proceedings against six accused (including an interpreter who had worked for one of the ministries) were ongoing at the time of GRETA's visit. In

⁹⁷ UNODC, Montenegro's Criminal Justice Response in the Field of Trafficking in Persons (April 2022), pp. 31-33, 47.

⁹⁸ Ibid., pp. 43 and 44.

⁹⁹ Ibid., p. 45.

their comments to the draft GRETA report, the Montenegrin authorities indicated that an indictment was brought against seven persons, which was confirmed by the High Court in Podgorica and the proceedings are currently in the trial phase. A financial investigation has also been launched in this case, which is ongoing.

146. GRETA was informed that pending amendments to the Criminal Procedure Code (CPC), which are currently in the consultation stage, will expand the scope of the notion of 'victim' of a criminal offence and reinforce the rights of such persons in criminal proceedings. In addition to their rights as 'injured parties' already provided in the CPC, victims would, *inter alia*, have the right to protection from intimidation and retaliation, to be heard without delay and only to the extent necessary, to be accompanied by a trusted person, and the right to be informed of the actions taken by the prosecutor as well as the termination of proceedings and/or custody of the defendant. The amendments would also impose an obligation on the authority conducting the hearing to conduct an individual assessment of the victim. Further, victims would have access to professional victim support services, employing social workers, psychologists, pedagogues and other experts from the respective fields, which are to be established in high courts and high prosecutor's offices.¹⁰⁰

147. As noted in GRETA's third evaluation report,¹⁰¹ there is a Professional Service at the Supreme State Prosecutor's Office which provides support to witnesses and pays particular attention to victims of THB, especially children. Representatives of the service are as a rule involved in interviews with child victims, which are recorded, as well as with adult victims depending on the case. Child victims are only interviewed once. There are child-friendly rooms in six courts in the country. However, GRETA is concerned by reports that victims of THB for sexual exploitation which occurred on yachts (see above) were not accorded proper treatment during interviews with the police and were even put in the situation where they came in close contact with the alleged perpetrators while they were in the police station.

148. While welcoming the increased number of investigations and prosecution in THB cases, GRETA urges the Montenegrin authorities to take further steps to improve the criminal justice response to THB, including by:

- strengthening efforts to proactively investigate cases involving trafficking in human beings for the purpose of labour exploitation, as well as cases of trafficking for the purpose of sexual exploitation allegedly taking place in coastal areas, resulting in successful prosecutions and effective, proportionate and dissuasive sentences;
- ensuring that sufficient human and financial resources are available to the police and prosecution, including on the local level, to facilitate the investigation and prosecution of THB cases;
- ensuring availability of interpreters for languages spoken by victims of trafficking, with a view to facilitating investigations in THB cases;
- providing victims of THB with adequate protection and support throughout the criminal proceedings in order to prevent retaliation or intimidation and avoid further victimisation.

¹⁰⁰ For the full text of the proposed amendments, see the Montenegrin authorities' reply to the 4th round questionnaire, pp. 22-26. GRETA was informed that the existing witness support services in courts are not functional.

¹⁰¹ GRETA's third evaluation report on Montenegro, paragraph 108.

149. Further, GRETA considers that the Montenegrin authorities should take steps to:

- ensure that the plea-bargaining procedure is used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims;
- provide training on THB to law enforcement, prosecutors, judges and expert psychologists testifying in trafficking cases, including with regard to the concept of abuse of position of vulnerability in trafficking cases and the severe impact of exploitation on victims of trafficking. GRETA refers to the HELP course on trafficking in human beings, developed by the Council of Europe, which contains specific modules related to the investigation and prosecution of THB cases.¹⁰²

c. Criminalisation of the use of services of a victim

150. As noted in GRETA's second report,¹⁰³ the known use of services of victims of trafficking is criminalised under the CC. Article 444, paragraph 8, of the CC provides that "anyone who uses the services of a person known to be the victim of the offence referred to in paragraph 1 of this article shall be punished with imprisonment from six months to five years." Further, Article 444, paragraph 9, provides that the offence is liable to imprisonment from three to 15 years if the victim is a child.

151. GRETA was informed that three persons were convicted of the use of services of victims of trafficking during the reporting period. The first case involved the use of sexual services of a victim who was forced into prostitution, while the other two cases reportedly involved THB for the purpose of forced marriage and forced begging. GRETA welcomes the application of the provision on the use of services of victims of trafficking.

IV. Addressing human trafficking facilitated by information and communication technology (ICT)

152. Countries monitored by GRETA have reported an increased use of information communication technologies (ICT) for recruiting and controlling victims of trafficking. In 2022, GRETA conducted a study to assess the extent to which technology impacts trafficking and explore the operational and legal challenges that states face in detecting, investigating and prosecuting online and ICT-facilitated trafficking.¹⁰⁴ As highlighted by the study, the impact of technology is particularly acute in relation to the recruitment and exploitation of victims, including their control throughout the different stages of the trafficking process. This study highlighted a number of challenges to the identification, investigation and prosecution of THB cases due to the high volume of online activities and the associated high volume of digital evidence, the use of encrypted communications, nicknames and aliases, and the time-consuming process of acquiring evidence from private companies and/or other jurisdictions. At the same time, anti-trafficking stakeholders are using technological innovations to prevent human trafficking, protect victims, and prosecute traffickers. It is therefore essential to invest in human capital and technological tools to harness the potential of ICT for effectively combating human trafficking.

¹⁰² <https://www.coe.int/en/web/anti-human-trafficking/help-online-training-course>.

¹⁰³ GRETA's second evaluation report on Montenegro, paragraph 142.

¹⁰⁴ Paolo Campana, Online and Technology-Facilitated Trafficking in Human Beings, Council of Europe: <https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-full-rep/1680a73e49>, published in April 2022.

153. The Montenegrin authorities have stressed the increasing role of the internet in the recruitment and exploitation of victims, with children being particularly vulnerable. As mentioned in paragraph 37, a number of victims of THB for the purpose of sexual exploitation were recruited through the use of the internet, and the first cases of THB for the use for pornographic purposes were detected in 2023 (see paragraph 101). Although steps have been taken to raise awareness of the risks of ICT in relation to trafficking in human beings, GRETA's interlocutors have noted that more efforts should be made to improve knowledge of the risks of THB and abuse through the use of information and communication technology, which is one of the objectives in the Anti-Trafficking Strategy.

154. Montenegro is a party to the Council of Europe Convention on Cybercrime (Budapest Convention). GRETA was informed that the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence is expected to be ratified in 2025. The authorities have also adopted the Cyber Security Strategy for 2022-2026, which envisages the establishment of a Cyber Security Agency.

155. As noted in paragraph 35, the criminal offence of abuse of someone else's recording, photograph, portrait, audio recording or file with sexually explicit content was added to the CC in 2023, through Article 175a. The provision proscribes the sharing of or threatening to share sexually explicit images, video/audio recording or a document with sexually explicit content of a person, without the consent of the person concerned, as well as the sharing of sexually explicit content which was altered/created through the use of computer systems. The basic form of the criminal offence carries the sentence of up to two years of imprisonment. In case the sexually explicit content is shared widely through the use of information and communication technology or in another way, the perpetrator(s) shall be punished with up to three years of imprisonment. The commission of the offence against a child is punishable with up to eight years' imprisonment, and the commission of the offence by an official person carries a sentence of up to ten years of imprisonment, depending on the form of the offence.

156. The Ministry of the Interior has conducted an awareness-raising campaign in schools concerning the risks of ICT. Each year, on the occasion of the International Safer Internet Day, the Ministry of Education organises workshops and lectures on the topic of cyber safety and protection of privacy. Information materials for children, parents and teachers are also available on the online platform "Digital School".¹⁰⁵ GRETA was informed that officers of the Group for Countering Cybercrime of the police take part in awareness raising activities in schools.

157. Training on internet safety has been provided to teachers and other relevant professionals. By way of example, the Institute for Education organised nine training sessions on media literacy as a key competence in education for a total of 221 participants in 2023 and 2024. The Media Literacy Handbook was distributed to all primary schools. Four sessions on the topic of prevention of violence and abuse of children in the virtual world were organised for 19 teachers.

158. GRETA was informed that the Department for the Fight Against Trafficking in Human Beings, with the support of IOM, prepared an analysis on the compliance of the legislative framework with international and EU standards in relation to the use of ICT in the commission of THB. Training materials were developed on the topic of investigation and prosecution of such offences. Two one-day training sessions were organised on this topic in 2023 for 24 representatives of the Ministry of the Interior, prosecutors and representatives of the Ministry of Labour and Social Welfare and centres for social work. The topic of "Using information and communication technology as investigative techniques in cases of human trafficking" was added to the training curriculum for judges and prosecutors provided by the Centre for Training in the Judiciary and State Prosecutor's Office. GRETA welcomes these developments.

¹⁰⁵ <https://www.digitalnaskola.edu.me/>.

159. GRETA was informed that the police Group for Countering Cybercrime is primarily focused on proactively investigating cases of online abuse of children. The Group was involved in the investigation of the case mentioned in paragraph 37, involving the sexual exploitation of women on yachts. The investigation, supported by Interpol, uncovered digital evidence and found that the financial transactions were made in crypto currency. In this context, GRETA was informed that employees of the Group may also undertake preventive measures. Namely, in specific cases that require removal of online content or disabling access to it, the request is sent to competent companies, social networks, etc. (as employees of the Group do not have the power to directly remove or disable access to disputed content).

160. GRETA welcomes the above-mentioned activities and invites the Montenegrin authorities to:

- develop further measures specifically aimed at preventing ICT-facilitated trafficking in human beings, including investing in capacity building and digital tools to enable the conduct of proactive investigations of THB of different forms of exploitation;
- strengthen public awareness raising of risks in relation of the use of ICT for recruitment and exploitation of victims of THB;
- enhance co-operation with ICT companies and Internet service providers and develop data-sharing procedures with companies holding relevant data;
- ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence.

V. Follow-up topics specific to Montenegro

1. Legal assistance and free legal aid (Article 15)

161. In the third report on Montenegro,¹⁰⁶ GRETA urged the Montenegrin authorities to take further steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, that the authorities and the Bar Association encourage training and specialisation of lawyers to provide legal aid to trafficking victims, and that trafficking victims are systematically appointed a specialised lawyer with experience in criminal matters.

162. As noted in GRETA's third report,¹⁰⁷ victims of THB are recognised as privileged beneficiaries under the Law on Free Legal Aid and can receive free legal aid without an evaluation of their financial standing. Free legal aid includes proceedings related to seeking compensation and executing compensation orders. According to recent amendments to the Law on Free Legal Aid,¹⁰⁸ victims of trafficking are also entitled to free legal aid in proceedings under laws regulating family and obligation relations and the enforcement and securing procedure, after it has been established in a final court decision that the person is a victim of THB.

¹⁰⁶ GRETA's third evaluation report on Montenegro, paragraph 54.

¹⁰⁷ See GRETA's third evaluation report on Montenegro, paragraphs 48-51.

¹⁰⁸ Law on Amendments to the Law on Free Legal Aid, in force as from 31 December 2024 ("Official Gazette of Montenegro", no. 123/24).

163. Free legal aid is provided through free legal aid services established in all basic courts, by lawyers from the list of the Bar Association. GRETA's interlocutors have noted that the lack of specialisation and sensitisation of lawyers, together with the fact that victims are often not properly informed of their right to free legal aid, are among the main reasons why no victims of trafficking have received free legal aid since the entry into force of the Law on Free Legal Aid. GRETA was informed that victims most often rely on NGOs to provide them with legal assistance and free legal aid. In their comments to the draft GRETA report, the authorities stated that a list of lawyers specialised in providing legal assistance to victims of THB has been in existence since October 2024, comprising 47 specialised lawyers, and it is the duty of the prosecution and the court to appoint lawyers from this list. Representatives of the Supreme Court have suggested that the system of free legal aid could be improved through the establishment of free legal aid services which are independent from the courts. GRETA's interlocutors have also stressed the importance of ensuring that victims have access to a lawyer when they are being interviewed in the police, which is not the case in practice.

164. As part of the Horizontal Facility III for the Western Balkans and Türkiye project on Access to Justice, implemented by the Council of Europe and the European Union, an information campaign was implemented in 2024 focusing on the right of victims of THB to free legal aid. Information materials were developed in collaboration with the Supreme Court, the Office for the Fight Against Trafficking in Human Beings and IOM (available in Montenegrin, Albanian, English, Farsi and Ukrainian). Further, training was provided to 48 lawyers in 2024.

165. While welcoming the recent amendments to the Law on Free Legal Aid, GRETA is concerned that no victims of trafficking in human beings have benefited from free legal aid since GRETA's third evaluation of Montenegro. Therefore, GRETA considers that the Montenegrin authorities should take further steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not they want to co-operate with the authorities and/or make an official statement.

166. Further, GRETA considers that the authorities and the Bar Association should encourage training and specialisation of lawyers to provide legal aid to trafficking victims.

2. Compensation (Article 15)

167. In the third report on Montenegro,¹⁰⁹ GRETA expressed concern that no victims of THB had received compensation during the period covered by the report, and it urged the Montenegrin authorities to make efforts to guarantee effective access to compensation for victims, both from the perpetrators and from the State.

168. There have been no changes in the legal framework since GRETA's third evaluation. Victims of trafficking can claim compensation from the perpetrator in criminal proceedings, by filing a property claim in accordance with the CPC and/or in a civil court, pursuant to the Law on Civil Procedure.

169. Further, victims of THB are among the categories of victims of crime entitled to receive compensation from the State under the Law on Compensation for Damages to Victims of Violent Crimes, which was adopted on 1 July 2015, but will only enter into force when Montenegro accedes to the EU. An assessment of this law was carried out in June 2022, with the support of the Council of Europe and EU Horizontal Facility II project, which identified three areas where improvement was needed, namely, a) the need to improve the legal solutions contained in the law itself; b) the need to pass secondary legislation and c) the need to identify the source of funding.

¹⁰⁹ GRETA's third evaluation report on Montenegro, paragraph 54.

170. As noted in paragraph 162, victims of THB have the right to free legal aid for seeking compensation and executing compensation orders. Further, pursuant to the December 2024 amendments to the Law on Free Legal Aid, victims of THB have the right to receive the necessary funds to fully or partially cover the costs of legal advice, representation in proceedings before the court, the State Prosecutor's Office and the Constitutional Court and in proceedings for out-of-court dispute resolution, which includes assistance when submitting property claims, both in criminal and civil proceedings.

171. GRETA welcomes the fact that, in line with its recommendation, amendments have been made to the Law on Seizure and Confiscation of Criminal Assets.¹¹⁰ In particular, the amended Article 61, paragraph 2, of the Law provides that confiscated assets shall become state property and that the Law on State Property shall be applied with regard to the disposing of the assets. It further specifies that 50% of the confiscated assets shall be used "for the needs of the state administration body responsible for judicial affairs, of which at least half is for the needs of protection and support for victims of criminal offences."

172. According to the information provided by the authorities, no victims of THB were awarded compensation during the reporting period. Although trafficking victims filed property claims in six criminal cases which were finalised in the period 2019-2024, all of them were referred to seek compensation in civil proceedings. The courts reportedly found that the property claim was not precisely set out or that the facts established in the criminal proceedings did not provide a reliable basis for either a full or partial decision, and that their determination would lead to a considerable delay in the proceedings.

173. GRETA was informed that guidelines had been issued to prosecutors instructing them to collect evidence in support of victims' property claims in criminal proceedings. The Supreme Court has recommended that lower courts should decide on property claims in criminal proceedings whenever there are sufficient grounds to do so. Moreover, guidelines on the improvement of court practice concerning the compensation of victims in criminal proceedings are expected to be developed in 2025.

174. While recognising the efforts made by the Montenegrin authorities to improve the system of compensation for victims of trafficking, GRETA notes with concern that, similar to the situation at the time of the second and third evaluations, no victims have received compensation during the reporting period. Therefore, GRETA once again urges the Montenegrin authorities to guarantee effective access to compensation for victims of THB, in particular by:

- ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;
- making full use of the legislation on the seizure and confiscation of criminal assets to secure compensation to victims of THB;
- providing training on compensation for victims of THB to lawyers, prosecutors and judges and encouraging them to use all the possibilities under the law to uphold compensation claims by victims of THB;
- ensuring that all victims of human trafficking, regardless of nationality and residence status, are eligible for state compensation, by bringing into force the Law on Compensation for Damages to Victims of Violent Crimes without further delay.

¹¹⁰ Law on Amendments to the Law on Seizure and Confiscation of Criminal Assets, in force as of 12 June 2024 ("Official Gazette of Montenegro", no. 54/24).

VI. Conclusions

175. Since the publication of GRETA's third report on Montenegro on 2 June 2021, progress has been made in a number of areas covered by that report.

176. The Criminal Code of Montenegro was amended in 2023 to include a provision on the non-punishment of victims of THB for offences they were compelled to commit. An independent evaluation of the Strategy for Combating Trafficking in Human Beings for 2019-2024 was carried out, putting forth recommendations for the preparation of the next strategy, for the period 2025-2028. In May 2024, representatives of relevant institutions and NGOs concluded a revised agreement on mutual co-operation in the area of combating THB, which covers prevention, identification and protection of victims. Training on THB has been provided to various professionals, including law enforcement, labour, health care and child protection authorities. The number of formally identified victims of THB has increased over the years. Further, a state shelter for child victims of trafficking was opened in 2024.

177. GRETA welcomes these positive developments in Montenegro. However, despite the progress achieved, several issues continue to give rise to concern. Some of the recommendations made repeatedly by GRETA in its preceding reports have not been implemented or have been only partially implemented. In this report, GRETA once again urges the Montenegrin authorities to take action in the following areas:

- Compensation (Article 15 of the Convention). The Montenegrin authorities should guarantee effective access to compensation for victims of THB, by ensuring that the collection of evidence about the harm the victim has suffered is part of the criminal investigation, making full use of the legislation on the seizure and confiscation of criminal assets, and providing training on victim compensation to lawyers, prosecutors and judges. Furthermore, the authorities should ensure that all victims of human trafficking, regardless of nationality and residence status, are eligible for state compensation, by bringing into force the Law on Compensation for Damages to Victims of Violent Crimes without further delay.
- Recovery and reflection period (Article 13 of the Convention). The Montenegrin authorities should ensure that whenever there are reasonable grounds to believe that a foreign national is a victim of THB, the person concerned has access to a recovery and reflection period.
- Investigations, prosecutions and sanctions (Articles 23 and 27 of the Convention). The Montenegrin authorities should strengthen the criminal justice response to THB, including by proactively investigating cases of trafficking in human beings and ensuring that sufficient human and financial resources are available to the police and prosecution, and by providing victims of THB with adequate protection and support throughout the criminal proceedings in order to prevent retaliation or intimidation and avoid further victimisation.

178. Given that these recommendations have been made repeatedly, their priority implementation is requested and will be followed up as part of the monitoring of the implementation of the Convention.

179. As regards the thematic focus of the fourth evaluation round, which is on vulnerabilities to trafficking in human beings, the Montenegrin authorities have acknowledged that members of the Roma and Egyptian communities, in particular women and children, stateless persons, migrant workers and asylum seekers are particularly vulnerable to THB. The Strategy for Combating Trafficking in Human Beings for 2019-2024 and the related action plans have included measures aimed at addressing certain vulnerabilities and combating THB for the purpose of child marriage and forced begging and the protection of the rights of disadvantaged minorities.

180. While welcoming the measures taken by the Montenegrin authorities to prevent trafficking through measures addressed at vulnerable groups, GRETA has identified a number of areas of concern which require further action. The following issues should be addressed as a matter of priority by the authorities:

- with a view to preventing trafficking and exploitation of migrant workers, ensure that the Labour Inspectorate has sufficient staff and resources to be able to carry out regular and proactive inspections and that labour inspectors are provided with regular training and guidelines;
- ensure that unaccompanied and separated children are adequately protected by legal guardians against the risks of THB;
- systematically screen asylum seekers for vulnerabilities and indicators of THB and provide them with timely access to the labour market;
- take additional steps towards the prevention of trafficking in human beings among disadvantaged minorities, through awareness raising and training, and measures to facilitate access to employment for members of the Roma and Egyptian communities;
- ensure that child victims of trafficking are accommodated in safe and child-friendly premises with adequately trained staff and that there is availability of accommodation for adult male victims of THB.

181. GRETA welcomes the awareness-raising activities on internet safety which have been conducted in schools as well as the training provided to the police, prosecutors and other relevant professionals concerning the use of ICT in the commission of THB. The Montenegrin authorities are invited to develop further measures aimed at preventing ICT-facilitated trafficking in human beings, including to invest in capacity building and digital tools to enable the conduct of proactive investigations in THB cases, enhance co-operation with ICT companies and Internet service providers, and develop data-sharing procedures with companies holding relevant data.

182. GRETA invites the Montenegrin authorities to keep it regularly informed of developments as regards the implementation of the Convention. GRETA trusts that there will continue to be a political commitment in Montenegro to sustain the efforts to combat human trafficking by following the human-rights based approach of the Convention and looks forward to continuing the dialogue with the Montenegrin authorities and civil society.

Appendix 1

Table with statistics on victims and cases of THB in Montenegro in 2021-2024

The data presented in the table is not directly comparable across States Parties to the Convention due to variations in the methodologies used for data collection

Indicator		2021	2022	2023	2024
Number of formally identified victims (by the identification team)		5	16	18	28
Sex and age group	Women	0	4	5	0
	Men	0	0	0	5
	Girls (0-18)	4	9	8	12
	Boys (0-18)	1	3	5	11
Type of exploitation	Sexual	1	3	4**	0
	Labour	0	0	0	8***
	Forced begging	2	5*	6	23
	Forced marriage	2	9	4	0
	Forced criminality	0	0	1	0
	Use for pornographic purposes	0	0	4	0
Nationality of foreign victims		Serbia (1)	Serbia (2) Russia (1)	Albania (1) Israel (1) Kosovo* (1) Serbia (1) Ukraine (3)	Azerbaijan (4) Bosnia and Herzegovina (1) Moldova (1) Internally displaced persons from Kosovo* (7)
Number of victims admitted into the assistance programme		n.a.	n.a.	n.a.	n.a.
Number of victims who were granted a recovery and reflection period		0	0	0	0
Number of investigations		4 cases (involving 7 injured parties)	5 cases (involving 8 injured parties)	9 cases (involving 362 injured parties)	11 cases
Number of prosecutions		5 cases (involving 8 defendants and 8 injured parties)	7 cases (involving 9 defendants and 10 injured parties)	15 cases (involving 10 defendants and 369 injured parties)	14 cases (involving 25 defendants)
Number of convictions resulting in a prison sentence (persons)		2	0	2	3

* One person was a victim of THB for the purpose of both forced marriage and forced begging.

** One person was a victim of both sexual exploitation and use for pornographic purposes, and one person was a victim of both sexual exploitation and forced criminality.

*** Three boys were victims of labour exploitation and forced begging.

Appendix 2

List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the fourth evaluation round of the Convention

Prevention of trafficking in human beings

- Noting the importance of taking into account the lived experiences and views of victims and survivors of trafficking when designing anti-trafficking policies and measures, GRETA invites the Montenegrin authorities to set up a trafficking survivors' advisory council (paragraph 23).

Measures to prevent the vulnerability of specific groups to trafficking in human beings

Children

- GRETA invites the Montenegrin authorities to strengthen the support teams for Roma and Egyptian pupils by integrating trafficking prevention into their activities (paragraph 30);
- GRETA welcomes the efforts of the Montenegrin authorities and considers that they should strengthen measures to prevent trafficking of children, and in particular:
 - conduct research into vulnerabilities to THB of different groups of children (e.g. children with disabilities, children without parental care, children in institutional care), and develop specific measures aimed at those groups;
 - continue raising awareness among children, parents and other caregivers regarding children's rights and the risks of human trafficking for different types of exploitation, paying particular attention to children in vulnerable situations;
 - continue providing training on trafficking in human beings to teachers and other professionals working with children, enabling them to build children's resilience (paragraph 31).

Vulnerabilities related to the gender dimension of human trafficking

- GRETA considers that the Montenegrin authorities should intensify their efforts to address specifically the vulnerabilities related to the gender dimension of THB, including by:
 - developing specific measures to strengthen prevention of THB through promoting gender equality and eradicating gender-based violence. The new anti-trafficking strategy should incorporate gender-specific measures and include gender-disaggregated indicators to effectively track and address the distinct needs and vulnerabilities of different genders;
 - taking concrete steps to prevent trafficking of women and girls for the purpose of sexual exploitation in the context of the so-called "elite prostitution" taking place in coastal areas. Allegations of corruption and possible involvement of officials in trafficking in human beings taking place in coastal areas should be promptly investigated and sanctioned (paragraph 38).

LGBTI persons

- GRETA invites the Montenegrin authorities to conduct research into the vulnerabilities of LGBTI persons to trafficking in human beings and develop preventive measures specifically aimed at this group, in close co-operation with civil society organisations (paragraph 44).

Migrant workers

- GRETA urges the Montenegrin authorities to ensure that the Labour Inspectorate has adequate human and financial resources to carry out regular and proactive inspections with a view to preventing and detecting cases of THB for the purpose of labour exploitation (paragraph 55);
- GRETA considers that the Montenegrin authorities should take additional steps to protect migrant workers from trafficking in human beings, in particular by:
 - providing regular training and guidelines on trafficking in human beings to labour inspectors and other relevant officials, with a focus on vulnerabilities that lead to THB and on early detection of cases of THB for the purpose of labour exploitation;
 - reducing migrant workers' dependency on their employers by issuing work permits that allow workers to change employers on the same residence permit or provide workers possibilities to apply for a new residence/work permit with a new employer with a simple administrative procedure from within the country;
 - ensuring that migrant workers are systematically provided with clear and accessible information about the risks of human trafficking for labour exploitation and the rights of victims of trafficking, as well as their rights under labour laws, in a language and format they can easily understand;
 - setting up safe reporting mechanisms and effective anonymous complaint mechanisms for workers so that victims of abuse or exploitation can submit their case without fear of reprisals;
 - ensuring the availability of interpreters for the languages commonly spoken by foreign workers during inspections carried out by the Labour Inspectorate and joint inspections with the police (paragraph 56).

Asylum seekers and refugees

- GRETA urges the Montenegrin authorities to increase the human and financial resources of centres for social work with a view to ensuring that unaccompanied and separated children are provided with adequate protection by legal guardians, in order to prevent them from becoming victims of trafficking in human beings (paragraph 69);
- GRETA considers that the Montenegrin authorities should take further steps to prevent asylum seekers from becoming victims of trafficking in human beings, in particular by:
 - systematically screening migrants and asylum seekers for vulnerabilities and indicators of THB at the border (see also paragraph 104);
 - providing training on trafficking in human beings to border police officers, as well as other relevant officials, with a focus on vulnerabilities that lead to THB and on early detection of cases of THB among asylum seekers;
 - ensuring that asylum seekers are provided with adequate information about their rights and services available from the first contact with the authorities and that the information is provided in a clear, understandable language and format, ensuring it is accessible to all individuals;

- ensuring that asylum seekers and persons granted temporary protection have access to sufficient and adequate health care;
- providing timely access to the labour market for asylum seekers;
- continuing the support provided to Ukrainian refugees and conducting regular and comprehensive assessments of the risks of exploitation and THB risks. In this context, GRETA refers to its Guidance Note on Addressing the Risks of Trafficking in Human Beings Related to the War in Ukraine (paragraph 70).

Disadvantaged minorities

- While welcoming the measures taken by the Montenegrin authorities to address the vulnerabilities to THB of the Roma and Egyptian communities, GRETA considers that additional steps should be taken towards the prevention of trafficking in human beings among disadvantaged minorities, namely:
 - continue to raise awareness among the Roma and Egyptian communities as well as the general public about trafficking in human beings, in particular for the purpose of child and forced marriage and forced begging;
 - ensure sufficient funding for NGOs implementing activities aimed at the prevention of trafficking in human beings among the Roma and Egyptian communities;
 - provide training on THB to professionals working with the Roma and Egyptian communities, including social workers, school teachers and other school staff, health-care professionals, representatives of law enforcement, mediators and local administration officials, to help them recognise the signs of child and forced marriage and forced begging in the THB context;
 - ensure the availability of interpreters for the Romani language in order to facilitate full access to rights and services of members of the Roma and Egyptian communities;
 - ensure effective access to civil registration procedures and issuance of personal documents to refugees from former Yugoslavia and persons at risk of statelessness;
 - implement measures to facilitate access to employment for members of the Roma and Egyptian communities (paragraph 85).

Persons with disabilities

- GRETA considers that the Montenegrin authorities should conduct research into the vulnerabilities of persons with disabilities to trafficking in human beings and develop preventive measures specifically aimed at this group. Further, training on trafficking in human beings should be provided to professionals assisting persons with disabilities (paragraph 94).

Identification of victims of THB

- GRETA welcomes the multi-disciplinary approach to victim identification which is independent of the initiation of criminal proceedings and considers that the Montenegrin authorities should take further steps to improve the identification of victims of trafficking, including by:
 - proactively identifying victims of trafficking in human beings for different forms of exploitation, paying increased attention to THB for the purpose of sexual exploitation in the tourism industry (including on yachts) and for the purpose of labour exploitation in the construction and tourism sectors;

- ensuring that a proper procedure is in place for the identification of victims of trafficking among irregular migrants and asylum seekers, including unaccompanied and separated children, by the border police and in reception centres;
 - facilitating the involvement of specialised NGOs in the identification of victims of trafficking in human beings, including by providing funding for the operation of the hotline for victims of trafficking;
 - providing further training on THB to members of the team for the formal identification of victims of THB, social workers, asylum officers, health care providers, prison staff and other relevant professionals involved in the identification of victims of trafficking in human beings (paragraph 104);
- GRETA urges the Montenegrin authorities to ensure that whenever there are reasonable grounds to believe that a foreign national is a victim of THB, the person concerned has access to a recovery and reflection period. In this context, GRETA refers to its Guidance Note on the recovery and reflection period (paragraph 105).

Assistance to victims

- GRETA urges the Montenegrin authorities to take steps to improve the provision of assistance to victims of trafficking in human beings, in particular by ensuring that:
- all service providers, including health care institutions, are aware of their obligation to provide support to victims of THB under the relevant regulations and the Agreement on mutual co-operation in the area of combating THB, and there is proper co-ordination and follow-up with regard to the provision of support to victims;
 - the process of approval and revocation of licenses for NGOs which are running the shelters is transparent and includes proper monitoring procedures;
 - child victims are accommodated in safe and child-friendly premises and the staff of the shelter, including psychologists, as well as other professionals working with child victims of THB are provided with training and sensitisation on THB;
 - there is availability of accommodation for male victims of THB;
 - there is an effective complaint mechanism in each shelter enabling its residents to contact competent outside bodies on a confidential basis, and any complaints of staff misconduct are effectively investigated (paragraph 120);
- GRETA considers that the Montenegrin authorities should take steps to:
- ensure that the assistance programme for victims of trafficking addresses the specific needs of individuals with physical, mental, intellectual or sensory impairments, and other marginalized groups, such as LGBTI persons;
 - ensure the availability of long-term financing of NGOs that run shelters and provide other services for victims of human trafficking;
 - provide long-term assistance to victims of THB and facilitating their reintegration into society (paragraph 121).

Notion of “abuse of a position of vulnerability” in the law and case-law

- GRETA considers that the Montenegrin authorities should ensure that the abuse of a position of vulnerability is properly acknowledged in criminal cases involving adult victims, and continue providing training to relevant professionals on how victims’ position of vulnerability may exist or arise and how its abuse may operate in the context of trafficking (paragraph 131).

Investigation, prosecution and sanctions

- While welcoming the increased number of investigations and prosecution in THB cases, GRETA urges the Montenegrin authorities to take further steps to improve the criminal justice response to THB, including by:
 - strengthening efforts to proactively investigate cases involving trafficking in human beings for the purpose of labour exploitation, as well as cases of trafficking for the purpose of sexual exploitation allegedly taking place in coastal areas, resulting in successful prosecutions and effective, proportionate and dissuasive sentences;
 - ensuring that sufficient human and financial resources are available to the police and prosecution, including on the local level, to facilitate the investigation and prosecution of THB cases;
 - ensuring availability of interpreters for languages spoken by victims of trafficking, with a view to facilitating investigations in THB cases;
 - providing victims of THB with adequate protection and support throughout the criminal proceedings in order to prevent retaliation or intimidation and avoid further victimisation (paragraph 148);
- GRETA considers that the Montenegrin authorities should take steps to:
 - ensure that the plea-bargaining procedure is used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims;
 - provide training on THB to law enforcement, prosecutors, judges and expert psychologists testifying in trafficking cases, including with regard to the concept of abuse of position of vulnerability in trafficking cases and the severe impact of exploitation on victims of trafficking. GRETA refers to the HELP course on trafficking in human beings, developed by the Council of Europe, which contains specific modules related to the investigation and prosecution of THB cases (paragraph 149).

Addressing human trafficking facilitated by information and communication technology (ICT)

- GRETA welcomes the above-mentioned activities and invites the Montenegrin authorities to:
 - develop further measures specifically aimed at preventing ICT-facilitated trafficking in human beings, including investing in capacity building and digital tools to enable the conduct of proactive investigations of THB for different forms of exploitation;
 - strengthen public awareness raising of risks in relation of the use of ICT for recruitment and exploitation of victims of THB;

- enhance co-operation with ICT companies and Internet service providers and develop data-sharing procedures with companies holding relevant data;
- ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (paragraph 160).

Follow-up topics specific to Montenegro

Overview of trends and changes in the legislative, institutional and policy framework for action against human trafficking

- GRETA welcomes the adoption of a specific non-punishment provision and invites the authorities to ensure its effective application in practice (paragraph 13);
- GRETA considers that the Montenegrin authorities should examine the possibility of establishing an independent National Rapporteur or designating another existing mechanism for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29, paragraph 4, of the Convention (paragraph 17).

Legal assistance and free legal aid

- GRETA considers that the Montenegrin authorities should take steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not they want to co-operate with the authorities and/or make an official statement (paragraph 165);
- GRETA considers that the authorities and the Bar Association should encourage training and specialisation of lawyers to provide legal aid to trafficking victims (paragraph 166).

Compensation

- GRETA once again urges the Montenegrin authorities to guarantee effective access to compensation for victims of THB, in particular by:
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;
 - making full use of the legislation on the seizure and confiscation of criminal assets to secure compensation to victims of THB;
 - providing training on compensation for victims of THB to lawyers, prosecutors and judges and encouraging them to use all the possibilities under the law to uphold compensation claims by victims of THB;
 - ensuring that all victims of human trafficking, regardless of nationality and residence status, are eligible for state compensation, by bringing into force the Law on Compensation for Damages to Victims of Violent Crimes without further delay (paragraph 174).

Appendix 3

List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
 - Department for Combating Trafficking in Human Beings
 - Police Group for Combating Smuggling, Trafficking in Human Beings and Irregular Migration
 - Directorate for Asylum
 - Directorate for Foreigners, Migration and Readmission
 - Directorate for Reception of Foreigners Seeking International Protection
 - Border Police
 - Group for Countering Cybercrime
- Ministry of Justice
- Ministry of Labour, Employment and Social Dialogue
- Ministry Social Welfare, Family and Demography
- Ministry of Tourism
- Ministry of Health
- Ministry of Education, Science and Innovation
- Ministry of Foreign Affairs
- Ministry of Human and Minority Rights
- Supreme Court
- High Court in Podgorica
- Supreme State Prosecutor's Office
- High State Prosecutor's Office
- High State Prosecutor's Office Bijelo Polje
- Basic Prosecutor's Offices of Bijelo Polje and Kotor
- Administration for Execution of Criminal Sanctions
- Office of the Protector of Human Rights and Freedoms
- Human Rights Committee and Gender Equality Committee of the Parliament
- Roma Council

Intergovernmental organisations

- International Organization for Migration (IOM)
- Organization for Security and Cooperation in Europe (OSCE)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children's Fund (UNICEF)

Civil society actors

- Centre for Roma Initiatives
- Civil Alliance
- Defendologija - Centre for Security, Sociological and Criminological Research of Montenegro
- Montenegro Red Cross
- Montenegrin Women's Lobby
- SOS Nikšić
- Women's Rights Centre
- Women's Safe House

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Montenegro

GRETA engaged in a dialogue with the Montenegrin authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Montenegrin authorities on 11 July 2025 and invited them to submit any final comments. The comments of the authorities, submitted on 30 September 2025, are reproduced hereafter.

COMMENTS OF THE MONTENEGRIN INSTITUTIONS ON THE FINAL REPORT OF GRETA ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS WITHIN THE FOURTH EVALUATION ROUND

MINISTRY OF THE INTERIOR - DIRECTORATE FOR CIVIL STATUS AND PERSONAL DOCUMENTS

Regarding the submitted Final Report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Montenegro, as part of the IV evaluation round, which was finalized based on the comments of, among others, this Directorate, we point out that the report did not incorporate remarks concerning paragraph 83, as follows:

- Paragraph 83 „Statelessness puts a person at a higher risk of becoming a victim of human trafficking. As noted in GRETA's third report, statelessness affects some of the Roma and Egyptians who were born outside of Montenegro and who were displaced following the breakup of Yugoslavia, as well as their children. While legislative changes were introduced to implement the procedure for the determination of statelessness and facilitate the registration of children born outside of health-care institutions, the problem of statelessness persists. According to UNHCR data, as of November 2024, there were 424 persons at risk of statelessness in Montenegro, as compared to 467 in 2020.⁶⁵ Half of them were children. Even though Montenegrin law allows for access to citizenship for children born in Montenegro to stateless parents, it appears that this provision is not applied in practice. Moreover, there are still obstacles to the registration of children born outside of health-care institutions, especially in cases where the mother lacks identity documents. As the system of free legal aid does not cover administrative procedures such as birth registration, UNHCR serves as the sole provider of free legal aid for stateless persons in Montenegro. GRETA notes positively that the Strategy on Migration and Reintegration of Returnees in Montenegro for 2021-2025 contains a number of measures aimed at addressing statelessness, including through co-operation with the countries of origin of persons at risk of statelessness and strengthening the capacity of the relevant state bodies.“

Comment:

Montenegro is one of the countries that established a procedure for determining the status of a stateless person, through the adoption of the new Law on Foreigners, which entered into force in March 2018, and the Rulebook, which determined the closer ways to establish the procedure, the content of the request to determine the status of a stateless person, the content of the request for the issuance of a travel document for a stateless person, as well as the very appearance and content of the travel document. In accordance with this law, activities were undertaken to determine and recognize the status of stateless persons, which ensures the enjoyment of basic human rights and freedoms while respecting ratified conventions.

We also point out that the Government of Montenegro, at the session of September 23, 2021 adopted the Strategy on Migration and Reintegration of Returnees in Montenegro, for the period 2021-2025, with the Action Plan for 2021 and 2022 (which also, among other things, deals with the issue of permanently resolving the status of displaced and internally displaced persons, as well as the issue of resolving the legal status of persons at risk of statelessness, among whom a significant share is made up of members of the Roma and Egyptian communities).

We especially point out that Montenegro resolved the civil status of all displaced and internally displaced persons who came to Montenegro after the breakup of Yugoslavia, and in addition, with cooperation with all social actors and proactive work with persons who belonged to the sensitive category of Roma and Egyptians, many of whom were not registered in the registers of births and citizens in the country of origin, primarily Kosovo, enabled their registration and settlement of civil status.

One of the priority areas under the jurisdiction of the Ministry of the Interior, which concerns the rights of all children born in Montenegro, is the right to universal birth registration, for all children without exception and children abandoned by their mothers, both children born in a health institution and children born outside a health institution. In accordance with that, and in accordance with the provisions of the Law on Birth Registers, the birth of a child in a maternity hospital or other health institution must be reported by the health institution, without exception. The late registration of the birth of a child, born even outside a health care institution, is carried out if a period of 30 days has passed since the day the child was born, and it has not been registered in the birth register, after the administrative procedure of determining the facts regarding the birth has been carried out. If in the conducted administrative procedure it is determined that there are no grounds for registration, a decision is made to reject the application for registration. After the mentioned procedure, judicial protection is also made possible.

With the adoption of the Law on Amendments to the Law on Non-Contentious Procedure, which entered into force on May 2, 2015, Montenegro provided full legal certainty for determining the time and place of the child's birth through the initiation of non-contentious proceedings before the competent court. Non-contentious proceedings are initiated by the proposal of a person who is not registered in the register of births, or by the proposal of any person who has a direct legal interest, i.e. the guardianship authority. The competent court submits a final decision on the time and place of birth to the Ministry of the Interior - the competent regional unit or branch for administrative affairs, citizenship and foreigners, within 8 days from the date of finality, in order to enter the fact of birth in the registry of births. With the adoption of this law, a certain number of complex cases were resolved for which there was not enough evidence to bring them to a positive conclusion in the administrative procedure.

Abandoned children are protected by the provisions of the Family Law, which also applies to a parent who abuses parental rights or grossly neglects parental duties. The authority responsible for keeping the register of births is obliged to report to the guardianship authority the birth of a child whose one or both parents are unknown, in order to take measures for their protection. Also, the state administration body responsible for social welfare affairs undertakes actions within its jurisdiction with the aim of preventing abandonment, registration of abandoned children in birth registers and citizen registers, and institutionalization of these children. Also, in accordance with the Law on Birth Registers, the birth of a child whose parents are unknown is entered in the birth register and the register of citizens in the municipality where the child was found. Registration is made on the basis of an executive decision of the guardianship authority, which contains: name, surname, gender and place of birth. The place where the child was found is entered as the place of birth. The executive decision of the guardianship authority is made on the basis of the report on the finding of the child. The minutes, along with the decision, are submitted to the official.

Pursuant to the Law on Administrative Procedure, when conducting the procedure of registering a child in the birth register, in cases where the mother does not have an identification document, all means suitable for establishing the factual situation and appropriate for the individual case, such as documents, witness statements, statements of the parties, findings and opinions of experts, interpreters and investigations, can be used as evidence. Commonly known facts, facts that are known to the public law authority and legal assumptions do not need to be proven.

Article 7 of the Law on Montenegrin Citizenship stipulates the acquisition of Montenegrin citizenship by birth on the territory of Montenegro, so Montenegrin citizenship is acquired by a child born or found on the territory of Montenegro, if both parents are unknown or of unknown citizenship or stateless or if the child remains stateless. In order to fully ensure the consistent and efficient application of the law and the prevention of statelessness, the Ministry of the Interior adopted the Standard Operating Procedure (SOP) for the application of Article 7 of the Law on Montenegrin Citizenship.

All the mentioned procedures are exempted from payment of administrative fee and any monetary compensation, and in all procedures legal support is provided by officials according to their competences.

In accordance with the above, the conditions have been fully created for the realization of the right to universal birth registration, for all children without exception, which is the goal of the Ministry of the Interior.

MINISTRY OF LABOUR, EMPLOYMENT AND SOCIAL DIALOGUE

Comment on Paragraph 46

- The Ministry of Labour, Employment and Social Dialogue has prepared the Draft Law on Permanent Seasonal Worker. The adoption of the Law on Permanent Seasonal Workers is conditioned by the need to legally regulate the status of employees on seasonal jobs in sectors such as tourism, catering, trade, construction and agriculture. Seasonal jobs represent a significant segment of the labor market in Montenegro, and the lack of an adequate legal framework for regulating their employment status leads to the need for the adoption of the law in question.

The goal of the law is to provide legal security for seasonal workers through the introduction of the "permanent seasonal worker" institute, enabling the continuity of the employment relationship in seasonal activities and improving social security through employers' obligations to register the permanent seasonal worker for pension and disability insurance for an extended period of time when he does not actually work. This law introduces the obligation of employers to offer permanent seasonal workers employment in the following season, which encourages security on the labor market for both the employee and the employer.

- According to the data of the Ministry of the Interior, a total of 38,943 permits for temporary residence and work of foreigners were issued in 2023 (23,822 in the quota and 15,121 outside the quota), and in 2024 38,019 permits for temporary residence and work of foreigners (24,748 in the quota and 13,271 outside the quota).

Comment on Paragraph 93

- The finding that subsidies gradually decreased over time cannot be considered correct in all situations.

Namely, the Law on Professional Rehabilitation and Employment of Persons with Disabilities stipulates that:

The amount of the subsidy is:

- 75% of the paid gross salary for the entire period of employment, for an employer who employs a person with at least 50% disability;
- for an employer who employs a person with a disability of less than 50%, the subsidy amounts to: in the first year 75%, in the second 60%, in the third and each subsequent year 50% of the paid gross salary.

CENTRE FOR TRAINING IN THE JUDICIARY AND PROSECUTOR'S OFFICE

The Centre believes that it would be useful to include in the Report the information that a special training program for lawyers on providing legal assistance to victims of human trafficking is being developed.

The aforementioned program, the development of which began in June 2025, will be the result of cooperation between the Bar Association of Montenegro and the Center for Training in the Judiciary and State Prosecutor's Office, with the support of the Council of Europe (HF 7) and GIZ (German Society for International Cooperation).

Comment by a member of the Team for Formal Identification of Victims of Trafficking in Human Beings from the Ministry of Social Welfare, Family Care and Demography

Paragraph 103. Namely, the paragraph states that "GRETA was informed of one suspected case of THB concerning an unaccompanied foreign child, who was charged with kidnapping and placed in the "Ljubović" Center for children in conflict with the law while awaiting trial. The case was reported to the multi-disciplinary victim identification team, which concluded that the child was not a victim of trafficking."

Comment-The Team for Formal Identification of Victims of Trafficking in Human Beings was not informed about the stay of the mentioned person in the center.

MINISTRY OF THE INTERIOR- DEPARTMENT FOR FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS

In relation to paragraph 98, a remark is made in relation to the following information - "With the support of IOM, a web application was developed for the identification of victims of human trafficking, intended for relevant experts, as well as the general public. The purpose of the application is to enable users to easily detect indicators of human trafficking and receive instructions on how to act in situations in which they are discovered." Namely, as a continuation of cooperation with the International Organization for Migration (IOM), the development of an application for the identification of victims of human trafficking, intended for both experts and the general public, was started, and the development of the Project Terms of Reference is in its final phase. The purpose of the application is to enable users to easily use indicators (indicators that indicate the probability that someone is a victim of human trafficking) and to receive instructions on how to act in situations where this risk exists, and it is still in the development phase.