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Group of Experts on Action
against Trafficking in Human
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Reply from Montenegro to the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

Fourth evaluation round

Thematic focus: Addressing vulnerabilities to trafficking in human beings

Adopted by the Group of Experts on Action against Trafficking in Human Beings (GRETA) on 30 June 2023

Reply submitted on 1 July 2024

Introduction

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 of the Convention 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 of trafficking, 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 the vulnerability of children to trafficking. The third evaluation round focused on trafficking victims' access to justice and effective remedies.

GRETA has decided that the fourth evaluation round of the Convention will focus on **vulnerabilities to human trafficking** and measures taken by States Parties to prevent them, detect and support vulnerable victims, and punish the offenders. This includes a focus on the use of information and communication technology (ICT), which brings structural changes to the way offenders operate and exacerbates existing vulnerabilities.¹

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.² Vulnerability to human trafficking is also subject to intersectional factors, such as gender, belonging to a minority group and socio-economic status.

Applying a socio-ecological approach to the analysis of vulnerability to human trafficking demonstrates how different risk factors influence vulnerability, and how protective factors

¹ [Paolo Campana, Online and Technology-Facilitated Trafficking in Human Beings, Council of Europe, April 2022.](#)

² [ICAT Issue Brief No. 12 on Addressing vulnerability to trafficking in persons - Search \(bing.com\)](#)

may reduce the risk of victimisation by increasing resilience.³ The socio-ecological model considers the complex interplay between individual, relationship, community and societal factors. It helps to understand how anti-trafficking strategies should: (a) reduce the vulnerability of individuals, (b) work with the communities (which may also include relationships) concerned to ensure that their practices or current dynamics do not exacerbate or contribute to vulnerabilities to human trafficking and, (c) change a number of system-driven or structural elements (such as policies) so that they do not facilitate but discourage an environment conducive to human trafficking.

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.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's third evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

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https://www.avoicforcentraloregon.com/uploads/1/3/9/9/139904528/socio_ecological_model_and_trafficking.pdf

**The proposal of responses to the Questionnaire of the Council of Europe Group
of Experts on Action against
Trafficking in Human Beings (GRETA) within the IV round of evaluation of the
implementation of the Council of Europe Convention on Action against
Trafficking in Human Beings by Montenegro**

Part 1 — Addressing vulnerabilities in relation to human trafficking

I. PREVENTION (Articles 5, 6 and 7)

1. Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?

Ministry of the Interior/Department for Fight against Trafficking in Human Beings

The Strategy for Combating Trafficking in Human Beings for the period 2019-2024 defines the directions of the national policy for combating trafficking in human beings in the areas of prevention, victim protection, prosecution, and in the areas of partnership, coordination, and international cooperation. In recent years, the State of Montenegro has been recognized as a country of origin, transit, and destination for men, women, and children who have been victims of human trafficking. The number of potential victims identified at risk of becoming victims of forced marriage and sexual exploitation has increased. Challenges related to the need to strengthen a proactive approach to victim identification have been recognized, especially among illegal migrants, foreigners seeking international protection, children who beg, and seasonal workers, particularly during the tourist season.

Therefore, the current strategic document pays special attention to improving identification methods by shifting the focus from a prosecution-based approach to a victim-oriented approach.

Considering that victims of human trafficking, especially children who are the most vulnerable, are very difficult to detect and ensure a quality model for their protection and reintegration, the Strategy focuses on age and gender specifics of the crime itself, providing an adequate response to their vulnerability. At the same time, special attention is given to monitoring new trends in the execution methods and forms of human trafficking.

The Strategy includes a list of indicators for the early identification of victims of human trafficking, which, in addition to general indicators, contains specific indicators for identifying victims of human trafficking for the purpose of sexual exploitation, whose most common victims are young women and girls, as well as for the purpose of forced marriage, labor exploitation, and indicators that point to child trafficking and child trafficking for begging. A special list of indicators for healthcare workers has also been compiled to help them recognize victims of human trafficking when providing medical assistance.

Supreme State Prosecutor's Office

From 01 January 2021 to 19 April 2024, proceedings were initiated before the State Prosecutor's Office against known perpetrators for entering into an illicit marriage in which proceedings the following were injured parties- 1 male minor and 10 female minors; for begging in which 1 male adult, 6 male minors and 11 female minors were injured parties; for prostitution, sexual exploitation, pornographic purposes in which 21 adult and 2 minor female persons were injured parties and labor exploitation in which 2 male minors and 335 adult men were injured parties.

The victims of illicit marriage are mainly minor female persons trafficked mainly by family members, the victims of begging are minors, mainly members of the RE population, victims of sexual exploitation are women foreign nationals, and of labor exploitation male foreign nationals. Sexual exploitation is represented mainly in the southern region (the highest number of victims), and labor in the construction sector. The Strategy recognizes as vulnerable categories children, members of minorities, foreigners, persons incapacitated due to some psychological or physical condition.

Police Directorate

The geographical regions identified for trafficking in human beings are the Central and Southern Region for crimes of sexual and labor exploitation, and the construction sector has been identified as extremely vulnerable to labor exploitation.

2. What specific measures are taken to reduce children's vulnerability to THB by creating a protective environment for children? Please provide information in the following areas:

- a. protecting children's rights from attitudes, customs, behaviour and practices that can have an adverse effect (including child, early and forced marriage, and illegal adoption);

Ministry of Human and Minority Rights

- o Campaign "Campaign on Children/Arranged Marriages, Domestic Violence and Begging" - The project was co-financed by the EU and the Government of Montenegro within the framework of the EU-Montenegro Programme for Employment, Education and Social Protection (SOPESS 2015 — 2017). Project value: 265.000, 00 euros.

The Ministry of Human and Minority Rights of the Government of Montenegro from the beginning of March to the end of December 2022 implemented the project/campaign "My Life" on early/forced/arranged marriages, domestic violence and begging on the streets of the Roma and Egyptian communities in Montenegro. It is a joint project of the European Union and the Government of Montenegro that was implemented in 11 municipalities of Montenegro: Podgorica, Niksic, Herceg Novi, Tivat, Budva, Bar, Ulcinj, Cetinje, Pljevlja, Bijelo Polje and Berane. The project aimed to influence the awareness of Roma and Egyptians, above all young people, but also their parents regarding these three problems. Other objectives of this project were aimed at representatives of local institutions, municipal executives, social work centers, schools, health centers, police, labor bureaus of the Employment Bureau, responsible representatives of the Red Cross on finding a more effective way to solve the above problems of Roma and Egyptians on the premises. In addition, a media component aimed at the general public was implemented.

In this regard, two campaigns were implemented within the project: awareness raising campaign of RE community and local institutions, as well as public information and promotion, media campaign for the general public. Within the framework of the first were realized: eight workshops for the RE community, primarily for young people, eleven workshops for local institutions: representatives of municipal structures, centers for social work, police, health centers, the National Employment Agency, primary and secondary schools, the Red Cross and six three-day forums/panels with the participation

of representatives of the above local institutions, as well as NGO organizations and representatives of the Roma Council and the RE community.

The media component was very significant. Within both campaigns, there were a total of 147 media posts directly related to the "My Life" campaign, as well as 155 media posts on the topics of early marriage, domestic violence and begging in the streets. There were 12 media events, 15 guest appearances on TV stations, as well as 32 contents on TV and radio stations.

Within the framework of the campaign "My Life" the Festival of Roma Culture was realized, as well as the exhibition "My Life" about successful Roma in the world. A large number of activities were realized, among others two creative workshops for Roma and Egyptians on video production, a video prize competition, a mobile application "My Life" was created. During the project, more research was carried out, a large number of events and other activities were organized, brochures "My Life" and "Festival of Roma Culture" were created, designed and printed, posters of the "My Life" campaign and posters "Festival of Roma Culture" were created, designed and produced a large number of promotional materials: mugs, teasers, T-shirts, over forty video films, TV clips, videos jingle, the animated video of the "My Life" campaign. Also, the famous Roma jazz and soul band KAL was the official music group of the "My Life" campaign, which promoted the "My Life" campaign at several of its concerts in Montenegro, and also created music and audio standards for the "My Life" campaign.

Over two hundred posts have been posted on social networks Facebook, Instagram, TikTok and YouTube. Daily press clipping and monitoring of media in Montenegro was carried out and all publications on the topic of early/forced/arranged marriages, domestic violence, begging, as well as on the culture of Roma and Egyptians, the inclusion of Roma and Egyptians in Montenegrin society and were published regularly according to the mailing list, agreed with the Ministry of Human and Minority Rights.

The Steering Committee of the Project consisted of responsible representatives of the Ministry of Human and Minority Rights, the Ministry of Interior, the Ministry of Finance, the Ministry of Labour and Social Welfare, the Ministry of Education, the Roma Council and the Delegation of the European Union in Montenegro.

- NGO "Center for Roma Initiatives" — implemented Project: "Empowering the community to combat domestic violence and child arranged marriages in Montenegro". Project value 18,201.74 euros.

The results achieved in the reporting period are in line with the objectives of the project: 15 Roma and Egyptian activists and members of RE Network PRVA from four Montenegrin cities: Niksic (4), Podgorica (8), Bijelo Polje (2), Bar (1) are empowered to influence and monitor policies related to the rights of Roma women and gender-based violence on at local and national levels and are actively involved in combating domestic violence and child arranged marriages.

Through the organization of three initiatives in Niksic, Podgorica and Berane, 500 families (it is estimated that about 2,000 Roma and Egyptian women, girls and boys) were made aware of their rights and consequences of child arranged marriage, as well as the importance of trust between parents and children with a focus on girls.

- 21 (11 f, 10 m) young people aged 15-19 from the Roma and Egyptian communities were introduced to the topics, methodology and improved their knowledge and skills in conducting workshops of the accredited program,, (youth) —Innovative approaches in the prevention of gender-based violence and promotion of healthy lifestyles of young men and girls."

The project "Empowering the community to combat domestic violence and child arranged marriages in Montenegro" aimed to empower and strengthen the capacity of the participants in the project activities to get involved and contribute directly to changes in the Roma and Egyptian communities in several Montenegrin cities when it comes to Combating violence and child arranged marriages. The work of the mediators on the ground contributed to the connection with the Roma and Egyptian communities, as well as for the community to gain trust and recognize who it can turn to in case of reporting domestic violence and child arranged marriages. The initiative "Trust your daughter as a son", implemented in Roma and Egyptian communities in Niksic, Podgorica and Berane, contributed to increasing awareness of the importance of trust between parents and children with a focus on girls.

- 109 young people (47 female, 62 male) from the Roma and Egyptian communities, aged 11 to 18, from Podgorica (59), Berane (25), and Nikšić (25), attended 10 workshops and 2 two-day seminars. They were informed about their rights and ways to exercise them, and they improved their knowledge on 10 topics through the accredited program "Y (youth) - Innovative Approaches in the Prevention of Gender-Based Violence and Promotion of Healthy Lifestyles for Boys and Girls."

Through 4 initiatives organized in collaboration with young people from the Roma and Egyptian communities, about 516 young people and adults were involved.

-66 (41 male, 25 female) young volunteers, through 3 initiatives called "Together Against Violence" in the form of football matches in Nikšić, Podgorica, and Berane, highlighted to approximately 150 attendees the importance of non-violence among young people, promoted healthy lifestyles, the significance of physical activity, and equality in society.

Through 3 initiatives called "Safe Support" in Nikšić, Podgorica, and Berane, involving around 450 adults and young people, we discussed the importance of reporting, prosecuting, punitive norms, and consequences in cases of child arranged marriages, which is a form of human trafficking. Promotional material with contacts of relevant institutions for reporting cases of child arranged marriage (keychains, pens, and informational flyers) was distributed to the attendees.

In the implementation of initiatives in the Roma and Egyptian communities, 9 representatives from relevant institutions were involved: Office for Combating Trafficking in Human Beings (2 female), Center for Social Work Podgorica (2 female), Security Center Podgorica (2 male), Security Center Nikšić (2 female), and Municipal Mobile Team for Combating Human Trafficking Nikšić (1 male).

Ministry of Education, Science, and Innovation

In the past two years, the Department for Continuous Professional Development of the Institute for Education organized and conducted teacher training sessions based on the Action Plan for the Strategy for Combating Human Trafficking 2019-2024, implemented by the Ministry of Interior of Montenegro, and the National Media Literacy Strategy. According to the Strategy for Combating Human Trafficking 2019-2024, the Institute conducted two training sessions in 2023 on the topic "The Educational System in the Prevention of Child Trafficking, Illicit Marriages, and Child Economic Exploitation," attended by 24 participants. In 2024, one training session on the same topic was held for 15 teachers.

In order to protect children from attitudes, customs, behaviors, and practices that may have harmful effects (including child, early, and forced marriages and illegal adoption), the Department also conducted the following training sessions:

- Educational work with children and youth from the RE population, 8-21 teachers

- School as a resource for the prevention and suppression of hate speech, radicalism, and violent extremism, 4 sessions – 28 teachers
- Prevention of violence and abuse of children in the virtual world, 4 sessions – 19 teachers
- The educational system in the prevention of child trafficking, illegal marriages, and child economic exploitation, 4 sessions – 35 participants
- Prevention of violence – how to create a stimulating school environment, 4 sessions – 22 participants
- The role of teachers in preventing peer violence, 4
- My values and virtues – in 2024, 2 training sessions were held with 43 participants from seven primary schools in Podgorica. The teams invited to the training consisted of three classroom teachers and three subject teachers. In 2023, one accredited trainer training was conducted with 14 participants and three training sessions with 80 participants, totaling 94 participants.

b. developing children's life skills (including media literacy and online safety skills), knowledge and participation;

The Ministry of Education, Science, and Innovation

the Institute for Education's Department for Continuous Professional Development, organized and conducted nine training sessions on "Media Literacy as a Key Competence in Education," with a total of 221 participants for 2023 and 2024. The Media Literacy Handbook was distributed to all primary schools.

c. putting in place a system for monitoring and reporting cases of abuse;

Ministry of Education, Science, and Innovation

The Ministry of Education, Science, and Innovation, through the Montenegrin Educational Information System (MEIS), monitors cases of violence, as the psychological-pedagogical services in schools have a module in MEIS for registering their work, including cases of violence and measures taken with the participants.

The Institute for Education has developed recommendations, which were sent to all educational institutions, on what schools should do and how to act to prevent violence and vandalism. These recommendations are outlined in the document "Managing the Problem of Violence in Schools," presented in the form of consultations to leaders and professional associates of educational institutions in Montenegro. The document is available at the link: [Managing the Problem of Student Violence in Schools \(www.gov.me\)](http://www.gov.me).

The document emphasizes the need for early identification of individuals displaying aggressive behavior and students who are often victims of violence. These students (both victims and perpetrators) require individual psychological help for better integration into the school community. Another approach to solving the problem of violence in schools involves strengthening the educational, i.e., preventive role of the school and creating a school climate where violence is not "cool" and where students believe that the school will protect them from all forms of violence. (research has shown that it is not enough to tell students that they are safe at school, it is necessary for their experience to confirm this to them, which creates a favorable basis for the rational management of the problem of violence at school, in such a way that individuals who would be identified at an early school age that often manifest aggressively.

Before the start of the school year, support teams for Roma and Egyptian students (pedagogue, administration representative, classroom teacher, subject teacher, and mediator) were formed, led

by a team coordinator. Coordinators and team members organize anti-prejudice and anti-stereotype workshops at the school level, known as the Non-Discrimination Package.

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

MoI - Department for Fight against Trafficking in Human Beings

The Protocol on the Acting of Authorities, Institutions, and Organizations in Montenegro regarding Children Involved in Life and Work on the Street was signed in 2019 by the Ministry of Interior/Police Directorate, Ministry of Labor and Social Welfare, Ministry of Justice, Ministry of Education, Science, and Innovation, and Ministry of Health, and revised in 2021. The protocol provides guidelines for all actors working with children and their families to take joint actions and measures to protect children involved in life and work on the street, in accordance with guaranteed child rights.

The protocol refers to the actions of all officials and other experts who perform tasks of importance for the protection of children who are involved in life and work on the street (police, centers for social work, other institutions and providers of social protection services, health institutions, educational institutions, organizations, etc.). It defines in detail the actions of competent institutions with the aim of improving children's well-being by creating conditions for a safe stay and working on the street that is beneficial for children, by preventing and preventing circumstances and situations that expose children to unsafe and other potentially or actually harmful aspects of life and work on the street, and the implementation of a quick and coordinated procedure that protects the child from abuse and violence and provides them with appropriate protection and rehabilitation.

In 2023, under the project "EU Support to Strengthening the Fight Against Migrant Smuggling and Human Trafficking in the Western Balkans – EU4FAST WB," roundtables were held in three cities: Bijelo Polje, Bar, and Podgorica, to promote the Protocol and strengthen interinstitutional cooperation at the local level to combat the presence of children involved in life and work on the street.

Interinstitutional and intersectoral cooperation was further strengthened by signing the revised Agreement on Mutual Cooperation in the Field of Combating Human Trafficking on May 27, 2024, between the 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." The Agreement aims to cooperate in prevention, education, detection of perpetrators, criminal prosecution, and identification, protection, integration, reintegration, and rehabilitation of potential/victims of human trafficking, especially women and children, with full respect for their human rights.

The Agreement will ensure the physical, psychological, health, social and child protection of victims of human trafficking, their integration into the new society, that is, reintegration, in case of voluntary return to the country of origin. The signatories of the Agreement agree to provide assistance to victims of human trafficking, in accordance with this Agreement, regardless of the will of the victim of human trafficking to participate or not participate in the criminal proceedings for the criminal offense of human trafficking. The signatories of the Agreement also undertook to provide information on free legal assistance to the victim of human trafficking and other rights, in accordance with the jurisdiction and legal provisions.

- d. providing training to child care professionals, legal guardians, education professionals;

Ministry of Labor and Social Welfare:

The Ministry of Labor and Social Welfare conducts various activities to protect children from violence. In collaboration with UNICEF, it is implementing a project to strengthen the protection system for the prevention and protection of children from all forms of violence and exploitation, funded by the European Union. As part of the project, a new Strategy for the Prevention and Protection of Children from Violence for the period 2025-2029 is being developed. The project aims to enhance the capacities of at least 100 professionals from various sectors through cross-sectoral training (area of social and child protection, health, education) to provide preventive, multisectoral, and holistic support and responses to violence against children, including sexual violence, abuse, and exploitation, and to apply standard operating procedures for working with children victims of violence.

In the course of the implementation of the project, the implementation of specialized training for professional workers of centers for social work began. Trainings will be organized for health workers, but also for psychiatrists and psychologists. Efforts will be made to improve the professional capacities of police officers and representatives of the judiciary to work with child victims of violence, respecting the principles of justice tailored to the child.

Montenegro advocates that all actors who come into contact with the victim are adequately informed and trained on the identification of victims of human trafficking as well as methods of prevention and prevention of child begging, and accordingly the Institute for Social and Child Protection, as part of its responsibilities, dealt with issues related to human/child trafficking, through the accreditation of training programs and the organization of trainings for professional workers from the social and child protection system, with the aim of strengthening the capacities of professional workers.

The following training programs are accredited: Basic training program for professional workers, professional associates and members of multidisciplinary teams for the prevention and suppression of child arranged marriages; Basic training program for professional workers and professional associates and other professionals in the field of social and child protection on the occurrence, types, mechanisms of prevention of begging by children; Basic training of professional workers in centers for social work for the prevention, detection and protection of victims of child trafficking; Fight against human trafficking - identification and referral of victims of human trafficking; Sensitization of professional workers to work with children and young people of RE population; Training program for professional workers of the center for social work in the field of child protection from abuse, neglect and exploitation.

Ministry of Education, Science, and Innovation

Part of the response is included in the answer to question 2 under a).

Participation in a two-day conference organized by the Institute for Social and Child Protection – Ministry of Labor and Social Welfare, on the topic of Intersectoral Cooperation in Protecting Children from Domestic Violence, 2023.

Parents and guardians have access to the "Handbook for Parents/Guardians" on the website, and printed formats of the Handbook have been provided to schools included in the socio-emotional skills training.

- e. access to education and health care for vulnerable children, including from minority groups, unaccompanied migrant children, and children of migrant workers;

Ministry of Education, Science and Innovation

The Ministry of Education, Science and Innovation, in cooperation with the Ministry of Human and Minority Rights, the Institute of Education, the National Roma Council and non-governmental organizations that deal with the issues of members of the Roma and Egyptian communities, during the month of March, promotes the enrollment of children in preschool institutions, the first grade of primary school and secondary schools in Podgorica, Nikšić, Berane and Tivat. These four municipalities were visited by a team made up of representatives of the aforementioned institutions and non-governmental organizations who spoke with parents and children old enough to enroll in pre-school education and in the first grade of primary school, with the aim of showing them the obligation and importance of primary education. They also spoke with ninth grade elementary school students to encourage them to enroll in secondary schools. The idea of the campaign is to raise parents' awareness of the importance of their support for their children on the path to education. The common message of all who addressed was that school is the best path to success for every individual, family and community.

Flyers in Montenegrin, Roma and Albanian languages were distributed in order to inform parents about the possibilities of enrolling RE children in preschool, primary and secondary education. It was emphasized that, if parents do not have the opportunity to enroll their children electronically, they can contact the educational institution, which will provide assistance with enrollment, and there are also social inclusion associates (mediators). Free transportation was provided for about 600 (six hundred) students of primary schools of the RE community in Podgorica, Nikšić, Berane and Cetinje.

The engagement of collaborators (mediators) in the social inclusion of RE in education continued, in accordance with the norms. This practice has proven to be extremely useful for the inclusion of RE population children in the education system, as well as for reducing drop-outs. The Protocol on handling and prevention of early school leaving is applied, which facilitates work with children at risk of leaving school.

High school and university students of the RE community are awarded scholarships for education - The amount of scholarships for high school students is 60 euros (sixty) per month, while for university students, it is 225 euros (two hundred and twenty-five).

Within their accommodation capacities, student dormitories designate up to 5% of their capacity for housing students with disabilities, students from the RE population and beneficiaries of material security.

MoI-Directorate for Administrative Affairs, Citizenship and Foreigners

With the aim of preventive action and detection of victims of human trafficking, professionals-psychologists, social workers, medical workers and educators - pay special attention in interviews conducted with minor foreigners seeking international protection, immediately after reception and during their stay in the Reception Center to the identification of potential victims of human trafficking, so that appropriate procedures could be implemented, with the aim of helping potential victims. The identification of vulnerabilities and special needs at the earliest stage is important in order to mitigate, prevent and eliminate the risks of human trafficking.

In contact with foreigners seeking international protection, the Center's professional staff pays attention to physical indicators (bruises, scars) and psychological indicators (excessive submissiveness, reaction or self-confidence), body language, the way of conducting conversations with the staff and the persons they are accompanying, but attention is also paid to other indicators.

Accommodation facilities have twenty-four-hour physical and technical security. Continuous monitoring of all activities outside accommodation units, control of entry and exit of all persons and determination of identity, which would prevent access to third parties.

Special attention is directed to minor migrants, especially unaccompanied minors, for whom, in accordance with the Law on International and Temporary Protection of Foreigners, a guardian is appointed by the competent Center for Social Work and who takes care of the best interests of minors during the entire procedure of international protection (asylum).

The Reception Center has a dedicated office space where social workers and a psychologist conduct interviews to ensure that the information shared remains confidential. This enables the building of trust and the creation of favorable preconditions for further assistance and cooperation.

All minors have access to education with the provision of textbooks, teaching literature and school supplies, and they are provided with support and assistance in mastering the teaching material. Various educational and creative workshops are also organized for children of both preschool and school age as part of occupational therapy.

In terms of exercising the right to health care, it is important to note that the first initial examination (assessment of the state of health) is performed by a doctor and a medical worker at the reception of a person for admission. If it is determined that it is necessary to act urgently, taking into account the state of health, the person is referred to the Emergency Center of Montenegro (accompanied by a medical worker) or emergency medical help is called, depending on the health problem. Minors are taken to a pediatrician, and if there is a need for specialized health care, it is provided at higher levels, accompanied by a medical worker and, if necessary, an interpreter.

Ministry of Health

Within health institutions of all levels of health care - primary, secondary and tertiary level, victims and potential victims of human trafficking are provided with unhindered health services, that is, health care specifically in the institution for which there is a need to provide services. Victims and potential victims of human trafficking come to health institutions in order to receive adequate protection in the presence of officers of the Police Directorate or officers of the Center for Social Work. In order to deal with victims and potential victims, trainings for healthcare workers are organized annually in cooperation between the Ministry of Health and the Ministry of Interior. When the need arises, the Ministry of Health coordinates the provision of health services between health institutions.

f. birth registration for all children born in the country

MoI-Directorate for Administrative Affairs, Citizenship and Foreigners

One of the priority areas under the jurisdiction of the Directorate for Administrative Affairs, Citizenship and Foreigners, which concerns the rights of all children born in Montenegro, is the right to universal birth registration, for all children without exception, as well as for the children of Roma and Egyptians; children of refugees and displaced and internally displaced persons; children abandoned by their mothers; children born in a health institution, as well as children born outside a health institution.

Pursuant to 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 subsequent registration of the birth of a child will be carried out after the expiration of a period of 30 days from the day the child was born, but was not entered in the birth register, after the procedure for determining the facts regarding the birth has been carried out. If in the conducted procedure it is

determined that there are no grounds for registration, a decision will be made rejecting the application for registration.

The biggest challenge was the registration in the register of births of children born outside a health care institution, and in that part, significant progress was made in 2015 with the adoption of the Law on Amendments to the Law on Non-Contentious Proceedings, through determining the time and place of birth for those persons who were not registered in the registry of births, and who cannot prove the time and place of their own birth in the manner provided for in the regulations regulating the keeping of registers.

Non-contentious proceedings are initiated by the motion of a person who is not registered in the birth register, or by the motion of any person who has a direct legal interest, i.e. the guardianship authority. In order to facilitate the exercise of rights, it is stipulated that the local jurisdiction is any court with subject matter jurisdiction. The competent court submits a final decision on the time and place of birth to the organizational units of this Ministry within 8 days from the date of finality, in order to record the fact of birth in the registry of births.

We would like to point out that the right to universal registration of children is a priority area of this Ministry, without exception, even in cases where it is a matter of registering children in the birth register when the mother is unknown or lacks an identification document.

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 his protection. Also, the state administration body responsible for social welfare affairs undertakes actions within its jurisdiction with the aim of preventing abandonment, registering abandoned children in birth registers and institutionalizing these children.

Also, according to the Law on Birth Registers, the birth of a child whose parents are unknown is entered in the birth register of the municipality where the child was found. Enrollment 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 enforcement 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.

According to the Law on Administrative Procedure, during 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, which correspond to the individual case, such as documents, statements, can be used as evidence. witnesses, statements of parties, findings and opinions of experts, interpreters and investigation. Commonly known facts, facts that are known to the public law authority and legal assumptions do not need to be proven.

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.

3. What measures are taken in your country to address vulnerabilities related to the gender dimension of human trafficking?

Ministry of Labor and Social Welfare

Various measures are continuously implemented in Montenegro to protect the vulnerable population from human trafficking, with special emphasis on the gender dimension. These measures include a wide range of activities, including educational campaigns, trainings, institutional capacity building and victim support. Educational campaigns are crucial because they raise public awareness of the dangers of human trafficking, and especially emphasize gender-specific aspects, such as the risks that women and girls may experience in this context. In addition, institutions that provide support to victims of human trafficking regularly work to strengthen their capacities in order to be able to provide adequate support, including to victims of gender-based exploitation. Support programs for women and girls who are particularly vulnerable to human trafficking also play an important role in prevention and protection. Trainings that include the gender dimension ensure that personnel working on this problem have the necessary knowledge and skills to effectively work on the protection of victims and the fight against human trafficking.

MoI – Department for Fight against Trafficking in Human Beings

The Ministry is participating in the implementation of the Strategy for Implementation of the United Nations Security Council Resolution - Women, Peace and Security and accompanying resolutions for 2024-2027, with the Action Plan for the period 2024-2025. Within the framework of the Action Plan, as part of the Operational objective, 3 To increase awareness of the importance of protecting women and girls in conflict and post-conflict zones through the organization of training on this topic, it is planned to implement a campaign specifically targeted at women who are included in vulnerable groups on the introduction of the phenomenon of trafficking to people.

Representatives of the Ministry of Interior were members of the Delegation of Montenegro led by the Minister of Human and Minority Rights at the presentation of the Third Periodic Report of Montenegro on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women at the 88th session of the Committee on the Elimination of All Forms of Discrimination against Women CEDAW - May 15 in 2024. One of the areas that is specially treated by this Convention is the area of the fight against human trafficking, where the reporting focuses on the special vulnerability of women and girls in relation to human trafficking.

Data contained in the answer to question no. 42 in terms of the number of identified victims of human trafficking in the previous three years, show that women and girls are more exposed to this phenomenon than men. Therefore, in all the trainings and educations that are organized, special attention is paid to the issue of the gender dimension when it comes to human trafficking.

4. What specific measures are taken to reduce the vulnerability to trafficking of persons from disadvantaged minorities? Please provide information on policies and measures in the following areas:

a. research;

The Ministry of Labor and Social Welfare - Montenegro conducts targeted research that focuses on identifying specific factors that lead to the vulnerability of minorities to human trafficking. These researches help in a deeper understanding of the causes and dynamics of human trafficking in the context of minority groups, enabling the adoption of targeted policies and measures. In addition, research provides a basis for developing support programs and interventions that are tailored to the needs and characteristics of different minority groups.

MoI- Department for the fight against trafficking in human beings

At the beginning of 2023, as part of the "PACT - Prevention and combating of human trafficking in the Western Balkans" project, which was of a regional nature and in which Montenegro was one of the participating countries, a survey was conducted on the knowledge and application of the Protocol on the acting of authorities, institutions and organizations regarding children involved in life and work on the streets in Montenegro with recommendations for further improvement of the situation in this area. The research included field visits to those cities where the occurrence of children involved in street work was recorded on a larger scale, namely: Podgorica, Nikšić, Bijelo Polje, Berane, Bar, Ulcinj and Budva, and in order to carry out discussions - interviewing competent subjects who in their work come or may come into contact with children involved in living or working on the street.

Interviews were conducted primarily with local representatives of institutions that are signatories to the Protocol - a total of 57 persons, of which 23 are employees of social work centers, 16 are police officers and 13 are teachers in the aforementioned 7 cities. In particular, 100 minors - under the age of 18, members of the Roma population from 5 Roma settlements - were interviewed.

Interviews were conducted with employees of social work centers, security departments, primary schools, public institutions of social and child protection, NGOs, while questionnaires were delivered to representatives of the judiciary, prosecutor's office and health workers. The focus of the questionnaire was on examining the possibility of practical application of the methods of inter-institutional cooperation defined by the Protocol, as well as understanding the causes and consequences of children living and working on the street, with an emphasis on defining concrete steps and recommendations in relation to the best and most efficient implementation of the Protocol, all with the ultimate goal - to suppress the phenomenon of children who are involved in living and/or working on the street.

A special category of questionnaires was made for representatives of the RE population, specifically children up to 18 years of age in the settlements of Talum (Berane), Željezara and under Trebjes (Nikšić), Konik (Podgorica), (Palestine) Budva. Questionnaires for this category of persons were focused on the factors that influence the fact that a child is forced to work and live on the street, with a special emphasis on their perception of the attitude of the competent entities to this phenomenon.

The research resulted in certain conclusions and recommendations that were presented at round tables held at the end of 2023 in 3 cities: Bijelo Polje, Bar and Podgorica on the topic "Strengthening inter-institutional cooperation of competent institutions at the local level with the aim of suppressing the phenomenon of children involved in the life and work on the streets", all with the aim of more effective implementation of the Protocol and suppression of the phenomenon. The round tables were held as part of the implementation of the project "EU Support to Strengthen the Fight against Migrant Smuggling and Trafficking in Human Beings in the Western Balkans- EU4FAST WB".

b. information, awareness-raising and education campaigns

MoI- Department for the fight against trafficking in human beings

In 2023, the Ministry of Interior, in cooperation with the Mission of the International Organization for Migration in Montenegro, implemented a campaign to mark July 30 - the World Day against Human Trafficking under the name "Recognize and report human trafficking". The campaign was implemented with the aim of drawing the attention of the public - citizens, travelers and tourists staying in Montenegro to this phenomenon, and it included 15 local governments - Podgorica, Ulcinj, Bar, Budva, Kotor, Tivat, Herceg Novi, Cetinje, Nikšić, Berane, Rožaje, Žabljak, Pljevlja, Kolašin and Bijelo Polje. Stands were set up in the mentioned cities through which representatives of the Ministry of Interior in cooperation with local representatives of the Red Cross of Montenegro and non-governmental organizations Montenegrin Women's Lobby, SOS telephone for women and children

victims of violence - Nikšić and the Center for Security, Sociological and Criminological Research of Montenegro "Defendology" " and the International Organization for Migration, provided information and delivered informative material (flyers and leaflets) about this negative social phenomenon, as well as information about help and support services. The goal of this campaign was to increase general information about the most prevalent types of human trafficking, indicators that can help in recognizing human trafficking, as well as institutions to which citizens can report their suspicions of human trafficking.

During the duration of the campaign, in the height of the tourist season, appearances were made on TV and radio stations with national frequency, and a TV spot was also broadcast promoting the SOS telephone number for victims of human trafficking - 11 6666, which was created with the support of the Embassy of the United States of America in Podgorica, a line that is available 24 hours a day and to which calls are anonymous and free.

On October 26, 2023, representatives of the MoI Department for the fight against trafficking in human beings held a class on the topic of the fight against human trafficking for students at the elementary school "Sutjeska" in Podgorica, and on that occasion they also distributed informative leaflets on this topic.

Also, special attention was paid to the issue of increased vulnerability in relation to human trafficking due to population migrations caused by the war in Ukraine, especially in the case of women and girls. The state of Montenegro reacted in the same way as the EU member states and activated the mechanism of temporary protection by adopting the Decision on granting temporary protection to persons from Ukraine, which was extended at the beginning of March 2024 to until March 2025. Based on the recommendations of the OSCE Special Representative and Coordinator for the fight against human trafficking on the need to strengthen the prevention of human trafficking in the course of mass migrations, with the support of the Mission of the International Organization for Migration and in cooperation with the Red Cross and other partners, the Ministry of the Interior made information available to all Ukrainians citizens who are in Montenegro, about where they can get help and support if they feel that their rights are threatened and that they may be in a situation of exploitation. The Information for foreigners seeking international protection in Montenegro has been supplemented with information useful for the fight against human trafficking, and all this information can also be obtained by phone (phone line - 080 041 041), which also contains recorded information as well as the possibility of speaking with operator in a language that these persons understand.

Ministry of Labor and Social Welfare

The government, together with relevant non-governmental organizations, conducts campaigns aimed at raising awareness of the risks of human trafficking among disadvantaged minorities. These campaigns use different communication channels, including media, social networks, schools and communities, to inform minority groups about the signs of human trafficking, their rights and available support resources. Also, educational programs targeting specific minority groups are implemented in order to increase awareness of their rights, reduce risk factors and empower individuals to recognize and respond to situations of human trafficking.

The Ministry of Labor and Social Welfare created the National Plan for the Implementation of the Council of Europe Convention (2023-2027), which provided for a series of trainings and campaigns for experts, educational workshops for the Roma and Egyptian population on the causes, prevalence

and consequences of violence, victims' rights, as well as promotion licensed services that deal with the issue of child illegal arranged marriage and begging.

Ministry of Education, Science and Innovation

The Ministry of Education, Science and Innovation is involved in the implementation of activities on the occasion of the marking of October 18 - the EU Anti-Trafficking Day, by sending a circular letter to all primary and secondary schools in Montenegro to organize informative and educational activities in order to raise awareness of children about this phenomenon:

- In 2022, 49 primary and secondary schools (31 primary and 18 secondary schools) marked October 18, the EU Anti-Trafficking Day. On the occasion of this day, 363 workshops, presentations, lectures on the topic of cyber violence and human trafficking, sexual violence, sexual exploitation, artistic expressions, documentaries, plays, skits, readings, debates, etc. were held. Schools also published materials related to October 18 - the EU Anti-Trafficking Day on their Facebook pages and websites.

- In 2023, more than 70 primary and secondary schools marked October 18, the EU Anti-Trafficking Day. On the occasion of this day, over 700 workshops, presentations, lectures on the topic of cyber violence and human trafficking, sexual violence, sexual exploitation, artistic expressions, documentaries, plays, skits, readings, debates, etc. were held. Also, schools published materials related to October 18 - the EU Anti-Trafficking Day on their Facebook pages and websites.

And in 2021, in accordance with the activities foreseen in the Action Plan for monitoring the implementation of the Strategy for combating trafficking in human beings for the period 2019-2024, for the year 2021, which related to the organization of workshops for primary and secondary school students on the topic of prevention of trafficking people/children - 427 workshops, classes, drama performances and other activities were held in primary and secondary schools.

Ministry of Human and Minority Rights

As part of the marking of April 8, World Roma Day, workshops on the vulnerability of women and girls to human trafficking were organized in primary schools in Bar, Berane, Podgorica, Nikšić, Herceg Novi and Tivat. According to the feedback, 45 workshops, performances, debates, artistic and literary activities, as well as other activities related to the April 8, as well as human rights in general, were realized.

In cooperation with the NGO "Association for the Support of Roma and Egyptians" from Berane, in the fourth quarter of 2023, a workshop was organized in Berane for the Roma and Egyptian population on the topic: Fight against human trafficking, arranged marriages and begging. 45 members of the Roma and Egyptian population participated in the workshop.

c. socio-economic initiatives targeting underlying and structural causes;

d. education, vocational training and job placement programmes

Ministry of Education, Science and Innovation

In Montenegro, the arrival of people from war-torn Ukraine who were forced to leave their country of origin due to armed conflicts is evident. A large number of children are among them. The Ministry of Education, Science and Innovation undertook timely activities in order to respond to the developmental and educational needs of children and students from Ukraine and enable their inclusion in the educational process. According to data from the Education Information System (MEIS), the

education system of Montenegro includes 526 children from Ukraine, 208 of whom have the status of displaced persons and 318 children/students who are not displaced persons. In August 2022, the Ministry of Education, Science and Innovation sent a letter to all institutions regarding the recommendation to provide additional support to children and parents from Ukraine with the aim of their full inclusion in the educational system of Montenegro. Also, it was recommended that institutions form teams to support the integration of children from Ukraine that cooperate with parents/guardians and students. In order to eliminate doubts, contact persons in the Ministry have been designated. Consent was given to increase the number of formed classes in schools where a larger number of foreign students were enrolled. Support for learning the Montenegrin language as a non-native language was implemented according to the publicly valid subject program with two additional lessons per week financed from the Budget of the Ministry of Education, Science and Innovation.

In cooperation with UNICEF, during the previous school year, the Ministry implemented the Support Program for the inclusion of children from Ukraine in the educational system of Montenegro, within which several activities were implemented. Information materials for parents/guardians on the availability of educational institutions according to the age of children/students, detailed enrollment procedures were prepared and designed. The informative material was translated into Ukrainian and published on the platforms of the Ministry of Education, Culture and Innovation and the Embassy of Ukraine in Montenegro. It was also printed in 2,500 copies that were distributed to educational institutions, the Ukrainian Center in Podgorica and the Ukrainian Embassy.

The Ministry of Education, Science and Innovation, in cooperation with the Ministry of Human and Minority Rights, the Institute of Education, the National Roma Council and non-governmental organizations that deal with the issues of members of the Roma and Egyptian communities, during the month of March, promotes the enrollment of children in preschool institutions, the first grade of primary school and secondary schools in Podgorica, Nikšić, Berane and Tivat. These four municipalities were visited by a team made up of representatives of the aforementioned institutions and non-governmental organizations who spoke with parents and children old enough to enroll in pre-school education and in the first grade of primary school, with the aim of showing them the obligation and importance of primary education. They also spoke with ninth grade elementary school students to encourage them to enroll in secondary schools. The idea of the campaign is to raise parents' awareness of the importance of their support for their children on the path to education. The common message of all who addressed was that school is the best path to success for every individual, family and community.

Flyers in Montenegrin, Roma and Albanian languages were distributed in order to inform parents about the possibilities of enrolling RE children in preschool, primary and secondary education. It was emphasized that, if parents do not have the opportunity to enroll their children electronically, they can contact the educational institution, which will provide assistance with enrollment, and there are also social inclusion associates (mediators). Free transportation was provided for about 600 (six hundred) students of primary schools of the RE community in Podgorica, Nikšić, Berane and Cetinje.

The engagement of collaborators (mediators) in the social inclusion of RE in education continued, in accordance with the norms. This practice has proven to be extremely useful for the inclusion of RE population children in the education system, as well as for reducing drop-outs. The Protocol on handling and prevention of early school leaving is applied, which facilitates work with children at risk of leaving school.

24 associates (mediators) were hired in primary schools: in Podgorica, Nikšić, Bar, Berane, Ulcinj, Herceg Novi and Tivat. From June 10 to July 3, 2022, training was organized for an associate in the social inclusion of Roma and Egyptians in education, in which members of the Roma and Egyptian

community were especially encouraged to apply for this call. Out of a total of 23 registered candidates, 19 candidates from the RE community attended the training, who obtained the title of "Associate in Social Inclusion of Roma and Egyptians in Education".

High school students of the RE community are awarded scholarships for education - The amount of scholarships for high school students is 60 euros (sixty) per month, while for university students, it is 225 euros (two hundred and twenty five).

Within their accommodation capacities, student dormitories designate up to 5% of their capacity for housing students with disabilities, students from the RE population and beneficiaries of material security.

Ministry of Labor and Social Welfare

The Law on mediation in employment and rights during unemployment ("Official Gazette of Montenegro", number 24/19) prescribes that a person aged 15 to 67, who is a Montenegrin citizen, is registered with the Montenegrin Employment Agency, who is capable or partially capable of work, who has not established an employment relationship, actively seeks employment and is available for work.

As an unemployed person is also considered a foreigner who, in addition to the above conditions, and in accordance with a special law, has:

- permanent residence permit;
- temporary residence permit for a stateless person;
- a temporary residence permit for up to three years, in accordance with Article 220 of the Law on Foreigners ("Official Gazette of Montenegro", no. 12/18 and 3/19);
- temporary residence permit for family reunification with a Montenegrin citizen or with a foreigner who has a permanent residence permit;
- temporary residence permit for humanitarian reasons;
- recognized refugee status or granted additional protection;
- granted asylum, subsidiary protection or seeking international protection, within a period of nine months from the date of submission of the application for international protection.

The aforementioned law does not recognize victims of human trafficking, as well as persons who are at risk of human trafficking, as a special target group. However, this law defines particularly sensitive groups of unemployed persons, which could include persons who are victims of human trafficking, as well as persons who are at risk of human trafficking. Namely, under the term particularly sensitive group of unemployed persons are considered persons who are at risk of social exclusion due to various circumstances (socio-demographic characteristics, insufficient or inadequate education, health reasons, etc.), which is why they are in a less favorable position on the labor market.

Unemployed persons who are registered with the Employment Agency can use services for the labor market (preparation for employment and employment mediation), be included in active employment

policy programs, as well as exercise rights during unemployment, in accordance with the aforementioned law.

The Labor Law ("Official Gazette of Montenegro", no. 74/19, 8/21, 59/21, 068/21 and 145/21) does not recognize victims of human trafficking as a special category in the context of the protection of labor rights. The aforementioned law prohibits discrimination, direct and indirect, both of persons seeking employment and of employees with regard to race, skin color, national affiliation, social or ethnic origin, connection with a minority nation or minority national community, language, religion or belief, political or other opinion, gender, gender reassignment, gender identity, sexual orientation, health condition, disability, age, property status, marital or family status, pregnancy, group membership or assumption of group membership, political party, trade union or other organization, or some other personal characteristic.

Employment Agency

The Law on mediation in employment and rights during unemployment (Official Gazette of Montenegro, No. 024/19) defines that, among other persons, an unemployed person is considered to be a foreigner who, in accordance with a special law, has a permit for temporary residence for humanitarian reasons. Currently (as of April 23, 2024), there are two persons who meet the above status on the records of the Employment Agency. The mentioned persons are enabled to access the labor market in Montenegro and they are enabled to exercise their rights on the basis of unemployment, just like other unemployed persons. In accordance with the Law on employment mediation and rights during unemployment, the aforementioned persons were provided with professional treatment related to information on employment opportunities and conditions, employment mediation, professional orientation, inclusion in measures of active employment policy, all with the aim of their employability. These persons, according to need and requirements, can also receive psychological support from a professional guidance counselor - a psychologist. One person is a beneficiary of material security at the Center for Social Work.

Human Resources Management Authority

According to the Action Plan for the Implementation of the Strategy for Combating Human Trafficking for the period 2019 - 2024, the Human Resources Management Authority was recognized as the implementing body of certain activities, and in the reporting period from 2021 until today, twenty (20) training sessions on the topic "Fight against human trafficking" were implemented which were intended for representatives of the Ministry of Foreign Affairs, Revenue and Customs Administration, Ministry of Interior, Ministry of Health, local communities as well as employees of Centers for Social Work. During this period, 189 participants attended the trainings. In the second part of 2024, the implementation of (six) 6 more trainings on the topic "Combating Human Trafficking" is planned.

5. What specific measures are taken to reduce the vulnerability to THB of persons with disabilities? Please provide information in the following areas:

- a. deinstitutionalisation, including community and family-based services for children and support for independent living;

Ministry of Labor and Social Welfare

By creating and adopting the Strategy of Deinstitutionalization in Montenegro for the period from 2024 to 2028, the Government of Montenegro strives to improve the rights of the most vulnerable

children, youth, adults and the elderly in Montenegro who live in large residential institutions. Also, by applying the measures of the Deinstitutionalization Strategy, Montenegro will improve the provision of support to biological families in order to prevent the separation of children from their biological families and the placement of children and young people in large residential institutions, speed up the process of deinstitutionalization and ensure that children, young people, adults and the elderly live in the least restrictive environment with the support of services provided within the family and community. The activities that will be implemented relate to strengthening support to the biological family in order to reduce the displacement of children, as well as to the development of care services in the family and in the community in order to increase the number of children in foster care and the number of children and young users of services in the community. Also, we will work on the continuation of the process of transformation of residential institutions, as well as on the process of permanently established social protection support for adults and the elderly, which mainly relies on the provision of services in the community instead of residential accommodation, by increasing the availability of services in the community for adults and the elderly that are an alternative to accommodation in institutions for adults and the elderly.

b. monitoring institutions and foster families accommodating persons with disabilities;

Ministry of Labor and Social Welfare

Ministry of Labor and Social Welfare, pursuant to Art. 163 of the Law on Social and Child Protection, carries out expert supervision of institutions and licensed service providers. Also, the Directorate for Inspection Affairs-Department for Inspection of Social and Child Protection carries out inspection supervision over the implementation of the Law on Social and Child Protection.

Centers for social work evaluate the suitability of interested potential foster parents, train and license foster parents, but also monitor and control foster families after placement of a child. Interested potential foster parents go through an assessment procedure that has several stages and can last up to six months, as it also includes the implementation of a training program for fostering. In this procedure, it happens that persons who submit a request during the assessment and selection process do not receive a license and are not assessed as eligible to provide this service.

In cases of working with children who are without adequate parental care, Centers for Social Work undertake a series of activities related to the care of children, assessment of needs and forms of protection, i.e. placement in a shelter/reception center, institution or foster family. In each specific case, the needs of the child and the family are assessed through a systematic process of collecting various information about the child, in order to assess his strengths and needs, and to define the necessary interventions, services and measures. As a result of the assessment, the professional worker and the beneficiary determine the needs and existing risks, which include the level of functioning, strengths and weaknesses, and specific problems that need to be addressed. Also, the Family Law of Montenegro regulates the procedure for protecting the rights and well-being of the child, the law also defines the measures that are taken in cases where rights and interests are threatened. In parallel with taking care of the child, if it is assessed as possible, centers for social work work with the family and undertake measures aimed at strengthening parenting skills. The Center for Social Work can introduce a measure of permanent supervision over the exercise of parental rights, but also initiate procedures for revocation/restriction of parental rights, which are conducted before the court. The Family Law defines the method of providing guardianship protection. The procedure for appointing a guardian for minor wards, as well as the procedure for controlling the work of guardians is defined by the Family Law, and is carried out before the Centers for Social Work. The Center for Social Work can provide guardianship directly.

Supervision of institutions and foster families is crucial for ensuring quality protection of their rights. This includes regular inspections, monitoring the quality of services, checking compliance with regulations and standards, and ensuring that the needs and well-being of people with disabilities are a priority. Accessibility of information and cooperation with relevant organizations and institutions are key elements in ensuring effective supervision of these facilities.

Protector of human rights and freedoms of Montenegro

The Institution of the Protector of Human Rights and Freedoms, the Department for Children, Youth and Social Protection continuously visits social and child protection institutions, and therefore also institutions where services and treatment are provided to persons/children with disabilities (resource centers, day care centers, Children's Home for children without parental care "Mladost").

The protector monitors the quality of alternative care for children - foster care by periodically requesting documentation on the placement of children in foster care from the Centers for Social Work, along with all documentation that confirms assessments, monitoring of families, as well as all changes that occur in that process. The protector has regular and continuous communication with all social protection institutions in Montenegro in order to monitor the quality of their work and in relation to individual situations/cases in relation to which he initiates examination procedures to determine the violation of the guaranteed rights of the child/beneficiary in specific cases. Apart from visits to the institutions themselves and work with children (education, empowerment in a manner adapted to them) Through his activities, the Protector educates both children and guardians on ways to contact the competent services and authorities in order to protect guaranteed rights.

- c. procedure for the selection and appointment of legal guardians and monitoring of their work;

Ministry of Labor and Social Welfare

The Family Law defines the method of providing guardianship protection. The procedure for appointing a guardian for minor wards, as well as the procedure for controlling the work of guardians is defined by the Family Law, and is carried out before the Centers for Social Work. The Center for Social Work can provide guardianship directly.

- d. access to adequate accommodation, education and work;

Ministry of Education, Science and Innovation

Inclusive education is a priority when it comes to children with special educational needs (disabilities and difficulties in development) and is regulated by the Law on Education of Children with Special Educational Needs. As the first choice and imperative, children with special educational needs, disabilities and difficulties in development attend regular schools (inclusive education).

Development is defined through strategic documents. In all three strategies so far, as the first and starting step, early detection and intervention, which is the responsibility of the health care system, is set (the goals are always formulated in the direction of early detection, intervention, learning, development and psychosocial support for children and their parents through the necessary intersectoral support and cooperation within and between sectors). Also, in the Ministry of Education, Science and Innovation, we constantly point out the importance of providing support to both children and parents at the local community level. In the education system, special schools have been transformed and reformed into resource centers. There are three resource centers in Montenegro: PI Resource Center for Hearing and Speech "Dr. Peruta Ivanović" Kotor, PI Resource Center for

Intellectual Disabilities and Autism,,June 1st", Podgorica; PI Resource Center "Podgorica" for physical and visual disabilities.

They expanded the range of services in relation to support for inclusive education through: advisory and professional work, training of teachers and professional associates for work in relation to children with special educational needs, use of sign language. Also, resource centers prepare, adapt, produce, train for the use of special textbooks (Braille, Daisy format) and other specialized didactic and teaching aids. Early intervention is provided for children who have a guidance decision (through the cooperation of the preschool institution and the resource center). An agreement was reached with all centers for social work to enable families to be accommodated and stay in resource centers for reasons of early intervention and individual treatment. The direction of cooperation with resource centers is to develop a partnership platform - a cooperation agreement that would resolve mutual rights and obligations (through supplementary work contracts), and in the direction that a child with disabilities gets the best chances for early development and further inclusion in the community. At this moment, it is possible to organize individual treatment of children in the afternoon by defectologists (of all orientations), as well as psychological support (in both RCs in Podgorica).

A strong resource exists in day care centers (18 municipalities). With the support of the UNICEF Office in Montenegro, in 2020/21, a model of cooperation between daycare centers and kindergartens and schools was piloted in the municipalities of Pljevlja, Kotor, and the City Municipality of Golubovci. On the same principle as with RC, support can be organized in daycare centers.

Employment Agency

From the competence of the Employment Agency , these persons are provided with the services prescribed by the Law on mediation in employment and rights during unemployment. It primarily refers to employment mediation services - assistance in finding employment, as well as inclusion in active employment policy measures.

Ministry of Labor and Social Welfare

The state shelter for children victims of human trafficking is licensed for 10 users and has access for persons with disabilities. In addition to accommodation, children are provided with complete support in order to overcome the trauma and to protect the rights and best interests of the child.

- e. access to information and reporting/complaints mechanisms which are accessible to persons with disabilities.

Ministry of Labor and Social Welfare

The Law on Professional Rehabilitation and Employment of Persons with Disabilities ("Official Gazette of Montenegro", No. 49/08, 73/10, 39/11 and 55/16) regulates the manner and procedure of exercising the right to professional rehabilitation of persons with disabilities, measures and incentives for their employment, method of financing and other issues of importance for professional rehabilitation and employment of persons with disabilities. This law creates the conditions for increasing the employment of persons with disabilities and their equal participation in the labor market, while removing barriers and creating equal opportunities.

The aforementioned law does not recognize persons with disabilities who are victims of human trafficking, as well as persons with disabilities who are at risk of human trafficking, as a special target group.

Vocational rehabilitation includes measures and activities that are implemented with the aim of making a person with a disability fit for work in an appropriate manner, retain employment, advance in it or change their professional career.

A person with a disability is employed under general or special conditions, in accordance with the law.

Employment of persons with disabilities under general conditions is considered employment by the employer without adjustment of work, i.e. workplace.

Employment of persons with disabilities under special conditions is considered employment with an employer with adjustment of jobs, i.e. workplace and employment in special employment organizations.

Adjustment of jobs means adjustment of the work process and work tasks, and adjustment of the workplace means technical-technological equipping of the workplace, means of work, space and equipment, in accordance with the possibilities and the needs of persons with disabilities.

A person with a disability is employed in a special employment organization, if he/she cannot be employed by an employer under general conditions, i.e. with adjustment of work or workplace.

The Labor Law ("Official Gazette of Montenegro", no. 74/19, 8/21, 59/21, 068/21 and 145/21) does not recognize victims of human trafficking as a special category in the context of the protection of labor rights . The aforementioned law prohibits discrimination, direct and indirect, both of persons seeking employment and of employees with regard to race, skin color, national affiliation, social or ethnic origin, connection with a minority nation or minority national community, language, religion or belief , political or other opinion, gender, gender reassignment, gender identity, sexual orientation, health condition, disability, age, property status, marital or family status, pregnancy, group membership or assumption of group membership, political party, trade union or other organization , or some other personal characteristic. In relation to employed persons with disabilities, the Law prescribes the protection of their rights, which implies the employer's obligation to assign an employed person with a disability to jobs that correspond to their remaining work ability in the qualification of the level of education, i.e. professional qualification, in accordance with the evaluation of the competent authority for determining disability.

Under the competence of the Employment Agency, these persons are provided with the services prescribed by the Law on mediation in employment and rights during unemployment. It primarily refers to employment mediation services - assistance in finding employment, as well as inclusion in active employment policy measures.

Protector of human rights and freedoms of Montenegro

In addition to visiting the institutions themselves and working with children (education, empowerment in a way adapted to them), the Protector through its activities also educates children and guardians about the ways of contacting the competent services and authorities in order to protect the guaranteed rights.

6. How do you ensure in practice that an assessment of the vulnerability and special needs of asylum seekers is carried out at an early stage? What procedures are followed when vulnerability to THB is detected? Please provide information on policies and measures in the following areas:

- a. provision of comprehensive and accessible information, in a range of relevant languages, on the rights of asylum seekers, indicators of THB, rights of victims of THB, and contacts of relevant organisations;;

Ministry of Justice

The rights of victims provided for by the current Criminal Procedure Code (CPC):

The Criminal Procedure Code does not distinguish between the term "injured party" and the term "victim", it deals with the term injured party, which means "a person whose personal or property right has been violated or threatened by a criminal act".

It is the new Proposed Law on the CPC that introduces the term victim. The rights of the victim refer to the same rights enjoyed by the victim in criminal proceedings. For the sake of clarification, in Montenegrin legislation, the injured party can appear in criminal proceedings in three basic capacities, namely: as the injured party, the injured party as a plaintiff, under the conditions prescribed by the CPC and as a private prosecutor.

Injured parties - the CPC, like to other participants in criminal proceedings, guarantees the injured party the right to use their own language or a language that the party understands. Which includes the right to free of charge translation of statements, documents and other written evidence. The injured party has the right to timely and effective information about their own rights, the court, the state prosecutor and state authorities participating in the procedure will instruct them about their rights and about the consequences of failing to act. Also, the injured party can exercise the right to legal aid, in accordance with the Law on Free Legal Aid. In the investigation phase, the injured party has the right to point out all the facts and to propose evidence that is important for the criminal case and their property claim, together with the attorney at this stage of the procedure they can make proposals to the state prosecutor for taking evidentiary actions, the injured party and their attorney have the right to inspect the case files. Also, an equally important role of the injured party is participation in the main trial, where they are authorized to present evidence, ask the defendant witnesses and experts questions, make remarks and explanations regarding their statements and make other statements and proposals. The court delivers a certified copy of the judgment to the injured party, who has the right to appeal.

The rights of victims provided for in the new Proposal for the Law on Amendments to the Criminal Procedure Code

The need to adopt the Law on Amendments to the Criminal Procedure Code is based on several reasons. First of all, in the part of strengthening the rights of victims in criminal proceedings, possibilities for exercising the right to effective participation in criminal proceedings, the right to use one's own language, the right of the victim to understand and to be understood from the first contact with the appropriate national authorities. General provisions are prescribed to guarantee the rights of the victim. In addition to systematizing the rights of victims in criminal proceedings, a clear obligation of state authorities (court, prosecutor's office, police) has been introduced to inform the victim in a way that is comprehensible of the rights he/she has and the rights he/she has as injured party. Also, there is an obligation of these authorities to treat the victim with consideration and they are obliged to make sure that the victim has understood the given notice of rights. These state authorities will instruct the victim in a way that he/she can understand about the meaning of participating in the proceedings as the injured party. The minutes will include the notification given

and the victim's statement as to whether he/she wants to participate in the proceedings as an injured party.

The formation of the National Victim Support Service is planned. When it comes to support, the lack of a national support service for victims means that they often cannot get comprehensive help, tailored to their needs, at the earliest stages of the process. The existence of specialized services is essential for efficient and effective protection of victims' rights. In systems where such services and organizations do not exist, victims are not ready to report a criminal offense and actively participate in criminal proceedings, which makes their procedural rights "theoretical and illusory". Article 8 of the Victims' Rights Directive stipulates that every victim has the right to appropriate free support services, which in practice makes this right one of the most important. Therefore, first of all, the obligation of individual assessment of the victim was introduced, while the harmonization with Directive 2012/29/EU in the part of establishing the victim support service (as a prerequisite for the victim's rights which cannot now be recognized by the CPC) implies the commitment of the Ministry regarding the systematics of the legislative frame. The legal defining of the victim support service will create conditions for recognition of a higher degree of victim protection in the CPC. Informing the victim about the defendant's detention and other issues of interest to the victim is introduced.

Respecting the victim's right to have information about their case, provisions are introduced in the CPC that refer to the victim's right to request notification of actions taken by the state prosecutor upon their report, but also the victim's right to file a complaint regarding the work of the prosecutor in the event of the state prosecutor's failure to act, to the head of the state prosecutor's office.

Furthermore, protection against secondary victimization is introduced, the right of the injured party who is a victim of a criminal offense against sexual freedom to be heard and the proceedings to be conducted by a judge of the same gender, if the personnel composition of the court allows it, while special rules are foreseen for the hearing of especially sensitive witnesses, children in the first place. This amendment extends this right to victims of criminal offence of domestic violence or in the family unit, the criminal offence of human trafficking and war crimes. The institute of a professional person who provides assistance to the defense is also being introduced.

Determining and duration of detention in investigation. Bearing in mind that it is necessary that all court decisions on detention and the extension of detention must have a guaranteed appellate judicial control, a provision was introduced according to which the victim is informed about the detention and release of the defendant from detention, the entry of the indictment into legal force, the abortion of the proceedings based on the control of the indictment, i.e. about the rendered judgment when the certified copy of the judgment is not delivered to the injured party.

The term: International Residual Mechanism is defined.

In order to increase the efficiency of the criminal procedure itself, a provision is introduced which prescribes that the proposal for concluding a plea agreement can be made only once, that the state prosecutor must first request a statement from the injured party in the part of the agreement that refers to the costs of the criminal procedure and the property claim. A ban on concluding plea agreements for crimes of human trafficking and crimes against sexual freedom is also introduced. This is due to the fact that these are particularly sensitive crimes where there are particularly vulnerable victims.

„Rights of the victim of the criminal offense of human trafficking, criminal offense against sexual freedom, criminal offense of domestic violence or violence in family unit and war crimes

Article 65a

(1) A victim of a criminal offense of human trafficking, a criminal offense against sexual freedom, a criminal offense of domestic violence or violence in family unit, and war crimes,

in addition to the rights they have as a victim in criminal proceedings, in accordance with this Code, shall have the right to:

- 2) access to professional services from Article 65v of this Code;
- 3) effective psychological and other professional help and support from a service, organization or institution for helping victims of criminal offenses in accordance with a special law;
- 4) protection against intimidation and retaliation;
- 5) protection of dignity during testimony as a witness;
- 6) be heard without undue delay after the filing of the criminal report, as well as to conducting of further hearings only to the extent that it is necessary for the purposes of the criminal proceedings;
- 7) be accompanied by a trusted person when undertaking actions in which they participate;
- 8) medical actions for the purposes of criminal proceedings being undertaken to the smallest extent and only if they are absolutely necessary;
- 9) be informed by the state prosecutor about the actions taken regarding their criminal report in accordance with Article 256b of this Code and to file a complaint for non-taking of actions in the pre-investigation in accordance with Article 256v of this Code;
- 10) be informed about the termination of custody of the defendant, the escape of the suspect and the release of the convicted person from serving the prison sentence, as well as about the measures taken for their protection;
- 11) at their request, to be informed of any decision that legally terminates the criminal proceedings based on their criminal report.
- (12) A victim, in the sense of this article, shall also be considered a married or common-law spouse, i.e. a partner in the community of a person of the same sex, children, parents, adopted children, adoptive parents, brothers and sisters of the victim from paragraph 1 of this article, when as a more serious consequence of the criminal offense referred to in paragraph 1 of this article, the death of the victim referred to in paragraph 1 of this article occurred.
- (13) If they suffer more severe consequences due to the criminal offense referred to in paragraph 1 of this article for which a prison sentence of five or more years is prescribed, the victim referred to in paragraph 1 and 2 of this article shall have the right to professional assistance when submitting a property claim.
- (14) The court, the state prosecutor's office and the police are obliged, when undertaking the first action in which the victim from para. 1 and 2 of this article participates, to inform them in a manner understandable to them about the rights from para. 1, 2 and 3 of this article and the rights they have as an injured party.
- (15) The authorities referred to in paragraph 4 of this article are obliged to the victim referred to in paragraph 1 and 2 of this article to act with consideration and to make sure that the notification from paragraph 4 of this article has been understood by the victim.
- (16) The authorities referred to in paragraph 4 of this article shall instruct the victim referred to in paragraph 1 and 2 of this article in a manner understandable to them about the meaning of participating in the procedure as the injured party.
- (17) In the minutes of the filed criminal report from Article 256 of this Code, shall be entered

the information that the notification from paragraph 4 of this article was provided and the statement of the victim under para. 1 and 2 of this article, whether they want to participate in the proceedings as an injured party.

Individual victim assessment

Article 65b

- (1) During the hearing of the victim referred to in Article 65a of this Code, the authority conducting the hearing shall, in cooperation with the expert services referred to in Article 65v of this Code, conduct an individual assessment of the victim.
- (2) The individual assessment of the victim from Article 65a of this Code shall imply the determination of the personal characteristics of that victim, the type and nature of the criminal offense, the circumstances of the commission of the criminal offense, the consequences of the criminal offense, the need for the application of protective measures in accordance with the law regulating protection against domestic violence , the need to apply the measures and actions prescribed by this code for the protection of the victim, even though there are protective measures, i.e., other measures and actions should be applied.
- (3) When conducting the individual assessment of the victim from Article 65a of this Code, the personal needs of that victim shall be taken into account, including opposition to the application of protective measures and other measures and actions from paragraph 2 of this Article.
- (4) The detailed method and other matters of importance for the implementation of the individual assessment of the victim referred to in Article 65a of this Code shall be prescribed by the state administration body responsible for judicial affairs (hereinafter: the Ministry).

Professional victim support service

Article 65v

- (1) In order to provide assistance to the courts, state prosecutor's offices and the police in dealing with victims from Article 65a of this code, a professional victim support service shall be established in the high courts and high state prosecutor's offices.
- (2) Expert services in high courts and high state prosecutor's offices shall provide assistance to courts, state prosecutor's offices and the police in the area of local jurisdiction of those courts, state prosecutor's offices and the police.
- (3) Work in the professional service shall be performed by social workers, psychologists, defectologists, special pedagogues and other experts from the respective fields, who can provide expert opinions, notifications and other assistance in dealing with victims from Article 65a of this Code, in accordance with this Code .
- (4) In the performance of its duties, the expert service shall cooperate with competent institutions dealing with social and child protection, which shall be obliged to submit reports and opinions at its request."

Informing the victim about the defendant's detention and other matters of interest to the victim

Article 248a

The court shall, without delay, inform the victim from Article 65a of this Code about placing the defendant in custody, releasing the defendant from custody, entry of the indictment into legal force, abortion of proceedings based on the control of the indictment."

Article 38

After Article 256a, two new articles shall be added that read:

Informing the victim about the actions taken

Article 256b

- (1) The victim referred to in Article 65a of this Code shall have the right, after the expiration of three months from the filing of the criminal report, to request from the state prosecutor a notification about the actions taken in connection with the criminal report.
- (2) The state prosecutor shall inform the victim referred to in Article 65a of this Code about the actions taken within a reasonable period of time, and no later than thirty days from the day the victim requested the notification.
- (3) If giving the notification from paragraph 1 of this article might jeopardize the purpose of the procedure, the state prosecutor may refuse to give the notification, of which they are obliged to inform the victim who requested that notification.
- (4) If the state prosecutor fails to notify the victim from Article 65a of this Code in accordance with para. 1, 2 and 3 of this article, the victim shall have the right to submit a complaint to the head of the state prosecutor's office.
- (5) After receiving the complaint referred to in paragraph 4 of this article, the head of the state prosecutor's office shall ask the state prosecutor to whom the complaint refers to state the allegations in the complaint
- (6) After receiving the statement referred to in paragraph 5 of this article, the head of the state prosecutor's office shall set a deadline for the state prosecutor in which they are obliged to provide the victim from Article 65a of this Code with a notification of the actions taken regarding the criminal complaint.

Complaint for failure to take action

Article 256v

- (1) Upon expiry of the deadlines from Article 256a of this Code, the applicant, the injured party and the victim from Article 65a of this Code may submit a complaint to the head of the state prosecutor's office due to the failure of the state prosecutor to take action, which leads to the delay of the proceedings.
- (2) After receiving the complaint referred to in paragraph 1 of this article, the head of the state prosecutor's office shall ask the state prosecutor to whom the complaint refers to give a statement regarding the allegations in the complaint.
- (3) After receiving the statement referred to in paragraph 2 of this article, the head of the state prosecutor's office, if they judge that the complaint is well-founded, shall set a deadline for the state prosecutor within which they are obliged to make a decision on the criminal report.

- (4) The head of the state prosecutor's office shall be obliged to report on the actions taken from para. 2 and 3 of this notice to the complainant, within fifteen days from the date of receipt of the complaint.
- (5) If, in the case referred to in paragraph 3 of this article, the state prosecutor fails to make a decision within the time limit set by the head of the state prosecutor's office, the complainant may resubmit the complaint to the head of the state prosecutor's office."

Also, it is very important to emphasize that the Ministry of Justice has started activities on the development of the first national Strategy on the protection of victims' rights in Montenegro as an umbrella document that will ensure a harmonized and comprehensive approach to the protection of victims' rights. The joint project of the European Union and the Council of Europe "Strengthening responsibility in the judicial system and improving the rights of victims in Montenegro" will provide expert and technical support during the entire process of drafting this strategic document and the Action Plan for its implementation.

MoI - Department for the fight against trafficking in human beings

Multilingual materials on the rights and available services and assistance services for victims of human trafficking, which is available to foreigners seeking international protection in Montenegro, have been prepared in the Directorate for Reception - Reception Centers (responsible for the reception and accommodation of foreigners for international protection) and in the Asylum Directorate (responsible for the procedure for obtaining international protection in Montenegro), as well as the Information for foreigners seeking international protection in Montenegro due to changes in the organizational and personnel structure within the Ministry of Interior, which centralized the international protection system in Montenegro (Reception-Procedure-Integration), has been updated in this sense, supplemented with information useful for the fight against human trafficking.

Representatives of the Department for fight against trafficking in human beings in on November 23, 2023 organized 2 sets of trainings at the Reception Center for foreigners seeking international protection in Spuž, for a total of 11 beneficiaries from several countries of origin, on the topic of combating human trafficking and on protection mechanisms and available support services.

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

Although victims are often not aware of their rights and possibilities for assistance and protection, which, along with several other circumstances, significantly complicates the process of their identification, a multilingual material on rights and available services and assistance services for victims of human trafficking has been created, which is available to foreigners who seek international protection in Montenegro, in the Directorate for Reception, Reception Centers (responsible for the reception and accommodation of foreigners for international protection) and in the Asylum Directorate (responsible for the procedure for obtaining international protection in Montenegro).

Created and distributed to foreign children seeking international protection, adapted material intended to raise awareness about human trafficking. The material has been translated into English, French and Arabic.

Multilingual flyers and brochures on rights and obligations during the procedure of international protection are available to persons in reception, which are given to them at reception and during their stay. They are also provided with information related to residence and legal advice in relation to the international protection (asylum) procedure. Multilingual flyers with information on the prevention of human trafficking, as well as information on the relevant authorities and institutions that need to be contacted, are also available. If it is necessary to provide additional information, mediation and help in contacting relevant organizations, this is provided by the Reception Center officers who, during the reception procedure and during the person's stay at the reception, pay attention to indicators that

may point to the suspicion of human trafficking, and take measures in relation to the this.

Multilingual flyers on the provision of legal assistance in the procedure for the application for international protection are available. Legal assistance to foreigners seeking international protection is provided by the NGO Civic Alliance, whose legal representatives provide legal assistance and advice during the procedure upon submitted application.

In order to prevent human trafficking and identify potential victims, the Directorate for the Reception of Foreigners has achieved good cooperation with the Department for Fight against Trafficking in Human Beings. Trainings for employees on the subject of human trafficking are conducted continuously. Cooperation with all relevant actors is supported - state bodies, international organizations, non-governmental organizations, which can help and provide support in preventing human trafficking and detecting potential victims. If it is determined, or there is a suspicion, that someone is a victim of human trafficking, in accordance with Article 20 of the Law on International and Temporary Protection of Foreigners, they are provided with special psycho-social and health treatment. Access to accommodation, work and education is achieved in accordance with the current Law.

b. access to legal assistance and representation;

Ministry of Justice

The victim of the criminal offense of human trafficking has the right to free legal aid in accordance with the Law on Free Legal Aid, which has been in force since January 1, 2012. Free legal aid means providing the necessary funds to fully or partially cover the costs of legal counsel, drafting documents, representation in proceedings before the court, the State Prosecutor's Office and the Constitutional Court of Montenegro and in proceedings for out-of-court settlement of disputes and proceedings before the public bailiff, as well as exemption from payment of costs of court proceedings. This law does not exclude the possibility of exercising the right to exemption from paying the costs of the procedure and appointing a defense attorney, i.e. a proxy due to poor financial status, which is exercised in accordance with the procedural laws. The authority responsible for granting free legal aid is the president of the basic court or a judge authorized by him, in whose territory the applicant resides. Free legal assistance is provided by lawyers in the order from the list of the Bar Association of Montenegro, which, with the prior consent of the lawyer, is compiled according to the local jurisdiction of the basic courts.

Supreme Court

Legal aid and representation - Based on data from court practice for the period from 2021 to May 2024, it can be seen that no victim of human trafficking was granted free legal aid. Also, when it comes to the earlier period, according to the Analysis of Court Practice for Cases of Human Trafficking conducted by the Supreme Court of Montenegro, it follows that no victim of human trafficking has used this right since the entry into force of the Law on Free Legal Aid, which is a worrying practice.

Only in one of the cases from judicial practice, which refers to the exploitation of children for the purpose of begging and forced labor by their father, the victims were appointed a lawyer from the list of lawyers specialized in cases with children and in the representation of children. Namely, in this case, in order to protect the rights of the victims, the competent state prosecutor's office issued a decision on the appointment of an attorney for the minor injured parties in accordance with Article 95 of the Law on treatment regarding minors in criminal proceedings.

In order to inform the general public and victims of human trafficking about the availability and way of exercising the right to free legal aid, a campaign will be conducted in 2024 in cooperation with the joint program of the European Union and the Council of Europe Horizontal Facility for the Western Balkans and Turkey.

Right to information

Good practice in informing victims of human trafficking is represented by the activities of the Supreme Court aimed at informing victims of their rights in writing. In March 2017, the Supreme Court of Montenegro, in cooperation with the partner organization NGO Center for Women's Rights, issued an updated edition of the Information for witnesses/injured parties victims of domestic violence and human trafficking. The Information provides answers to questions regarding participation in court proceedings in the role of witness/victim, about their rights and obligations.

In addition to the Information, it is planned to produce informative brochures on the right to free legal aid, as well as on the possibilities of exercising the right to compensation for damages in criminal proceedings.

MoI- Directorate for Administrative Affairs, Citizenship and Foreigners

Multilingual flyers on the provision of legal assistance in the procedure for the application for international protection are available. Legal assistance to foreigners seeking international protection is provided by the NGO Civic Alliance, whose legal representatives provide legal assistance and advice during the procedure upon the submitted application.

c. access to decent work and housing, health care, social services and education;

Ministry of Health - Within health institutions of all levels of health care - primary, secondary and tertiary level, victims and potential victims of human trafficking are provided with unhindered health services, i.e. health care specifically in the institution for which the need to provide services arises. Victims and potential victims of human trafficking come to health institutions in order to receive adequate protection in the presence of officers of the Police Directorate or officers of the Center for Social Work. In order to deal with victims and potential victims, trainings for healthcare workers are organized annually in cooperation between the Ministry of Health and the Ministry of Interior. When the need arises, the Ministry of Health coordinates the provision of health services between health institutions.

Ministry of Education, Science and Innovation - In Montenegro, the arrival of people from war-torn Ukraine who were forced to leave their country of origin due to armed conflicts is evident. A large number of children are among them. The Ministry of Education, Science and Innovation undertook timely activities in order to respond to the developmental and educational needs of children and students from Ukraine and enable their inclusion in the educational process. According to data from the Education Information System (MEIS), the education system of Montenegro includes 526 children from Ukraine, 208 of whom have the status of displaced persons and 318 children/students who are not displaced persons. In August 2022, the Ministry of Education, Science and Innovation sent a letter to all institutions regarding the recommendation to provide additional support to children and parents from Ukraine with the aim of their full inclusion in the educational system of Montenegro. Also, it was recommended that institutions form teams to support the integration of children from Ukraine that cooperate with parents/guardians and students. In order to provide clarification, contact persons in the Ministry have been designated. Consent was given to increase the number of formed classes in schools where a larger number of foreign students were enrolled. Support for learning the Montenegrin language as a non-native language was implemented according to the publicly valid subject program with two additional lessons per week financed from the Budget of the Ministry of Education, Science and Innovation. In cooperation with UNICEF, during the previous school year, the Ministry implemented the Support Program for the inclusion of children from Ukraine in the educational system of Montenegro, within which several activities were implemented. Information materials for parents/guardians on the availability of educational institutions according to the age of children/students, detailed enrollment procedures were prepared and designed. The informative

material was translated into Ukrainian and published on the platforms of the Ministry of Education, Culture and Innovation and the Embassy of Ukraine in Montenegro. It was also printed in 2,500 copies that were distributed to educational institutions, the Ukrainian Center in Podgorica and the Ukrainian Embassy.

Ministry of Labor and Social Welfare

The Law on mediation in employment and rights during unemployment ("Official Gazette of Montenegro", number 24/19) stipulates that, under the conditions prescribed by this law, foreigners who in accordance with a special law have been granted asylum, subsidiary protection or who are seeking international protection after the expiration of nine months from the date of submission of the application for international protection, may be registered in the records of unemployed persons at the Employment Agency of Montenegro. The mentioned category of foreigners, while they are on the records of the Employment Office, have the same rights and obligations as unemployed Montenegrin citizens who are on those records. They can use services for the labor market (preparation for employment and employment mediation), be included in active employment policy programs, as well as exercise rights during unemployment, in accordance with the aforementioned law.

The Labor Law ("Official Gazette of Montenegro", no. 74/19, 8/21, 59/21, 068/21 and 145/21) stipulates that it also applies to employed foreigners who work for an employer on the territory of Montenegro, unless otherwise determined by a special law. A foreigner can conclude an employment contract if they fulfill the requirements set by this law, a special law and international agreements.

Foreigners who have been granted asylum, subsidiary protection or who are seeking international protection in accordance with a special law have the right to access the Montenegrin labor market, without the need to obtain a special permit for residence and work, after a period of nine months from the date of submission of the application for international protection. The above means that if these persons meet the general and special conditions, in accordance with the Labor Law, the employer can conclude an employment contract with them.

The Ministry of Labor and Social Welfare has opened a shelter for children victims of human trafficking, which is licensed for 10 beneficiaries and has access for persons with disabilities. In addition to accommodation, children are provided with complete support in order to overcome the trauma and to protect the rights and best interests of the child.

Also, a shelter for adults - women victims of sexual exploitation, as a form of human trafficking, has been licensed. This shelter is run by an NGO and has three accommodation units.

7. What specific measures are taken to reduce the vulnerability to THB of migrant workers (including seasonal workers, seconded/posted workers, domestic workers, diplomatic household employees)? Please provide information on policies and measures in the following areas:

- a. provision of comprehensive and accessible information, in a range of relevant languages, on migration and labour laws, worker protection and contacts of relevant organisations;

MoI-Department for Fight against Trafficking in Human Beings

The Department for Combating Human Trafficking organized a training on the topic: "Fight against Human Trafficking - Getting to Know the Indicators for Identifying Cases of Labor Exploitation", on December 11, 2023, in accordance with the Action Plan for the Implementation of the Strategy for Combating Human Trafficking for 2023. The training was attended by a total of 12 representatives of the Employment Agency of Montenegro, the Administration for Inspection Affairs, employment agencies and agencies for the temporary assignment of employees.

The Ministry of Interior of Montenegro increased the readiness of risk monitoring mechanisms, but

also undertook numerous preventive activities aimed at preventing human trafficking, with a special focus on persons from Ukraine. In partnership with NGOs, information is provided to all Ukrainian citizens who are in Montenegro, about where they can get help and support if they feel that their rights are threatened and that they may be in a situation of exploitation. For this purpose, the existing Information for foreigners seeking international protection in Montenegro has been updated and supplemented with information useful for the fight against human trafficking, and flyers for persons from Ukraine containing information on human trafficking and the SOS telephone line are also available.

Employment Agency

On the website of the Employment Agency, all information from the scope of the Agency's work is available, all important legal acts (laws, rules, regulations, etc.) related to the regulation of work and employment are posted. From June 2024, this information will also be available in English.

b. provision of clear employment contracts;

Ministry of Labor and Social Welfare

A foreigner can be employed and work for an employer in Montenegro, provided that they have a permit for temporary residence and work, issued by the Ministry of Interior, in accordance with the Law on Foreigners ("Official Gazette of Montenegro", No. 12/18, 3/ 19 and 86/22). After issuing a permit for temporary residence and work, the employer concludes an employment contract with the foreigner and registers them for mandatory social insurance. During the duration of the employment relationship, an employed foreigner has the same rights and obligations arising from work and on the basis of work as an employed Montenegrin citizen who works for an employer in Montenegro.

Administration for Inspection Affairs

The Administration for Inspection Affairs, the Division for Labor Inspection, through inspection controls that it carries out independently or together with inspectors for foreigners of the Police Directorate, monitors whether there are indicators that point to possible cases of human trafficking, and about which it is obliged to report to the competent authorities dealing with the detection of criminal offenses. Inspectors of the Labor Inspection Division, within their competences, carry out supervision by which they ensure that all employees, whether foreigners or citizens of Montenegro, have an established employment relationship in accordance with positive regulations. They also control that all employees have the right to have their wages paid to a personal current account. Payment of salary to the employee's current account reduces the vulnerability of all workers, including migrant workers, because in this way it can be reliably known that a certain person is exercising the right to a salary that ensures their economic independence. Economic dependence is one of the prerequisites for a person to be a potential victim of human trafficking.

c. access to decent work and housing, health care, social services and education;

Ministry of Health

Within health institutions of all levels of health care - primary, secondary and tertiary level, victims and potential victims of human trafficking are provided with unhindered health services, i.e. health care specifically in the institution for which the need to provide services arises. Victims and potential victims of human trafficking come to health institutions in order to receive adequate protection in the presence of officers of the Police Directorate or officers of the Center for Social Work. In order to deal with victims and potential victims, trainings for healthcare workers are organized annually in cooperation between the Ministry of Health and the Ministry of Interior. When the need arises, the Ministry of Health coordinates the provision of health services between health institutions.

Ministry of Labor and Social Welfare

A foreigner can be employed and work for an employer in Montenegro, provided that they have a permit for temporary residence and work, issued by the Ministry of Interior, in accordance with the Law on Foreigners ("Official Gazette of Montenegro", No. 12/18, 3/ 19 and 86/22). After issuing a permit for temporary residence and work, the employer concludes an employment contract with the foreigner and registers them for mandatory social insurance. During the duration of the employment relationship, an employed foreigner has the same rights and obligations arising from work and on the basis of work as an employed Montenegrin citizen who works for an employer in Montenegro.

Ministry of Education, Science and Innovation

According to Article 75 of the Constitution of Montenegro, "The right to education under equal conditions is guaranteed while primary education is compulsory and free of charge." Foreign citizens who have temporary residence or permanent residence in Montenegro are equal in exercising the right to education with Montenegrin citizens. Montenegrin language and Montenegrin history and culture courses are organized for the inclusion of asylum seekers and foreigners under subsidiary protection in Montenegrin society (Education Program for learning the Montenegrin language for asylum seekers and foreigners under subsidiary protection, as non-native). The courses were organized by the Ministry of Education, Science and Innovation at the "Slobodan Škerović" Secondary School in Podgorica, at levels A1 and A2. The Ministry of Education receives data on potential course participants from the Ministry of Interior, from the Directorate for Administrative Affairs, Citizenship and Foreigners. After that, we contract with the school specific activities related to the level of training and groups of participants. The courses for these participants are free of charge and are financed by the Ministry of Education, Science and Innovation.

d. possibility to change employers;

Ministry of Labor and Social Welfare

During the duration of the employment relationship, an employed foreigner has the same rights and obligations arising from work and on the basis of work as an employed Montenegrin citizen who works for an employer in Montenegro.

e. access to confidential complaints mechanisms;

Protector of Human Rights and Freedoms

The Protector of Human Rights, through the promotion of their competences, includes the challenges of citizens in the field of labor relations, but they had no special activities in relation to migrant workers. During visits to the accommodation for foreigners, the Protector promotes competences and instructs them to file a complaint if they feel that any of their rights have been violated.

f. right to join trade unions and to engage in collective bargaining;

Ministry of Labor and Social Welfare

During the duration of the employment relationship, an employed foreigner has the same rights and obligations arising from work and on the basis of work as an employed Montenegrin citizen who works for an employer in Montenegro.

g. legal avenues for regularising their stay in the country.

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

The Law on Foreigners ("Official Gazette of Montenegro", no. 12/2018, 3/2019 and 86/2022) regulates the conditions for the entry, exit, movement, stay and work of foreigners in Montenegro. A foreigner can work in Montenegro on the basis of a permit for temporary residence and work or a certificate of employment registration, unless otherwise prescribed by this law. A foreigner can work in Montenegro only in jobs for which he/she has been issued a permit for temporary residence and work or a certificate of employment registration and only with the employer who employs him/her.

The rights and obligations of employees arising from the employment relationship, i.e. on the basis of work, the manner and procedure of their realization are regulated by the Labor Law ("Official Gazette of Montenegro", no. 74/2019, 8/2021, 59/2021, 68/2021 and 145/ 20219), collective agreement and labor agreement. Article 2 paragraph 3 of the Labor Law stipulates that this law also applies to employed foreigners who work for an employer on the territory of Montenegro, unless otherwise determined by a separate law.

A foreigner submits an application for a permit for temporary residence and work in person to the Ministry in the place of residence, on the prescribed form. The request for issuing a permit for temporary residence and work is decided within 15 days from the date of submission of the duly filed application. An appeal can be lodged with the Ministry against the decision on the rejection of the application for the issuance of a temporary residence and work permit, within eight days from the date of receipt of the decision. Against the second-instance decision of the Ministry of Interior, a lawsuit can be filed with the Administrative Court of Montenegro, so that the foreigner is provided with administrative and judicial protection.

The Law on Foreigners with secondary legislation acts is posted on the Portal of the Ministry of Interior, in Montenegrin and English, so that foreigners are provided with comprehensive and accessible information.

Also, the Law on Foreigners provides penal provisions for the employer - a legal entity, if they: assign a foreigner to jobs for which he/she has not been issued a permit for temporary residence and work, i.e. a certificate of employment registration, in the business premises, i.e. the foreigner's place of work does not have a copy of the permit for residence and work, i.e. a copy of the certificate of employment registration of the foreigner who works for them; they fail to notify the Ministry about the termination of the foreigner's work, before the expiration of the validity period of the residence and work permit, no later than within eight days from the date of termination of the foreigner's work; employ, i.e., use the labor of a foreigner illegally residing in Montenegro; within eight days from the date of establishment of the employment relationship or the start of the foreigner's work, i.e. the termination of the foreigner's work from Article 67 paragraph 1 of this law they fail to notify the Ministry thereof; they fail, within 24 hours from the date of issuance of the permit for temporary residence and work for the purpose of employment or seasonal employment, to conclude an employment contract with the foreigner and register him/her for mandatory social insurance; fail to inform the Ministry, at the latest within three days, that the foreigner did not start work, in order to cancel the residence and work permit; fail to submit a registration of the foreigner's work to the Ministry before starting work of the foreigner referred to in Article 85 paragraph 2 of this law.

For this violation, the employer/legal entity can be fined from 1,000 euros to 10,000 euros.

<p>8. Do labour inspectorates and other authorities checking workplace conditions possess a comprehensive mandate, and adequate human, financial and technical resources, to conduct regular, proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors prone to exploitation? How do labour inspectors co-operate with other authorities and trade unions? Is there a separation between labour inspection and immigration control functions?</p>

Administration for Inspection Affairs

26 inspectors are currently engaged in the labor inspection, which is not a sufficient number when one takes into account the broad competence of this inspection and the extent of irregularities that are determined through inspection supervision. The appointment of inspectors for five-year terms and very low wages are the reasons why there is not enough interest of quality staff to perform the job of labor inspector. Because of the above, we cannot say that there are adequate human and financial resources for the implementation of regular and proactive inspections.

The technical equipment of inspectors is at a satisfactory level. The Labor Inspectorate regularly cooperates with the Police Directorate-inspectors for foreigners, especially in the construction sector, where there is an influx of labor from other countries and where there is a possibility that there are persons who are victims of human trafficking where we carry out joint controls. We have signed a cooperation protocol with the Union of Free Trade Unions, and in this regard we are successfully exchanging all information important for improving the rights of employees. Also, the labor inspection often acts on reports from competent state authorities, as well as from the non-governmental sector.

Police Directorate - Border Police Sector

Border Police Sector officers, in accordance with the Conclusion of the Government of Montenegro from 2013, achieve intensive cooperation with the officers of the Administration for Inspection Affairs. The aforementioned cooperation is reflected in the implementation of planned enhanced controls on the movement, residence and work of foreign citizens. The aim of the controls is the legality of the residence and employment of foreigners, and special attention is given to the identification and prevention of labor exploitation of foreign citizens.

MoI-Department for Fight against Trafficking in Human Beings

Montenegro has recognized the challenges regarding the need to strengthen a proactive approach in identifying victims of labor exploitation, with a special focus on seasonal workers, that is, workers in certain sectors, such as tourism, hospitality industry and construction. In this sense, efforts have been increased to proactively identify victims and carry out checks aimed at detecting human trafficking, where the labor inspection is recognized as an authority that can make an appropriate contribution in the part of identifying potential victims of labor exploitation. Therefore, the action plans adopted annually for the implementation of the Strategy for Combating Trafficking in Human Beings for the period 2019-2024, the implementation of two activities is continuously followed: "to carry out inspection supervision in the field of labour to suppress illegal work and human trafficking for the purpose of labor exploitation", as well as "to carry out joint controls of the Police Directorate (Inspectors for foreigners) and inspection services and to intensify them during the summer tourist season".

In the previous year 2023, within its jurisdiction, the Labor Inspectorate carried out 6,867 inspections, of which 1,356 persons were found in an illegal employment relationship, of which 895 were foreigners and 461 were Montenegrin citizens. During 2023, 202 joint inspections of the Police Directorate and the Labor Inspectorate were carried out.

In 2022, the Labor Inspection Division carried out 6042 inspections. Officers of the Police Directorate implemented 211 actions, of which 182 were implemented with the Labor Inspectorate. 563 construction sites, 171 hotels, 357 private accommodation facilities, 841 business entities, 387 catering establishments and a total of 12,484 foreign citizens were controlled.

In 2021, the Administration for Inspection Affairs performed 8,105 inspections and found 945 persons working without a concluded employment contract (illegal work). At the same time, officers of the Police Directorate, Border Police Sector in cooperation with the Inspection Services carried out a total of 180 actions in which 1,895 inspections of facilities and locations were carried out (construction sites, hotels, private transfer stations, business entities, bus and railway stations, taxi stands, tourist

organizations, catering facilities and marinas). As part of the actions, a total of 7,803 foreign citizens were controlled.

9. How are employment and recruitment agencies regulated and monitored? Are all stages of the recruitment process, including advertisements, selection, transport, and placement, subject to regulation? Are recruitment fees and related costs prohibited from being borne by workers or jobseekers?

Ministry of Labor and Social Welfare

The Law on mediation in employment and rights during unemployment ("Official Gazette of Montenegro", number 24/19) stipulates that jobs related to employment are:

- 1) preparation for employment;
- 2) employment mediation;
- 3) implementation of active employment policy measures and
- 4) other activities aimed at increasing employment, i.e. reducing unemployment, in accordance with this law and other regulations.

Jobs related to employment are jobs of public interest. The aforementioned tasks are performed by the Employment Agency of Montenegro, in accordance with this law and other regulations.

Employment agencies can perform tasks related to employment, in accordance with this law and the act of the Ministry of Labor and Social Welfare.

Jobs related to employment, which can be performed by employment agencies are:

- 1) preparation for employment;
- 2) employment mediation and
- 3) other activities aimed at increasing employment, i.e. reducing unemployment, in accordance with the aforementioned law and other regulations.

Exceptionally, the agency can implement certain programs of active employment policy, based on the contract concluded with the Employment Agency of Montenegro, in order to achieve more significant effects of the program.

Employment preparation and employment mediation are services for the labor market, provided by the Employment Agency and agencies. The aforementioned services are free of charge for unemployed persons and other job seekers. Services provided by the Employment Agency are also free of charge for employers.

In order to carry out jobs related to employment, the agency should meet the requirements in terms of space, staff and equipment, in accordance with the Rulebook on conditions in terms of space, staff and equipment for carrying out work related to employment in an employment agency ("Official Gazette MNE", number 66/20).

The Ministry of Labor and Social Welfare issues a work permit to an agency that meets the prescribed conditions. The agency can start working after obtaining the work permit.

The agency keeps records of jobs related to employment. The agency is obliged to submit statistical data to the Ministry of Labor and Social Welfare on the performed jobs semiannually, within 30 days after the end of each semester.

The statistical data that the agency is obliged to submit to the Ministry are data on:

- the type of work performed in connection with employment, i.e., the services provided for the labor market;
- unemployed persons and other jobseekers for whom employment-related work was performed, i.e. labor market services were provided (gender, age, citizenship, educational qualification level, educational qualification, occupation, place of residence, i.e. legal stay);
- employers for whom employment-related work was performed, i.e. services provided for the labor market (headquarters, country, activity, form of ownership);

- registered unemployed persons and other jobseekers (gender, age, citizenship, level of educational qualification, educational qualification, occupation, place of residence, i.e. legal stay);
- employers who expressed the need for employment;
- needs for employment expressed by employers (data on employers, workplace, i.e., occupation, type of employment, i.e., of contract and its duration, working hours, number of employees, level of education qualification, education qualification);
- persons who have been employed (gender, age, citizenship, level of educational qualification, educational qualification, headquarters, country, activity and form of ownership of the employer, workplace, i.e. occupation, type of employment, i.e. of contract and its duration, working hours, place of work, country of employment);
- foreign employers who have expressed a need for employment (headquarters, country, activity);
- needs for employment with a foreign employer (data on employers, workplace, ie occupation, type of employment and its duration, working hours, number of employees, level of education qualification, education qualification);
- persons who have been employed abroad (gender, age, citizenship, level of educational qualification, educational qualification, headquarters, country and activity of the foreign employer, workplace, i.e. profession, type of employment and its duration, working hours, place of work, country of employment).

The Ministry revokes the agency's work permit, if it:

- 1) ceases to meet the prescribed conditions in terms of space, personnel and equipment;
- 2) performs tasks related to employment contrary to the Law and the act of the Ministry.

The founder of an agency whose work permit was revoked due to performing work contrary to the aforementioned law and act of the Ministry cannot re-establish an agency within two years from the date of revocation of the work permit.

All procedures and forms for the use of rights and services provided by the Employment Agency to unemployed persons and jobseekers are regulated by the Law on employment mediation and rights during unemployment, regulations and instructions and are free of charge for users. This includes also advertisements.

Employment Agency

All procedures and forms for the use of rights and services provided by the Employment Agency to unemployed persons and jobseekers are regulated by the Law on employment mediation and rights during unemployment, regulations and instructions and are free of charge for users. This includes also advertisements.

10. How do you prevent and sanction abuses of legal constructions such as self-employment, letter-box companies, sub-contracting, and posting of workers, which may be used to commit THB?

Ministry of Labor and Social Welfare

The aforementioned possible abuses that can be used to commit human trafficking can be prevented through the synchronized action of competent authorities and institutions, and above all inspection authorities.

Directorate for Inspection Affairs

This is a complex issue, which requires the involvement of relevant ministries, in order to prevent various types of abuse in the application of laws and other regulations with the best legal solutions.

Employment Agency

By exchanging information and full interoperability between competent institutions. In the digitization process, the Agency will be able to exchange data and information from its jurisdiction with all institutions

11. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration and legal employment opportunities accompanied by decent work conditions?

Ministry of Labor and Social Welfare

Employment mediation is a service for the labor market, which can be provided by the Employment Agency of Montenegro and employment agencies, in accordance with the Law on Employment Mediation and Rights During Unemployment ("Official Gazette of Montenegro", No. 24/19). Employment mediation is defined as a set of activities that include the provision of professional assistance in connecting an unemployed person, i.e., other job seekers and an employer, in order to establish an employment relationship, in accordance with a special law. Professional assistance, according to the stated needs of employers, includes methods and techniques that take into account the requirements and conditions of a particular job, the necessary knowledge, skills, experience and abilities of the person being mediated, as well as their personal requirements and conditions.

Employment mediation, as a service for the labor market, can be provided to unemployed persons and other job seekers, as well as to employers. Given that, in addition to Montenegrin citizens, certain categories of foreigners can be found on the records of unemployed persons, this service can be provided to them as well. We emphasize that these are foreigners who legally reside in Montenegro, because their residence is regulated in accordance with a special law, which is a prerequisite for registering with the Employment Agency.

The mentioned activity can be carried out for the purpose of employment in Montenegro, as well as for the purpose of employment abroad.

Mediation in employment abroad is realized based on the application of the need for employment with a foreign employer.

The application of the need for employment with a foreign employer is received, published and implemented by the Agency, i.e., an agency.

The application must contain data on: foreign employer (name, headquarters, activity, contact: email and web address, telephone), workplace, number of employees, type and duration of employment, conditions for performing the duties of the workplace (level of education and qualifications, special knowledge and skills, work experience), working conditions for a foreign employer (salary, working hours, accommodation, food, with an indication of who bears the costs of accommodation, food, transport, medical examinations and issuing visas and residence permits), the deadline for registration and the deadline for implementation of the application.

The Agency, i.e. an agency, is obliged to publish the application on its bulletin board, website and in the media published in Montenegro within ten working days from the date of receipt of the application.

The Agency, i.e. an agency, is obliged to ensure the protection of persons in the employment procedure with a foreign employer.

Protection in the employment procedure with a foreign employer includes at least equal treatment on the basis of work with citizens of the country of employment, during work and stay abroad.

The Agency, i.e. an agency, are obliged to:

- carry out employment mediation activities abroad in cooperation with the competent authorities, i.e., the bodies of the country of employment;
- inform persons about the conditions of living and working with a foreign employer and their rights and protection of rights based on work and residence abroad;
- provide professional assistance in securing permits for residence and work abroad;
- ensure the conclusion of an employment contract before going abroad;
- bear the costs of premature return of persons due to illegal mediation in employment and giving wrong information about living and working conditions;
- inform persons about opportunities and conditions for employment after returning from work abroad.

The competence to issue permits for the residence and work of foreigners in Montenegro is under the competence of the Ministry of the Interior, but when it comes to the employment of citizens of Montenegro abroad through the Employment Agency, it is regulated by the Law on Mediation in Employment and is carried out exclusively through the official institutions of the country from which the employer is from. This ensures legal migration and protection of rights during employment and work. With EU countries, this area is currently regulated by interstate bilateral agreements, and when Montenegro becomes a member of the EU, employment will be done through EURES.

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

The Law on Foreigners ("Official Gazette of Montenegro", no. 12/2018, 3/2019 and 86/2022) regulates the conditions for the entry, exit, movement, stay and work of foreigners in Montenegro.

Article 66 of the law prescribes:

A foreigner can work in Montenegro on the basis of a permit for temporary residence and work or a certificate of employment registration, unless otherwise prescribed by this law.

A foreigner can work in Montenegro only in jobs for which he/she has been issued a permit for temporary residence and work or a certificate of employment registration and only with the employer who employs him/her.

As an exception to paragraph 2 of this article, a foreigner may be issued a permit for temporary residence and work to perform the duties of an executive director at several employers, in accordance with the regulations governing the field of employment.

The employer can assign a foreigner only to jobs for which he/she has been issued a residence and work permit, i.e. a certificate of employment registration.

The employer must have a copy of the residence and work permit, or a copy of the certificate of employment registration of the foreigner who works for them, in the business premises, i.e. the place of work of the foreigner.

The employer is obliged to inform the Ministry about the termination of the foreigner's work, before the expiration of the validity period of the residence and work permit, no later than within eight days from the date of termination of the foreigner's work.

The employer cannot employ or use the labor of a foreigner illegally staying in Montenegro.

Article 209 paragraph 3 of the law prescribes:

The work of inspection supervision, in accordance with this law and the law regulating inspection supervision, is performed by the labor inspector and other competent inspections within their competences.

and

Art. 2010 to 2015 of the law prescribe penal provisions.

Police Directorate - Border Police Sector

When it comes to the Border Police Sector, in accordance with the provisions of the Law on Foreigners, the Sector's officers, at the request of the Ministry of Foreign Affairs, carry out checks and give approval for the issuance of D visas based on work. During the procedure itself, detailed checks are carried out in relation to the inviter and the visa applicant. After obtaining visa D and submitting documentation for obtaining a permit for temporary residence and work, detailed checks are also carried out through all databases, and after obtaining a work permit, the legality of residence and work of this category of persons is continuously checked, both independently and in cooperation with Administration for Inspection Affairs.

Employment Agency

The Ministry of Interior is responsible for issuing permits for foreigners to stay and work in Montenegro, but when it comes to the employment of citizens of Montenegro abroad through the Employment Agency, it is regulated by the Law on Employment Mediation and is carried out exclusively through the official institutions of the country from which the employer is from. This ensures legal migration and protection of rights during employment and work. With EU countries, this area is currently regulated by interstate bilateral agreements, and when Montenegro becomes a member of the EU, employment will be done through EURES.

12. How do your country's law and policies to discourage demand that leads to THB address particular vulnerabilities and groups at risk of THB?

MoI - Department for Fight against Trafficking in Human Beings - In the Strategic Area of Prevention of Human Trafficking (Strategy for Combating Trafficking in Human Beings 2019-2024), one of the key measures is to raise the level of awareness in all segments of society and support efforts to reduce the demand for victim services human trafficking for the purpose of various forms of exploitation, with a special focus on sexual and labor exploitation.

Significant efforts are continuously being made to raise the level of awareness of human trafficking, both for potential victims and for all other members of our society. In this regard, the MoI/Department, in cooperation with partners, in the previous period, conducted a series of information campaigns on the specifics of this phenomenon.

In 2021, the MoI Department, with the financial support of the US Embassy in Podgorica, conducted a campaign aimed at raising public awareness of human trafficking, as part of which posters were created and placed on billboards in frequent locations in 8 cities across Montenegro containing an anti-trafficking message and a prominently displayed SOS line for victims of human trafficking. As part of this campaign, in cooperation with the border police, posters were placed in an adequate format at all border crossing points in Montenegro.

In July 2022, the MoI Department, with the financial support of the US Embassy in Podgorica, conducted a campaign aimed at raising public awareness of human trafficking, as part of which a new video was created for the help of the SOS line for victims of human trafficking in Montenegro (11 66 66), which is broadcast on state channels.

About the campaigns that are implemented continuously, more was stated in the previous replies.

Also, the policies of Montenegro are aimed at the prevention through judgments with appropriate penalties for the users of the above-mentioned services.

13. How do your country's legislation and practice ensure that there is an individual assessment of protection needs at the borders prior to any refusals of entry or expulsions?

Police Directorate - Border Police Sector

Border police officers in the previous period underwent training related to human trafficking, and this form of training is carried out continuously. During training, officers are trained to recognize risk indicators that could indicate human trafficking in each specific case. If there is a reason to suspect that it is human trafficking, that is, if the risk indicator is positive, whether it is about persons entering or leaving the country, persons who meet the conditions for entering the country, or who have been ordered to be expelled from the territory of Montenegro, they will be provided with maximum protection without undertaking the mentioned measures, and the relevant institutions will be involved in that process.

We also note that Article 116 of the Law on Foreigners of Montenegro provides, among other things, that the forced removal of a foreigner to a country where his life or freedom is threatened is prohibited, that the forced removal of a foreigner is prohibited if it is contrary to the Convention on the Protection of Human Rights and Fundamental Freedoms, the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Exercise of Children's Rights.

An unaccompanied foreign minor will, taking into account the best interests of the child, be forcibly removed to the country where he/she will be handed over to a family member, a designated guardian or an institution for the reception of children.

Also, Article 138 of the same law prescribes measures, i.e. special protection of minor foreigners in the removal procedure.

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners - The Government of Montenegro, when adopting the Decision on granting temporary protection to persons from Ukraine ("Official Gazette of Montenegro" No. 26/22) via the Conclusions of the Government of Montenegro No. 04-1298/2 of 10. of March 2022 tasked the Ministry of Interior and the Police Directorate to, in accordance with Article 9 paragraph 4 of the current Law on Foreigners, enable entry into Montenegro for humanitarian reasons to citizens of Ukraine who do not possess a valid travel document and in the possession of an expired travel document or a copy of the same ; a valid internal passport in the form of a booklet or a valid or expired identity card or a copy thereof; birth certificate for children up to 18 years of age or a copy thereof.

14. What measures are taken to prevent THB in sports? What sectors and categories/groups of people have been identified as being at risk?

Ministry of Sports and Youth

Informing athletes and their families about the risks of human trafficking, as well as providing support for empowering especially young athletes to recognize and report potential cases of human trafficking.

The sectors and categories/groups of people identified as being at risk of human trafficking in sports are athletes, with an emphasis on young athletes who are at a "vulnerable" age and who are looking for an opportunity for professional development in sports. Also, transfers of professional athletes can be subject to abuse and human trafficking, especially when players are exposed to pressure during the transfer process from one sports club to another. During the organization of large international sports competitions, the same can attract human traffickers who try to use the presence of a large number of athletes and fans for various forms of exploitation.

Administration for Inspection Affairs

The labor inspectorate has not taken any measures to prevent human trafficking in sports.

15. Have you identified online practices that may increase the risk of becoming a victim of THB for different forms of exploitation? What mechanisms have been developed to prevent the misuse of information and communication technology for THB purposes? What is the practical effect of their implementation?

Police Directorate - Unit for Countering Cybercrime and Information Technology Expertise

There is a wide range of online practices that can increase the risk that a person can become a victim of human trafficking of various forms of exploitation, especially taking into account the fact that information technologies are increasingly used for the realization of everyday business and private activities, and therefore the risk of various forms of abuse is increased.

However, what we single out as the biggest risk is the use of dubious websites and applications, which offer dubious services; sharing personal information on social networks; communication with unknown persons; accessing suspicious or unknown links; agreeing to meet unknown persons with whom intimate contact has been achieved through information and communication technologies.

In terms of the specific impact of information technology and communication technology on human trafficking, two phases are of particular importance, namely recruitment and exploitation itself.

In order to prevent the possibility of a person becoming a victim of human trafficking, it is very important to point out that all users must strictly take care of their privacy and security when using the services of information and communication technologies.

The officers of the Cybercrime Prevention Group take part in educating and familiarizing citizens, primarily the most vulnerable categories - school-aged children, with all the potential dangers to which they may be exposed in the virtual world, as well as the protection mechanisms, which largely affects prevention and raising awareness in order to prevent the occurrence of any form of violence/exploitation, etc.

However, taking into account global trends and indicators, it is necessary to increase the degree of strengthening awareness and education about the importance of cyber security issues, and the protection of privacy and personal data.

MoI - Department for the Fight Against Trafficking in Human Beings

With the support of the International Organization for Migration, an Analysis was prepared on the compliance of the legislative framework of Montenegro with international and European standards regarding the use of high technologies in the commission of the criminal offense of human trafficking. Training material for multidisciplinary trainings on the use of high technology for the commission, investigation and prosecution of human trafficking was also developed.

In relation to this, on July 3-5, 2023 in Bar, two one-day trainings were organised on the topic "Using high technology for the commission, investigation and prosecution of human trafficking", which were attended by representatives of the MoI/Police Directorate, the MoI/Department for Fight Against Trafficking in Human Beings, representatives of the prosecutor's office and representatives of the Ministry of Labor And Social Welfare and Centers for social work, a total of 24 of them. The goal of the subject training was to strengthen the capacity and train participants for an effective response to human trafficking in cases of the use of high technology. Also, in the following period, according to the Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024. a series of activities was defined in order to strengthen the capacities of relevant officials in countering this phenomenon.

16. What measures are taken to raise awareness of the risks of technology-facilitated THB, including among children, parents, teachers, child care professionals and social workers? What technology-based initiatives exist in your country to disseminate information to groups/communities at risk of THB?

MoI - Department for the Fight Against Trafficking in Human Beings

One of the key measures in the Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, for 2024 is the improvement of knowledge about the risks and consequences of child pornography and other forms of sexual exploitation, as well as child abuse through information and communication technologies. In this regard, activities were envisaged related to the creation of informative material on the dangers of human trafficking in cyberspace intended for students and parents, as well as raising awareness of the risks of human trafficking brought about by the use of social networks and platforms and technological literacy among children and parents - sharing informative material about the dangers of human trafficking in cyberspace at parent meetings at the beginning of the school year. These activities will be implemented with the support of international organizations.

Ministry of Education, Science and Innovation - When it comes to raising awareness, every year the Ministry of Education, Science and Innovation celebrates the International Safe Internet Day, where educational institutions hold a series of workshops and lectures on the proper use of technology, through which topics are covered which refer to non-disclosure of personal information, communication with strangers in cyberspace, etc. In addition, additional workshops are organized, beyond the specified day, on the topic of safe use of technology.

Several digital contents were also created on the topic of safe use of technology, prevention of online violence, etc. The contents are available in the Digital School.

17. How do you cooperate with ICT companies and Internet service providers, including content hosts and social media, in preventing THB?

Police Directorate - Unit for Countering of Cybercrime and Information Technology Expertise – Current legal framework in Montenegro, in the field of electronic communications (Law on Electronic Communications), does not recognize the possibility of limiting or removing certain internet content.

However, in the proposal of the Law on Electronic Communications, which is currently in the procedure, it is stipulated, among other things, that Internet access service providers, if necessary, must comply with positive legal regulations, including court decisions or decisions of competent authorities that have been assigned appropriate powers.

18. How are policies and practices aimed at preventing THB informed by the experiences of victims and at-risk individuals?

Ministry of Labor and Social Welfare

Policies and practices aimed at preventing human trafficking in Montenegro rely on the experiences of victims and individuals at risk to inform their strategies and interventions. Competent authorities cooperate with victims of human trafficking in order to gather their experiences, perspectives and recommendations. These consultations allow victims to tell their stories, identify gaps in existing policies and practices, and suggest improvements that could prevent future cases of human

trafficking. The government and relevant non-governmental organizations conduct research and surveys among persons who have been victims of human trafficking or who were at risk. These studies help in understanding the factors that lead to vulnerability to human trafficking, as well as in identifying effective prevention strategies that could be implemented. Civil society organizations that work with victims of human trafficking play a key role in informing prevention policies and practices. The government actively collaborates with these organizations to share information, best practices and recommendations based on victims' experiences. Training and education programs conducted by the government, together with non-governmental organizations, often include the testimonies of victims of human trafficking. These testimonies help create an emotional connection to the problem of human trafficking and motivate participants to actively engage in preventing this form of exploitation. Through these activities, policies and practices aimed at preventing human trafficking become informed, sensitized and effective in dealing with the real challenges and needs of victims and at-risk individuals.

II. IDENTIFICATION OF VICTIMS AND PROTECTION OF THEIR RIGHTS (Articles 10, 11, 12, 14 and 16)

19. Among the victims of THB identified, were any subjected to exploitation on the basis of their sexual orientation and/or gender identity (LGBTI+: lesbian, gay, bisexual, transgender or intersex), especially teenagers and young adults? If yes, did any of them report on police misconduct?

Supreme State Prosecutor's Office/Team for Formal Identification of Victims of Trafficking in Human Beings

Among the persons who were identified as injured parties in cases of human trafficking, there were none who were subjected to exploitation based on their sexual orientation and/or gender identity.

20. What specific measures are taken to ensure that trafficked persons who are migrant workers, including in an irregular situation, are identified as victims of THB and have access to the rights provided for in the Convention? Is there cooperation with specialised NGOs, trade unions, and employers to enhance the identification and protection of potential victims within these at-risk groups?

MoI- Department for the Fight Against Trafficking in Human Beings

The Ministry of Interior coordinated the revision and drafting of the Agreement on mutual cooperation in the field of combating human trafficking with support within the project "EU Support to Strengthening the Fight Against Migrant Smuggling and Human Trafficking in the Western Balkans – EU4FAST WB". The Agreement was signed by representatives of 13 state institutions and non-governmental organizations and aims to improve cooperation on prevention, education, detection of perpetrators, prosecution of perpetrators, as well as identification, protection, integration, reintegration and rehabilitation of potential/victims of human trafficking, especially women and children, with full respect for their human rights.

In this way, the cooperation of state institutions and civil society organizations is strengthened, which will ultimately contribute to an even more successful fight against human trafficking.

Employers' Federation - Continuous cooperation with the IOM is also reflected in the fact that we are visited by their expert support every year. Back in 2011, the Employers' Federation of Montenegro concluded a Protocol on mutual cooperation in the area of prevention, education, identification and protection of victims of human trafficking with the then Office for Combating Human Trafficking. We are directly involved, as a member of the Working Group, in the process of drafting legislation and

secondary legislation and regulations regarding the residence and work of foreigners, which is reflected in a certain way on the issue of human trafficking. We continuously educate and inform our members about the dangers of human trafficking and to take all measures for early identification and cooperation with the competent authorities.

Administration for Inspection Affairs

Certain inspectors gained knowledge and experience by attending trainings related to human trafficking organized by the Ministry of Interior, after which they exchanged impressions on this topic with other colleagues.

Team for Formal Identification of Victims of Trafficking in Human Beings

The procedure of formal identification of victims of human trafficking implies the implementation of certain activities based on precisely defined competences and responsibilities of institutions, relying on the already established intersectoral and multidisciplinary cooperation in the identification of victims of human trafficking and ensuring compliance with international standards. All the measures taken are created and adapted so that they can meet the specific needs of persons who are suspected of being victims of human trafficking, separately in each specific case.

21. What measures are in place to encourage victims of THB to report their situation to the authorities and/or civil society organisations?

MoI- Department for the Fight Against Trafficking in Human Beings

By implementing numerous campaigns aimed at the general public as well as specific vulnerable groups, the aim was to raise awareness, but also to empower potential and victims of human trafficking to report their situation to authorities and/or organizations of civil society, on special numbers: Police Directorate 122 and SOS telephone line for THB victims 11 6666.

Calls to the national SOS line for THB victims are continuously monitored, which is a unique service for reporting potential cases of human trafficking and obtaining relevant information on this issue, which is operated by operators from a licensed NGO.

Namely, a total of 2,433 calls were recorded on the mentioned SOS line for victims of human trafficking 11 6666 in 2023, of which 913 information calls, 620 interrupted calls, and 896 other calls (domestic violence and other types of violence against women and children - which are in that case forwarded to competent institutions). Also, 4 calls were made through the SOS telephone line, in which the circumstances of potential situations of human trafficking were checked.

A total of 2,553 calls were recorded on the mentioned SOS line 11 6666 in 2022, of which 1,011 information calls, 459 interrupted calls, and 1,083 other calls (domestic violence and other types of violence against women and children - which are forwarded to competent institutions).

In 2021, a total of 2,941 calls were recorded on the subject SOS line 11 6666, of which 1,098 information calls, 613 interrupted calls and 1,230 other calls (domestic violence and other types of violence against women and children - which are forwarded to competent institutions).

The visibility of the SOS telephone line for THB victims with the number 11 6666 was increased through the broadcasting of a video for its promotion created in 2022 with the support of the US Embassy, as well as through the implementation of the campaign in July 2023 in cooperation with the MoI/Department for Fight against Trafficking in Human Beings and the IOM Mission in Montenegro, on the occasion of the marking of July 30 - the World Day against Human Trafficking under the title "Recognize and Report Human Trafficking". The campaign was implemented in the period from July 27 to August 1, 2023 in order to draw the attention of the public - citizens, travelers,

tourists staying in Montenegro to this phenomenon, and 15 local governments were included in it. During the campaign, informative flyers were handed out that contained, among other things, information about this SOS line, there were also guest appearances on TV and radio stations with a national frequency, and the TV spot was broadcast promoting the mentioned SOS line, which was made with the support of the US Embassy in Podgorica.

Having in mind the role of health workers, the Ministry of Interior/ Department for Fight against Trafficking in Human Beings and the Ministry of Health, with the support of the German Organization for International Cooperation GIZ, organized in Budva on 17-18 May 2023, at Hotel Avala, training on the topic "Presentation of health indicators and regional standard operating procedures for the identification of victims and potential victims of human trafficking". The aforementioned training was attended by 18 health workers from several levels of health care from several Montenegrin municipalities.

On December 15, 2023, in the organization of the Human Resources Management Authority and the Ministry of Interior, a training for health workers on the topic "The role of health workers in the fight against human trafficking" was organized for 13 participants

In 2022, in cooperation with the Human Resources Management Authority, the Department for Fight against Trafficking in Human Beings organized 2 trainings on the topic "The role of health workers in the fight against human trafficking" for a total of 22 participants from the northern, southern and central regions. Also, on October 10, 2022, the training of 17 health workers from all levels of health care (primary, secondary, tertiary level) from different municipalities from the northern, central and southern regions) of different profiles - nurses, doctors of medicine, medical technicians, psychologists and social workers, was organized by the Ministry of Interior, the Ministry of Health, the German Organization for International Cooperation GIZ and the NGO Terre des Hommes.

Ministry of Labor and Social Welfare

Various measures have been put in place to encourage victims of trafficking to report their situation, including ensuring anonymity and identity protection, providing safe places to report, education on victims' rights and support during reporting.

We also have a National SOS line for victims of domestic violence, this line is free for calls from any network in Montenegro and is available 24 hours a day, 7 days a week. The service empowers and provides support to the victim through the following segments: emotional support, information on rights and opportunities for the victim, consultation and assistance in crisis situations, referral to other organizations, institutions, and psychological counseling. The helpline for victims of domestic violence is available every Friday from 1:00 p.m. to 9:00 p.m. for Albanian-speaking women who have experienced violence.

Also, a shelter for victims of sexual exploitation, as a form of human trafficking, is licensed. This shelter is run by an NGO and has three accommodation units.

Protector of human rights and freedoms

The Protector of Human Rights through the promotion of his competences and the rights of the child, especially with children who are at risk, children of marginalized groups, children without parental care, informs about the way to address the Protector, but also conducts education on access to justice, i.e. who, when, why and how they can contact.

Children can contact the Protector in different ways: by phone, e-mail, mail, through the mailboxes that are placed in the social and child protection institutions where the children stay and live, via Facebook and Instagram, the online brave mailbox and by coming to institution.

Ministry of Education, Science and Innovation

The Ministry of Education, Science and Innovation, in cooperation with the Ministry of Human and Minority Rights, the Institute of Education, the National Roma Council and non-governmental organizations that deal with the issues of members of the Roma and Egyptian communities, during the month of March, promotes the enrollment of children in preschool institutions, the first grade of primary school and secondary schools in Podgorica, Nikšić, Berane and Tivat. These four municipalities were visited by a team made up of representatives of the aforementioned institutions and non-governmental organizations who spoke with parents and children old enough to enroll in pre-school education and in the first grade of primary school, with the aim of showing them the obligation and importance of primary education. They also spoke with ninth grade elementary school students to encourage them to enroll in secondary schools. The idea of the campaign is to raise parents' awareness of the importance of their support for their children on the path to education. The common message of all who addressed was that school is the best path to success for every individual, family and community.

Flyers in Montenegrin, Roma and Albanian languages were distributed in order to inform parents about the possibilities of enrolling RE children in preschool, primary and secondary education. It was emphasized that, if parents do not have the opportunity to enroll their children electronically, they can contact the educational institution, which will provide assistance with enrollment, and there are also social inclusion associates (mediators). Free transportation was provided for about 600 (six hundred) students of primary schools of the RE community in Podgorica, Nikšić, Berane and Cetinje.

The engagement of collaborators (mediators) in the social inclusion of RE in education continued, in accordance with the norms. This practice has proven to be extremely useful for the inclusion of RE population children in the education system, as well as for reducing drop-outs. The Protocol on handling and prevention of early school leaving is applied, which facilitates work with children at risk of leaving school.

24 associates (mediators) were hired in primary schools: in Podgorica, Nikšić, Bar, Berane, Ulcinj, Herceg Novi and Tivat. From June 10 to July 3, 2022, training was organized for an associate in the social inclusion of Roma and Egyptians in education, in which members of the Roma and Egyptian community were especially encouraged to apply for this call. Out of a total of 23 registered candidates, 19 candidates from the RE community attended the training, who obtained the title of "Associate in Social Inclusion of Roma and Egyptians in Education".

High school students and university students of the RE community are awarded scholarships for education - The amount of scholarships for high school students is 60 euros (sixty) per month, while for university students, it is 225 euros (two hundred and twenty five).

Within their accommodation capacities, student dormitories designate up to 5% of their capacity for housing students with disabilities, students from the RE population and beneficiaries of material security.

Adult Literacy and Education Program: For children who belong to the RE community, they can take the Adult Literacy and Education Program free of charge.

On the occasion of marking October 18 - the EU Anti-Trafficking Day, the Ministry sent a circular letter to primary and secondary schools in Montenegro. According to the feedback we received from the schools, more than 50 (fifty) primary and secondary schools marked October 18. On the occasion of this day, over 400 workshops, presentations, lectures on the topic of cyber violence and human trafficking, sexual violence, sexual exploitation, artistic expressions, documentaries, plays, skits, readings, debates, etc. were held. Schools also published materials related to October 18 - the EU Anti-Trafficking Day on their Facebook pages and websites.

In cooperation with the Institute for Education and the Department for the Fight Against Trafficking in Human Beings, a training was held on the topic "Educational system in the prevention of child trafficking, illegal marriages and economic exploitation of children", which was held on December 27 and 28, 2022, in the premises of the Institute of Education. The participants of the training were teachers from Bar, Bijelo Polje, Podgorica and Kolašin.

Commemoration of Roma Day - The Ministry of Education, Science and Innovation in cooperation with the Ministry of Human and Minority Rights and with the financial support of the Council of Europe, on the occasion of the marking of April 8, the International Roma Day, in the Primary School "Božidar Vuković Podgoričanin", where six more schools from Podgorica participated (Roma and non-Roma children), various games and competitions were organized, in which each competitor had his/her own mentor. Also on that day, activities were realized as well as topics for the fight against discrimination, education for and about human rights, education for tolerance, multicultural education, as well as various other activities related to the fight against discrimination.

On the occasion of marking the International Human Rights Day on December 10 with a special focus on children's rights, the Ministry sent a circular letter to all primary and secondary schools in Montenegro. More than 700 lessons, extracurricular activities, workshops were held in more than 80 primary and secondary schools.

Ministry of Health

Within health institutions of all levels of health care - primary, secondary and tertiary level, victims and potential victims of human trafficking are provided with unhindered health services, that is, health care specifically in the institution for which there is a need to provide services. Victims and potential victims of human trafficking come to health institutions in order to receive adequate protection in the presence of officers of the Police Directorate or officers of the Center for Social Work. In order to deal with victims and potential victims, trainings for healthcare workers are organized annually in cooperation between the Ministry of Health and the Ministry of Interior. When the need arises, the Ministry of Health coordinates the provision of health services between health institutions.

22. What specific measures are taken in your country to detect/identify and refer to assistance possible victims of THB at the borders? What measures are taken in your country to identify victims of THB during the examination of asylum applications and prior to the return of persons whose applications are rejected?

Police Directorate - Border Police Sector

During their schooling and subsequent training after establishing an employment relationship, officers of the Border Police Sector are trained to identify and recognize victims of human trafficking, both at the border itself and at border crossings and in the interior of the territory of Montenegro. After possible identification of a victim of human trafficking, they are primarily provided with medical and any other protection, and then a detailed interview is conducted by police officers who possess the techniques of conducting interviews with these categories of persons, with the involvement of representatives of relevant institutions from the very beginning of this process.

When it comes to the procedure of submitting an application for the international protection in Montenegro to the police, as well as the procedure in the Detention Center for Foreigners, where the freedom of movement of foreigners is restricted, until the conditions for the forced removal of a

foreigner from Montenegro are met, the procedure is identical, whereby special attention is paid to women, minors and especially unaccompanied minors, all with the aim of early identification of victims of human trafficking.

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

The effort to achieve speed in the identification procedures certainly does not jeopardize the respect of the basic guarantees regarding the fundamental rights of the applicants, including the principle of prohibition of expulsion or return. Also, adequate information about the possible risks of exploitation and human trafficking was operationalized in the procedures of the initial reception, and then during the procedure upon application. Individual risk assessments are undertaken in each individual case before returning the person. Special rooms have been designated for interviews with foreigners seeking international protection. All these procedures are gender and age sensitive, with special reference to the cultural aspect.

In procedures upon applications for international protection, GRETA's GUIDANCE NOTE on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection are taken into consideration, especially in the hearing part.

MoI Department for the Fight Against Trafficking in Human Beings

The Ministry of Interior in accordance with the Action Plan for the Implementation of Strategy for Combating Trafficking in Human Beings 2019-2024 continuously organizes educational workshops in reception centers for the accommodation of foreigners seeking international protection on the risks of smuggling and human trafficking with information on ways to report suspicion of this criminal offense and available services for help and support, which are attended by the beneficiaries of these centers as well as employees. In the period 2021-2023. 30 participants attended these trainings.

According to the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, in the period 2022-2024 8 sets of trainings were conducted on the subject of familiarization with the Guidelines for police officers for conducting interviews with persons suspected of being victims of human trafficking, with a set of offered questions, for representatives of institutions who come into contact with potential and victims of human trafficking, where through the simulation of a structured interview, they acquired skills for better recognition of potential human trafficking for various forms of exploitation, which was organized by the Ministry of Interior with the support of the OSCE Mission in Montenegro. A total of 29 officers of the Police Directorate - Border Police Sector attended the trainings.

The Ministry of Interior with the support of the International Organization for Migration IOM in the period 17-18 May; 24-25 October; 09-10 November 2022; 17-18 January; 21-22 February; 12-13 April 2023, organized trainings on the topic "Identification and referral of victims of human trafficking - implementation of the National Plan for formal identification of victims of human trafficking", for representatives of the Ministry of Interior/Police Directorate, Ministry of Labor and Social Welfare/Center for Social Work, Public Institutions for providing accommodation in a shelter, NGOs. The aim of the aforementioned trainings was to contribute to the strengthening of national capacities towards sustainable reintegration, integration and protection of vulnerable groups in Montenegro, with a special focus on children. 97 participants attended the trainings.

Also, the Ministry of Interior, in cooperation with the International Organization for Migration IOM, organized on July 29, 2022 the Workshop for the presentation of the web application for the identification of victims of human trafficking and for work on the proposed indicators related to the most prevalent forms of exploitation. The application will be intended for officials of the relevant services, but also for the general public, with the aim of more effective initial identification of potential and victims of human trafficking. The workshop was attended by 15 representatives of the Ministry of Interior, the Ministry of Labor and Social Welfare, and the Administration for Inspection Affairs.

23. What measures are taken in your country to identify victims of THB in immigration detection centres and prisons?

Police Directorate - Border Police Sector

See the answer under the competence of PD-BPS to the previous question.

Ministry of Justice

In the Administration for the Execution of Criminal Sanctions, there is one person serving a prison sentence for the criminal offense of human trafficking under Article 444 and rape under Article 204 of the Criminal Code and another person for the criminal offense of human trafficking under Article 444 and rape by aiding and abetting under Article 204 of the Criminal Code. The identity of the victim is known to the competent institutions, and it is the same person in both mentioned cases. Among the other convicted persons, there are no persons suspected of being victims of human trafficking.

24. What services are available in your country to provide specific assistance to particularly vulnerable victims, such as:

- a. persons with disabilities;
- b. LGBTI+ persons;
- c. victims with children;
- d. victims with severe mental and physical trauma;
- e. homeless persons;
- f. other.

Ministry of Labor and Social Welfare

Support services that are available to victims of abuse, neglect, domestic violence and exploitation or who are at risk of becoming a victim in accordance with the Law on Social and Child Protection are: support services for life in the community, counseling-therapeutic and social-educational services and accommodation.

The work of the centers for social work with the victim and the family includes counseling sessions through which the parties are informed about their rights, they are provided with psychosocial support, field visits, cooperation with educational and health institutions, as well as material assistance in accordance with the law. If the victim needs to be removed from the family, the Center establishes contact with a non-governmental organization/shelter that provides services. The Center for Social Work also cooperates with the Police Directorate, the Basic State Prosecutor's Office and judicial authorities on the protection of victims. If necessary, the victim of violence is accompanied to the court, or upon call of the police the family is visited in order to provide support. At the request of the court, the Center issues a finding and opinion on the relevance of imposing protective measures. The Ministry of Labor and Social Welfare has opened a shelter for children victims of human trafficking, which is licensed for 10 beneficiaries and is accessible for persons with disabilities. It is important to point out that in addition to accommodation, children are provided with complete support in order to overcome the trauma and to protect the rights and best interests of the child. The expert team that works in the shelter cooperates with the Center for Social Work, the Team for the formal identification of victims of human trafficking, health institutions, the school, but also with the primary family of the child.

Also, a shelter for victims of sexual exploitation, as a form of human trafficking, has been licensed. This shelter is run by an NGO and has three accommodation units.

In addition, there is also a National SOS line for victims of domestic violence, whose work is coordinated by the Nikšić SOS telephone line for women and children victims of violence. This line is free of charge for calls from any network in Montenegro and is available 24 hours a day, 7 days a week.

The service empowers and provides support to the victim through the following segments: emotional support, information on rights and opportunities for the victim, consultation and assistance in crisis situations, referral to other organizations, institutions, and psychological counseling. The helpline for victims of domestic violence is available every Friday from 1:00 p.m. to 9:00 p.m. for Albanian-speaking women who have experienced violence.

Ministry of Human and Minority Rights

The Montenegrin legal system recognizes the provision of assistance to all victims of illegal treatment, regardless of their particularity or sexual orientation.

Also, specifically, since 2021, the Shelter for persons who have a conflict due to their different sexual orientation and gender identity has been in operation.

25. How do you support the (re)integration of victims of THB? What processes are in place in your country to provide assistance to victims of THB exploited abroad after their return?

Ministry of Labor and Social Welfare

The Ministry of Labor and Social Welfare places emphasis on improving the efficiency and functionality of the system of prevention, identification, protection, assistance and monitoring of victims of human trafficking, with a special focus on children. The main goal is to ensure complete protection of child victims of human trafficking, especially begging and forced marriages. The Center for Social Work, within its jurisdiction, in addition to placing children in appropriate shelters and social child protection institutions, also submits misdemeanor charges against parents of minors found begging, due to suspicion of child neglect in accordance with the Law on Protection from Domestic Violence. Also, the experts of the center for social work provide appropriate forms of help and support to parents and take the necessary measures to protect the rights and best interests of the child. According to experts, whenever the conditions exist, children stay with their families, which has proven to be effective, because the family is an important partner, not only in the success of treatment, but also as the most important factor in post-institutional treatment. In cooperation with the Ministry of Education and with the consent of parents and competent centers for social work, procedures are being initiated to direct children who are placed in the institution to the appropriate educational program, with the aim of preventing them from leaving school and providing individualized support in education. The guidance process for these children is extremely important, because they are provided with appropriate professional support, in accordance with the individual support plan, both at school and in the social and child protection institution. The powers of the Center for Social Work derive from the Law on Social and Child Protection, the Family Law and accompanying regulations, which prescribe the responsibilities and measures that the Centers for Social Work undertake, and are reflected in the detection and collection of data on abused and neglected children, which includes children involved in life and potentially or actually harmful and dangerous work on the street, as well as children who are at risk of marriages of minors, human trafficking. The centers have a key role in implementing the central procedure of assessing the child's risks and needs, organizing specialized assessments, planning the protective process and treatment, in the application of social and child protection measures and family law protection measures under the jurisdiction of the guardianship authority.

MUP - Directorate for Administrative Affairs, Citizenship and Foreigners

Within the Directorate for Administrative Affairs, Citizenship and Foreigners, the Section for the integration of foreigners with granted international protection and the reintegration of returnees upon readmission - the Division for the reintegration of returnees upon readmission is the first body that returnees meet after returning to Montenegro, and the activities carried out by the officers of this department relate to providing information on the rights, obligations and opportunities of returnees, coordinating activities in the direction of realizing the legally prescribed rights of returnees (social protection, health care, education, humanitarian aid, legal aid, financial aid, work, family reunification and etc.); providing support for inclusion in social, economic, cultural life; transportation of returnees to their place of residence.

Bearing in mind that readmission returnees are vulnerable due to the fact that they belong to the migrant category that is exposed to the risk of all forms of human trafficking, in the previous period significant work was done to raise awareness of the importance of reintegration of returnees under the agreement. This required the active and coordinated participation of all relevant social actors, both state authorities and local communities, with a special emphasis on continuous meetings with members of local teams in Montenegro. Local teams for providing assistance to returnees after readmission consist of representatives of the Centers for Social Work, who are coordinators, then representatives of the Ministry of Interior and the Police Directorate, local self-government, Employment Agency of Montenegro, education, health, the Red Cross and Caritas. They function on the principle of maintaining constant communication with the officers of the Division for reintegration of returnees, and submitting quarterly and annual reports.

Reception of persons is carried out at the Podgorica airport, where officers of the Division for reintegration of returnees upon readmission conduct an interview with the returnees, in a room specially provided for that, provided by the Communal Police. Based on the conducted interview and the completed Questionnaire, the preparation of the Reintegration Plan (not at the airport) for a specific person or for a family (Individual or Family Reintegration Plan) is started. The questionnaire, among others, also contains questions related to the detection of all forms of human trafficking. Also, the returnee is given an Information that contains information that will help him/her find his/her way around more easily, with contacts of competent institutions in the process of exercising rights and obligations. The reintegration plan is drawn up by the officers of the Division for reintegration of returnees and delivered to the coordinators of the local teams for providing assistance to returnees, who are tasked with implementing certain activities from the plan and providing assistance to persons, and return the completed Plan to the Division, for the purpose of compiling reports, monitoring and evaluating the entire process.

The experience so far has shown that when providing social services and support services, an individual approach to all individual cases is necessary, depending on the family situation, number of children, economic and educational status. During 2023, team coordinators provided a total of 27 counseling-therapeutic and social-educational services (there were a total of 43 returnees).

In the previous period, there were no victims of human trafficking, among returnees upon readmission. However, this in no way relieves us of the responsibility for preparation in providing support to this category of persons. To that end, the Division's officers undergo continuous training and additional professional training in recognizing, helping and working with these persons. Thus, according to the Training Plan of the Ministry of Interior, for the year 2024, trainings related to the recognition and assistance of victims of human trafficking are planned ("Protection against sexual exploitation and abuse" and "Prevention against arranged, forced and early marriages of the Roma population").

<p>26. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.</p>
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MoI- Directorate for Administrative Affairs, Citizenship and Foreigners

In our country, there is a provision that foresees the possibility of issuing a temporary residence permit due to the victim's personal situation, and that is Article 52 of the Law on Foreigners ("Official Gazette of Montenegro", no. 12/2018, 3/2019 and 86/2022). This article stipulates that a temporary residence permit for humanitarian reasons can be issued to a foreigner who is presumed to be a victim of the criminal offense of human trafficking. In relation to all other foreigners, this foreigner does not have to attach evidence with the application that he/she has the means to support himself, that he/she has secured accommodation and that he/she has health insurance. A permit for temporary residence for humanitarian reasons is issued on the basis of appropriate evidence from an international organization, non-governmental organization or state administration body that provides assistance and protection to this foreigner, or evidence from a competent state authority confirming that the foreigner cooperates in the investigation of criminal offences. A temporary residence permit for humanitarian reasons is issued with a validity period of up to one year and can be extended as long as there are reasons for it.

Considering that until 01/01/2024 not a single permit for temporary residence for humanitarian reasons was granted for a foreigner who is presumed to be a victim of the criminal offense of human trafficking, in accordance with Article 52 paragraph 1 item 1 of the Law on Foreigners, we cannot provide you with practice and examples in the granting procedure of temporary residence.

27. What measures are in place to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known?

Police Directorate

During the process, complete personal data is not used, and children are also cared for in institutions designed for their care.

Ministry of Labor and Social Welfare

Article 150 of the Law on Social and Child Protection stipulates that all information about the beneficiary's personal and family circumstances that service providers keep about the beneficiary is confidential information. Confidential information about the beneficiary may be used by the service provider only for the purpose of providing the service. The beneficiary has the right to protect the confidentiality of all private data from documentation that is processed for the purposes of providing the service, reporting on the work of the institution or other service providers, including those concerning his personality, behavior and family circumstances and the way of using social and child protection services.

Also, in accordance with the Personal Data Protection Act, Article 4, personal data protection is provided to every person regardless of citizenship, residence, race, skin color, gender, language, religion, political and other beliefs, nationality, social origin, wealth, education, social position or other personal characteristic.

Supreme State Prosecutor's Office

In order to ensure that the identity or details that enable the identification of a child victim of human trafficking are not publicly known, guidelines are given to the officers of the Police Directorate to take actions and measures within their jurisdiction, and to inform the Social Work Centers so that they can take actions within its jurisdiction. During the hearing, Article 91 of the Law on Treatment of Minors

in Criminal Procedures is applied, in accordance with which all participants in the procedure, authorities and institutions from which notifications, reports or opinions are requested, as well as the media, are warned that they are obliged to protect the privacy of minors, including the protection of identity and data that may reveal the identity of a minor who is an injured party or a witness in the proceedings and that they cannot be published without the express permission of the judge or state prosecutor handling the case. It is suggested that the public be excluded from the proceedings before the court.

Supreme Court

Special care is taken in cases where a child should be heard as a victim, taking into account the child's age and maturity.

In cases established for the criminal offense of human trafficking from Article 444 of the Criminal Code of Montenegro, in which minors had status of injured party, who were exposed to sexual exploitation, coercion into begging and coercion into illicit marriage, the court, with the aim of protecting the private and family life of minors who are victims of human trafficking, issued a decision on the exclusion of the public for reasons prescribed by law during the main trial, in accordance with Article 314 of the CPC.

There are also good practices observed in certain cases, on the basis of which it can be concluded that the court and the state prosecutor's office in their treatment of victims have shown an approach based on respect for human rights, as well as a high degree of sensibilisation for working with victims. Namely, deciding on the protection of victims of human trafficking, in one case of human trafficking for the purpose of begging and labor exploitation, the competent state prosecutor's office appointed a representative - a lawyer - for the injured party minor victims, in order to provide assistance that will enable them to present their views and interests in the appropriate stages of the criminal proceedings against the perpetrators of the criminal act, in a way that will not affect the right of defence.

When it comes to the participation of injured persons - minors in court proceedings, good practice of the court can be observed regarding the manner of their hearing. Namely, in one of the analyzed cases, which was conducted for the criminal offense of human trafficking combined with the criminal offense of rape, the injured party-witness (a 12-year-old child) was not heard at the main trial. In this case, the injured party was heard in an earlier stage of the proceedings before the High State Prosecutor, and it was stated on the record that pursuant to Art. 113 para. 4 and 5 of the CPC, the hearing was held in a separate room in the presence of representative of the Expert Service and representative of the Center for Social Work, and that the statement was recorded through audio-visual recording.

The Appellate Court of Montenegro, ruling in the second-instance proceedings, points out that the first-instance court acted correctly when, pursuant to Art. 356 paragraph 1 item 1 of the Criminal Procedure Code, they did not directly hear the witness - the injured party, as well as the witnesses, but read their statements given in the minutes of their hearing before the Higher State Prosecutor's Office. Furthermore, the Appellate Court, in explaining its position, starts from the position of the European Court of Human Rights, expressed in the judgment of *S.N. v. Sweden*, No. 34209/96, 2002, ECHR, that it was not necessary to subject the injured party to further victimization, by giving testimony about critical events again, that in this particular case the victim must be protected from revictimization, which occurred during the first hearing of the victim at the main trial, that in cases of sexual abuse, where the victim is a child, i.e. a minor, and which by their nature are specific, as long as there is supporting evidence that is subject to examination, the victim does not have to testify and be questioned by the defendants at the main trial, and a relatively low procedural threshold is allowed, and bearing in mind the gravity and sensitive nature of such a case, the first-instance court acted correctly when it limited the rights of the defendant in favor of the rights of the victim, so that the claims of the defense counsel of the defendant were not valid that by preventing a direct hearing by denying the right to ask questions, the defendants' right to defense was infringed, as well as the right

to a fair and public trial, provided for in Article 32 of the Constitution of Montenegro and guaranteed by the European Convention on the Protection of Human Rights and Fundamental Freedoms.

In one analyzed case, which was conducted for the criminal offense of human trafficking for the purpose of exploitation of a minor for the purpose of begging by their father, the court directly heard the minor victims during the main trial, and previously presented as evidence, upon the consent of the parties, a finding and opinion of The Expert Service of the Supreme State Prosecutor's Office for the minor victims, which was given in order to assess and prepare the minor victims for possible testimony before the High Prosecutor's Office in Podgorica, and on the basis of which it was established that they understood the purpose of the criminal proceedings conducted against the suspect and their participation in the proceedings and were ready to testify before the state prosecutor for minors.

In the same case, the minor witnesses were heard in a separate room in front of the judge and reporter, and the prosecutor and the defendant and the defense attorney could watch the broadcast from another room, with the possibility to ask the witness questions, as regulated by the CPC.

Ministry of Education, Science and Innovation - The practice is, in the case of potential victims of human trafficking (children), in the process of their inclusion in the educational system, the active work of the pedagogic-psychological service, department heads, the community of students and parents ensures support for that child , privacy protection and adequate integration into society.

MoI - Department for Fight Against Trafficking In Human Beings

The Ministry of Culture and Media participates in the work of the Coordinating Body for monitoring the implementation of the Strategy for Combating THB for the period 2019-2024. In this regard, as part of the annual action plans adopted for the implementation of the strategy, activities are also planned for media representatives. On December 15, 2023, in the organization of the Ministry of Culture and Media and the Ministry of Interior/ Department for Fight Against Trafficking In Human Beings, a training for media representatives on media coverage of cases of human trafficking was held, which was attended by a total of 16 media representatives. A particular emphasis of the training is devoted to the way in which the identity of persons who have been identified as victims or are in the process of identification should be protected, so that their revictimization does not occur.

28. What measures are in place aimed at encouraging the media to protect the private life and identity of victims?
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Ministry of Culture and Media

The Ministry of Culture and Media, as the coordinator of the development of media regulations, follows the European standards related to the publication of data, that is, names in investigations and other legal processes through media laws. When it comes to concrete measures, we can state that the Ministry of Culture and Media has a representative in the Coordinating Body for the monitoring of the implementation of the Strategy for Combating THB and implements the activities foreseen in the action plans arising from it. Namely, in previous years, the Ministry of Culture and Media financed a campaign to combat human trafficking - the creation of a video that was broadcast by the media in Montenegro. In addition, the Ministry continuously conducts training on reporting regarding cases of human trafficking. On an annual level, 1 training is held where lecturers train 15-20 journalists. The lecturers are from the field of internal affairs - the Ministry of Interior with universities and from the field of media with many years of experience. In cases of non-compliance with all standards, self-regulatory bodies and the Ombudsperson, as well as the regulator in the field of electronic media, have competence in accordance with applicable laws. This issue is planned in the measures or

activities that will be defined in the Action Plan for the period 2025-2026 as part of the implementation of the Media Strategy 2023-2027.

MoI - Department for Fight Against Trafficking In Human Beings

On December 10, 2021, the officer of the Department for Fight Against Trafficking In Human Beings led a training on the topic "The role and possibilities of the media in the fight against human trafficking", organized by the Ministry of Public Administration, with the aim of strengthening the role of the media in relation to the issue of human trafficking. The training was attended by five participants - representatives of the media.

Also, according to the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024 trainings are continuously organized for media representatives on the topic of the fight against human trafficking with a special focus on correct media coverage of these cases while respecting the privacy of potential and victims of human trafficking. In this regard, in the period 2021-2023, 2 trainings were held (10/12/2021; 15/12/2023), attended by a total of 35 media representatives.

29. Have there been cases of diplomatic households (of your country's diplomats abroad and of foreign diplomats in your country) employing domestic staff in conditions which could be forced labour or human trafficking? If yes, how was the issue of diplomatic immunity addressed? How were the victims identified, assisted and protected?

Ministry of Foreign Affairs

There have been no recorded cases of diplomats (ours abroad and foreign ones accredited in Montenegro) employing staff in conditions that can be qualified as forced labor or human trafficking.

The Administration for Inspection Affairs had no such cases.

There were no cases involving diplomats in the **Police Directorate**.

Supreme State Prosecutor's Office

There have been no cases of diplomatic households employing domestic staff in conditions that could amount to forced labor or human trafficking.

30. What specific steps are taken in your country to identify victims of THB amongst persons recruited and exploited by terrorist/armed groups?

Police Directorate - Anti-Crime Sector, Special Police Department

There were no recorded cases of human trafficking among persons who were recruited by terrorist groups.

The Ministry of Defense - The Ministry of Defense does not deal with issues on a case-by-case basis. However, in the past period, the Intelligence and Security Directorate (hereinafter referred to as the ISD) of the Ministry of Defense, in accordance with its legal powers, in the part of monitoring the activities of Montenegrin citizens going to foreign battlefields (Syria and Iraq), identified persons who traveled to foreign battlefields and joined terrorist organizations/groups. In addition to the men,

their family members, women and minor children were also identified. It is women and children who are mostly considered victims, because they were very likely manipulated or forced to leave their homes in order to travel to foreign battlefields together with their husbands/fathers for the sake of "greater goals".

In addition to the above, in order to strengthen capacities in relation to the prevention and fight against human trafficking, and as part of the training for sending to international missions, in the period from 01/01/2023 until 17/04/2024 A total of 144 members of the Ministry of Defense and the Army of Montenegro took part in the training, referring to three subject questions:

- national regulation;
- international framework;
- human trafficking in international missions.

Please note that a member of the ISD is a member of the National Interdepartmental Operational Team (NOT) at the Ministry of Defense, which at the national level deals with the development and monitoring of the implementation of two strategies and accompanying Action Plans:

1. Strategy for prevention and countering of radicalisation and violent extremism (2020-2024);
2. Strategy for the prevention and countering of terrorism, money laundering and terrorism financing (2022-2025).

As part of the Strategies for the prevention and countering of CVE, terrorism, money laundering and terrorism financing and the accompanying action plan, operational goals, measures and activities are defined, the implementation of which is the responsibility of state institutions/bodies in accordance with their competences, with the aim of strengthening the capacity for preventive action and countering of terrorism.

Also, a Team for Assistance and Protection was established within the NOT, which will deal with providing assistance with the aim of de-radicalization, reintegration and resocialization for persons who are treated as foreign terrorist fighters and their family members, whose return is expected from foreign battlefields.

31. Are there requirements in your country's legal framework for the detection and removal of THB-related Internet content, and what are the sanctions for non-compliance? Is there a code of conduct for providers? If a person is detected as a presumed victim of THB in the process, how is this person referred to assistance?

Police Directorate - Unit for Countering Cybercrime and Information Technology Expertise - In the Criminal Code of Montenegro, there is no precisely defined criminal offense that exclusively and only refers to the detection and removal of Internet content, which is related to human trafficking. However, any public advertising that is illegal, that directs or facilitates the execution of any criminal offense is prohibited and punishable by law.

Also, in Montenegro, a special protocol on cooperation with providers related to the criminal offense of human trafficking has not been defined, but they are obliged to comply with the provisions stipulated by law, namely:

- Law on Interior Affairs, Art. 60, 61 and 62 - Processing of personal data, method of collection;
- Criminal Procedure Code - Art. 257a - Exemption from listing

- Law on electronic communications - articles dealing with data retention obligations, data storage periods and user identification data.

III. INVESTIGATION, PROSECUTION, SANCTIONS AND MEASURES (Articles 4, 18, 19, 23, 24, 27, 28 and 30)

32. Is the abuse of a position of vulnerability part of the human trafficking offence in your country's law? How are the concepts of "vulnerability" and "abuse of a position of vulnerability" defined in law? Have they been subject to judicial interpretation? If yes, please provide relevant case-law.

Ministry of Justice

The Criminal Code of Montenegro in Article 42a prescribes particular circumstances for determining the penalty for a criminal offence committed out of hatred, which reads as follows:

Particular circumstance for sentencing for a criminal offense committed out of hatred
Article 42a

(1) If the criminal offense was committed out of hatred towards another person because of national or ethnic affiliation, race or religion or because of the absence of such affiliation, citizenship or because of differences in terms of political or other beliefs, gender, language, skin color, education, social position, social origin, sexual orientation, gender identity or disability, the court shall regard that circumstance as aggravating, unless it is prescribed as a feature of the basic or more serious form of the criminal offense.

(2) If the criminal offense was committed against a person who belongs to a particularly vulnerable category of persons (children, persons with disabilities, pregnant women, elderly persons, refugees), the court shall consider this circumstance as aggravating.

Supreme State Prosecutor's Office

In the legislation of Montenegro, the abuse of a position of vulnerability is implemented through the legal features of the criminal offense of human trafficking of leading to or maintaining in deception the injured party, abuse of authority, trust, dependence, difficult circumstances of another. In the judgments, it is indicated that the injured parties are children.

Supreme Court - Example from court practice - judgment K. no. 87/17

„Although according to Art. 444, paragraph 2 of the Criminal Code of Montenegro, it is not necessary to prove abuse of a relationship of dependence, nor force, threat or any other way of committing the criminal offence of human trafficking, when the crime has been committed against a minor, i.e. to a person under 18 years of age, which in this particular case is the injured party, who was 12 years old at the critical time, bearing in mind the aforementioned family relationships and the existence of a close emotional connection between the defendants, it is beyond any doubt evident that precisely 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.

Furthermore, according to Art. 444 paragraph 9 of the Criminal Code of Montenegro, the consent of the victim, and the fact that she is the injured party in this specific case, is of no relevance for the existence of the criminal offence of human trafficking, nor is the described self-questioning of the victim about her own guilt and reaction to the incriminated actions of the defendants, in terms of the existence of the subject criminal offence. it is obvious that the injured party could not immediately clearly define her emotions in relation to the produced consequences,According to the above, 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 , which, in addition to the statements of the injured party, as well as the quoted medical documentation on the psychological treatments of the injured party after the critical events, is also evidenced by the described statements of witnesses --, -, --, and witness --. and --.

According to this factual determination, there is no doubt that the defendants by undertaking the described actions recruited the injured party to work as a prostitute in the manner, time and place described in item 1 of the operative part of the judgment whereby they acted with intent, aware that they were recruiting the injured party, who was a minor at the critical time, i.e. a child of the age of 12, in order to perform prostitution and through the described actions they abused the dependency relationship of the injured party, which they undoubtedly wanted, which resulted in the actions of the defendants acquiring all the essential objective and subjective features of the criminal offense of human trafficking, for the execution of which the Court declared them guilty."

Excerpt from judgment No. K.br 82/20

"Although according to Art. 444 of the Criminal Code of Montenegro, it is not necessary to prove the abuse of dependence, trust or another way of committing the criminal offense of human trafficking when the offense was committed against a minor, i.e. to a person under 18 years of age, which in this particular case is the injured party, who was 12 years old at the critical time, and bearing in mind the above-mentioned family relationships and the existence of a close emotional relationship between her and the defendant, it is beyond any doubt evident that the defendant precisely abused the trust, the relationship of dependence and the difficult circumstances in which the injured party was obviously in, and the defendant as a father knew that, by abusing the importance of parental authority and the control he had as a father over the upbringing of his child, he caused her to feel loyalty, respect and obedience because the defendant's goal was to significantly reduce her autonomy of will and thus, through incriminated recruitment, he induced her to agree to an illicit marriage.

Furthermore, as according to art. 444 paragraph 9 of the Criminal Code of Montenegro, the consent of the victim, and in this particular case the injured party is a child --, is of no relevance for the existence of the criminal offense of human trafficking, the recruitment of the injured party, which resulted in the victim's voluntary consent, is not relevant because that voluntariness arose from a relationship of dependence, trust, that is, difficult circumstances that the perpetrator of the act abused with the passive subject. In support of the above is the fact that when it comes to a 12-year-old child, as in the specific case, or minors who are victims of the criminal offense in question, according to the European Convention on Action against Trafficking in Human Beings, they are considered vulnerable in relation to the perpetrator "because of their age" without no matter what execution action was taken prescribed in paragraph 1 of article 444 of the Criminal Code of Montenegro, therefore consent

or voluntariness is of no relevance, precisely because of their age and the fact that the process of maturing of such persons is still not complete, which all led to the consequence, which is the conclusion of an illicit marriage, which was the goal of the defendant, for which he received money in the amount of 5,000.00 euros for the arranged marriage.

The defendant, using the family circumstances in which the injured party lived, which additionally affected the vulnerability of the injured party as a twelve-year-old child with incomplete development, persisted in his goal, and all the actions he undertook, both individually and as a whole, beyond any doubt were recruiting the injured party for the purpose of concluding an illicit marriage.

In the opinion of this court, 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 from Article 444 paragraph 3 in connection with paragraph 1 of the Criminal Code of Montenegro.

.....

Bearing in mind the previous the court took into consideration, in addition to the positive legal regulations of Montenegro, international standards that protect the rights of children, that is, every person under the age of 18, i.e. The UN Convention on the Rights of the Child, the Istanbul Convention, the Council of Europe Convention on Action against Trafficking in Human Beings, and the Palermo Protocol of the UN, where the intention of the legislator is to protect children as much as possible from any abuse and violence. Among other things, these standards indicate that child marriages, which are essentially extramarital unions concluded before reaching adulthood, lead to the violation of basic rights to health protection and the right to education, and are therefore an inadmissible and extremely harmful practice."

Excerpt from judgment K. br.4/19

"The defendant recruited and transported his children, minors-injured parties --, -, - and – by force, abuse of dependence and confiscation of personal documents, for the purpose of begging and exploiting their work, and that in the period from January 1, 2010 to July 9, 2010 and from August 24,2012 until September 15, 2016 in his vehicle to the center of Podgorica in order to beg, recruiting them to earn money in this way considering their age at that time (7, 10, 9 and 8 years old) and the dependent relationship of the injured parties, as minor children, in relation him as a parent, who abused them in this way, and at the same time used force against them and their mother, when they refused to comply with his request and hand over all the money they obtained through begging, taking away their personal documents - the passports that he kept in his vehicle, which were inaccessible to the injured parties, so that in the summer period from July 1st to September 15th, he would transport them for the same purpose to Budva, where they were also engaged in begging, following their movements and daily taking away all the money that the injured parties would obtain through begging, which is confirmed by the testimony of witnesses - -, which states that when the children were small, they begged in the center of Podgorica, and the defendant drove them to the center and returned home in the evening, when the children had to hand over all the money they obtained through begging to him, and they started begging when they became capable for that, at around ten years of age, and with that aim he drove them to Budva during the summer months;

of the witness - the injured party --- who remembers when he was a child, that their mother also had to beg, and that the defendant demanded that they, the children, also beg and hand over all the

money they earned to him; testimony of the witness -- who stated that when he was younger, his father forced him to beg, but since he came of age and became physically stronger to stand up to his father, he no longer does that, and the content of the operative part of the judgment of the Basic Court of Kotor K. no. 605/09 of 11.12.2009 according to which the defendant was convicted by this judgment for the criminal offense of neglect and abuse of a minor, because he was in Budva from the beginning of July to the end of August 2009, as a parent of minor children - (11 years old), -- (14 years old) , -- (9 years) and -- (7 years) and he abused and forced them to beg using physical violence - beatings, for which he was sentenced to prison. The defendant also in the period from September 15, 2016 until December 23, 2016, from January 11, 2017 until June 28, 2017 and from July 18, 2018 until October 15, 2018, in the same way as in the previous period, by force, abuse of dependence and confiscation of personal documents, recruited and transported his children, witnesses - the injured parties --, born ----2003, --, born ---2002, -- born ----2001 and -- born ----1999, with the aim of begging and exploiting their work, by transporting them every day, except Sundays, in the morning hours around 8-9 a.m. with an NN vehicle, and during the summer of 2018 with a vehicle of the brand "WV Caravella" reg. marks xxx, from Vrela Ribnička, where they lived, to the intersection of Bulevar George Washington and Bulevar Sveti Petar Cetinjski in Podgorica, where they cleaned the windows of vehicles and charged the drivers for the service and begged, and he monitored them from a nearby park or controlled them in such a way that during the day the vehicle would pass through the mentioned intersection several times, checking if they were in their places and if they were working, while taking advantage of the fact that the injured parties were minors and that as children they were dependent on him as a parent, using force when the injured parties refused to work or beg, left their workplace or failed to hand over to him as much money as he thought they should earn that day, and at the same time committing violence against the victims and their mother, taking their personal documents - passports with him, i.e. in his vehicle, out of reach of the victims, in order to drive them home in the afternoon between 7 and 9 p.m., and order them on Fridays and Saturdays to go to the center of the city and beg, when, with the permission of the defendant, they returned home by taxi around 04:00 a.m., when the bars closed, so how could they escape then, they mostly did not dare, because then the defendant would beat their mother, while during the summer months from July 18 to September 1, 2018, he recruited and transported them from Podgorica to Budva in the afternoon, where they would stay all night and beg, then in the morning he would take all the money they earned, and then return them to Podgorica.

By acting in the manner described above, the defendant was aware that by force, by 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, which the defendant as a parent knew, but also wanted, acting in the specific case with direct intent, and bearing in mind that the defendant undertook the incriminated actions over an extended period of time, with interruptions that resulted in his going to prison, that is, he successively engaged in the commission of the criminal offense in the manner described above, that is, all essential elements of the criminal offense of human trafficking from art. 444 paragraph 6 in connection with paragraph 3 and 1 of the CCMNE were met through his actions, for which the court declared him guilty."

33. Is the special vulnerability of the victim considered as an aggravating factor for the offender's sentence?

Supreme State Prosecutor's Office

During the reporting period (January 1, 2021 to April 19, 2024), the High Court in Podgorica, after the procedure, issued two final judgments K no. 163/21 and K no. 196/22, from which it arises that

the Court in the specific cases did not treat the special vulnerability of the victim as an aggravating circumstance when deciding on the type and amount of sentence.

Supreme Court - There are no examples in the judgments where the special vulnerability of the victim is considered an aggravating factor for the sentencing of the perpetrator.

34. According to national case-law, what forms of vulnerability are mostly abused by offenders in human trafficking cases? Please provide specific examples that show how the concept of "abuse of a position of vulnerability" is used in practice. What are the challenges in its application? Is it sufficient to prove the existence of a position of vulnerability of the victim, or must it also be proven that the defendant knew or should have known of the victim's vulnerability, and intentionally manipulated the victim on this basis?

Supreme Court:

The response is contained in the response provided for question no. 32.

Supreme State Prosecutor's Office

Perpetrators in cases of human trafficking most often abuse the relationship of dependence when entering into an illicit marriage because it is mostly a relationship between close relatives and minors. The same relationship is abused in cases of begging, while in the case of labor exploitation, the misleading and maintaining the deception and the difficult circumstances of the injured party are mainly used. In sexual exploitation, the difficult circumstances of others and misleading are used. Through the perpetrator's knowledge of the existence of a position of vulnerability, his/her intent is proven.

35. Is the concept of "abuse of a position of vulnerability" addressed in criminal justice training? Is there any specific guidance on applying this concept? Please provide copies of guidance and/or training materials that shed light on how this concept should be applied in practice.

Supreme State Prosecutor's Office

The concept of "abuse of a position of vulnerability" is part of the training in the judiciary, for example, of the training "trafficking in human beings with an emphasis on Ukraine", "Fight against human trafficking and exploitation of children" and others.

Center for Training in the Judiciary and State Prosecutor's Office

The Center for Training in the Judiciary and State Prosecutor's Office (CTJSPO) continuously conducts training on human trafficking for judges and prosecutors. In cooperation with CTJSPO, from 2023, trainings for lawyers are also organized.

Bearing in mind the very nature of the criminal offense of human trafficking from Article 444 of the Criminal Code, which is the subject of study at trainings, the concept of "abuse of a position of vulnerability" is part of the training organized for judges, state prosecutors and lawyers.

The mentioned concept is contained in the very definition of the criminal offense of human trafficking, it represents an element of the nature of the criminal offense and one of the methods of its execution. A special program on human trafficking for judges and state prosecutors, which is continuously implemented, puts and emphasis on the victims, and this is also the case with the work program for the training of lawyers.

- The training materials are attached to the document.

36. What procedures and measures exist in your country to take into account the specific needs of vulnerable victims at the different stages of criminal proceedings?

Supreme State Prosecutor's Office

In Montenegro, accommodation is provided in shelters for persons who are injured parties of the criminal offense of human trafficking, the possibility of hiring an attorney at the expense of the state, and in addition, in order to hear persons under the age of 18, a special Expert Service at the Supreme State Prosecutor's Office has been established with the aim of working to support victims, and their preparation for the hearing. The competence of the professional service is, among other things, to prepare and assess the victim for hearing, monitoring and attendance at the hearing, and the hearings are performed with the presence of a professional and professional service (social worker, psychologist, etc.). The attorney assigned to the victim is of the same gender for additional protection, and the hiring of an attorney at the expense of the budget.

Supreme Court - See the responses given above regarding the practice of hearing children and minors.

Also, the Government of Montenegro has determined the Proposal of Amendments to the Criminal Procedure Code, which for the first time recognized Victim Support Services in the legislative text and positioned them in the courts. Earlier, we reported on practical solutions that existed in practice in the form of delegating persons in courts to support victims, however, this type of support and assistance did not take root in practice.

Police Directorate - Protection from re-examination during the procedure.

37. If you have criminalised the use of services of a victim of THB, how is this provision applied in practice? Please provide any relevant case-law.

Ministry of Justice

Yes, victim services are criminalized. The Criminal Code of Montenegro, in Article 444 paragraph 8, prescribes that whoever uses the services of a person for whom they know that the offense under paragraph 1 of this article has been committed against him/her, shall be punished with imprisonment from six months to five years.

Supreme State Prosecutor's Office

Using the services of victims of human trafficking has been criminalized. The Prosecutor's Office filed indictments against 3 persons who used the services of victims of human trafficking, type of exploitation -prostitution, and the proceedings before the court are ongoing.

38. What technology-based tools and initiatives exist in your country to support investigations and enhance prosecution of THB cases? What training is provided to law enforcement officials, prosecutors and judges on THB facilitated by information and communication technology?

Police Directorate - Sector for the fight against crime - Training on the topic of abuse of vulnerable categories through social networks and in cyberspace.

Supreme State Prosecutor's Office

Application of secret surveillance measures, search of computers and similar devices for automatic data processing connected to the computer, information technology expertise, extracting of video surveillance. State prosecutors undergo training organized by the authorities on the topic of cybercrime related to human trafficking.

Supreme Court - there were no cases of online exploitation

Center for Training in the Judiciary and State Prosecutor's Office

The Center for Training in the Judiciary and State Prosecutor's Office (CTJSPO) organizes training on fight against human trafficking for judges and state prosecutors as part of a special training program. From 2022, the topic "Using information and communication technologies as investigative techniques in cases of human trafficking" has been included in the training program.

Police Academy

At the Police Academy in Danilovgrad, in cooperation with the Ministry of Interior of Montenegro/Police Directorate, a seminar entitled "Prevention and protection of children from human trafficking" was held on October 27, 2021. The aim of this seminar was to inform the participants about the concept of human trafficking, risks, forms and recognition of indicators, as well as about preventive measures and methods of protection. The seminar brought together nine participants, and the thematic areas covered included the phenomenology of human trafficking, the mechanisms of the fight against human trafficking in Montenegro and the identification of victims of human trafficking.

The framework program of education, professional training and specialist training for officers and employees of the MoI/Police Directorate of Montenegro and other security bodies for the year 2024, for officers of the National Security Agency, in cooperation with Europol, provides for the implementation of training on the topic "Trafficking in human beings".

MoI - Directorate for Normative Affairs and Police Development

In the Ministry of Interior, Directorate for Normative Affairs and Police Development - Directorate for Training and Professional Development, performs, among other things, work related to the development and improvement of electronic learning, promotion of e-learning platform, creation and setting up of various forms of professional training, and training of police officers on the electronic learning platform. In cooperation with the OSCE Mission, during 2022 and 2023, the technical prerequisites for the introduction of the e-learning system for the employees of the Ministry of Interior were established. In the mentioned period, trainings were carried out for administrators, and then also for the creators and lecturers of classes on the e-platform from among the employees of the Ministry of Interior/Police Directorate.

It is expected that by the end of 2024, the e-platform will be functional and available for use by MoI officers, and it will contain courses dedicated to the topic of human trafficking, namely: phenomenology of human trafficking, national legislation, identification of victims of human trafficking, multisectoral cooperation, basic guidelines for dealing with victims of human trafficking, as well as guidelines for conducting interviews with persons suspected of being victims of human trafficking (with a set of questions offered), with the possibility of supplementing courses on the e-platform on this topic and /or create an additional one in accordance with the expressed needs of the competent entities.

We also inform you that during the year 2023, 1 employee of the Department for Special Investigation Methods attended training on the subject of "Investigation of cybercrime, electronic surveillance and collection of intelligence data", 05/06 - 09/06/2023 in Prague, while the trainings on the topic of human trafficking in the stated reporting period, were realized in cooperation with the Department for Fight against Trafficking in Human Beings.

39. In what ways, if any, does your country utilise provisions from the Council of Europe Cybercrime Convention (Budapest Convention) to fight THB? If not, why is that the case?

Police Directorate - Unit for Countering of Cybercrime and Information Technology Expertise

As already stated in the introductory part, the officers of the High-Tech Crime Prevention Group, in the previous period, did not participate in the identification of persons who could be linked to the commission of the criminal offense referred to in Art. Of Criminal Code - 444 human trafficking. However, in 2009, Montenegro passed the Law on the Ratification of the Council of Europe Cybercrime Convention (Budapest Convention), simultaneously ratified the Additional Protocol on Racism and Xenophobia (CETS 189), as well as the Convention on the Protection of Children against Sexual Exploitation and Abuse (CETS 201).

In accordance with the aforementioned Law, in Art. 35 24/7 type network, in the High-Tech Crime Prevention Group, a contact person has been designated who is available 24 hours a day, seven days a week, in order to provide immediate assistance for the purpose of investigation or when prosecuting criminal offenses related to computer systems and computer data, or for the purpose of gathering evidence for all criminal offenses in electronic form, and therefore also the criminal offense of Human Trafficking.

Supreme State Prosecutor's Office

Montenegro uses the provisions of the Council of Europe Cybercrime Convention (Budapest Convention) to fight against human trafficking by intercepting data - applying secret surveillance measures and collecting data - searching computers and other electronic devices that are carried out by order of the court, which order is issued upon request of the prosecutor's office.

Supreme Court – There is no application of the Council of Europe Cybercrime Convention (Budapest Convention) to combat human trafficking.

Part II –Country-specific follow-up questions

40. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's previous reports:

- ensure effective access to legal assistance and free legal aid for victims of THB;

Ministry of Justice

The Proposal of the law on amendments to the Law on free legal aid, which the Government of Montenegro determined at the session of April 18, 2024, and which is currently in the parliamentary procedure, foresees that the victim of the criminal offense of human trafficking will have the right to free legal aid in related procedures, in accordance with the laws regulating family and obligation relations and the enforcement and securing procedure, after a final and enforceable court decision establishes that the victim is a victim of the criminal offense of human trafficking. In related cases, free legal aid is per rule provided by the same lawyer.

Supreme State Prosecutor's Office

In cases in which minors are injured parties, they are generally appointed with an attorney by the prosecutor's office, based on the Constitution of Montenegro, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime. In most of the findings and opinions of the Expert Service of the Supreme State Prosecutor's Office, it is suggested to hire a attorney.

Supreme Court

Based on data from court practice for the period from 2021 to May 2024, it can be seen that no victim of human trafficking was granted free legal aid. Also, when it comes to the earlier period, according to the Analysis of Court Practice for Cases of Human Trafficking conducted by the Supreme Court of Montenegro, it follows that no victim of human trafficking has used this right since the entry into force of the Law on Free Legal Aid, which is a worrying practice.

Only in one of the cases from judicial practice, which refers to the exploitation of children for the purpose of begging and forced labor by their father, the victims were appointed a lawyer from the list of lawyers specialized in cases with children and in the representation of children. Namely, in this case, in order to protect the rights of the victims, the competent state prosecutor's office issued a decision on the appointment of an attorney for the minor injured party in accordance with Article 95 of the Law on treatment of minors in criminal proceedings.

In order to inform the general public and victims of human trafficking about the availability and way of exercising the right to free legal aid, a campaign will be conducted in 2024 in cooperation with the joint program of the European Union and the Council of Europe Horizontal Facility for the Western Balkans and Turkey.

➤ guarantee effective access to compensation for victims of THB;

Supreme State Prosecutor's Office

In the period from January 1, 2021 to April 19, 2024, two final and enforceable judgments were passed, one in 2023, the other in 2024. A review of the judgments of the High Court in Podgorica K no. 163/21 and K no. 196/22 establishes that the court did not decide on property claims in the concrete criminal law matters, and they were not even set. In order to ensure compensation for damages, the Ministry of Justice has prepared a law that will regulate the above.

Ministry of Justice

The Criminal Procedure Code stipulates that a property claim arising from the commission of a criminal offense will be discussed at the proposal of a person authorized to realize such a claim in civil proceedings, if this would not significantly delay the proceedings. A property legal claim can refer to compensation for damages, return of items or annulment of a certain legal transaction. A proposal for the realization of a property claim is submitted to the state prosecutor, i.e., to the court before which the criminal proceedings are conducted, no later than the end of the main trial before the first instance court. If the authorized person has not submitted a proposal for the realization of a property claim in criminal proceedings by the bringing of the indictment, he/she will be informed that he/she can submit this proposal until the end of the main trial.

According to the Law on Obligations, a victim of human trafficking has the legal right to file a claim for compensation for material/non-material damage. The court decides on the claim on the basis of oral, direct and public discussion. Acceptance or rejection of the claim depends solely on whether the claim is founded, and which facts the court will take as proven, the court decides according to its conviction, based on a conscientious and careful evaluation of each piece of evidence separately and all the pieces of evidence together, as well as based on the results of the entire procedure. With regard to the existence of a criminal offense and guilt, the court in civil proceedings is bound by the final judgment of the court declaring the defendant guilty. In this regard, in every proceeding, even in the proceeding when the victim of trafficking in human beings seeks compensation for damages, the court is obliged to respect the law exclusively and to apply it directly in each specific case, regardless of who the parties are in the proceeding.

The Law on compensation for victims of violent crimes regulates the conditions, method and procedure for exercising the right to compensation for victims of violent crimes, that is, the law prescribes the possibility for victims to apply directly to the state for compensation. The law entered into force on July 15, 2015, and will be applied on the day of Montenegro's accession to the European Union.

Furthermore, Article 65a paragraph 3 of the Law Proposal on Amendments to the Criminal Procedure Code stipulates that if they suffer more serious consequences of a criminal offense from paragraph 1 of this article for which a prison sentence of five or more years is prescribed, the victim from paragraph 1 and 2 of this article has the right to professional assistance when submitting a property claim.

Also, the Law Proposal on Amendments to the Law on Seizure and Confiscation of Criminal Assets and in accordance with the GRETA Recommendation, Article 61, Paragraph 3 stipulates that the confiscated assets becomes state property, as well as that the Law on State Property is applied to the disposing of assets. Finally, the purpose of the confiscated property at the disposal of the Government is specified in percentage terms, in order to clearly know how to dispose of the confiscated property

The assets referred to in paragraph 1 of this article are at the disposal of the Government, in the amount of:

- 50% of those assets 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;
- 30% of those assets for the needs of the state administration body responsible for state property affairs; and
- 20% of those assets for the purpose of providing funds in accordance with the law governing the exercise of the right to temporary child support.

Supreme Court - According to data from court practice, no victim of human trafficking has practiced the right to compensation through criminal proceedings.

Analyzing human trafficking cases, it was observed that the victims raised a property-legal claim in all six final and enforceable concluded cases in the period from 2019 to today, as well as that the court referred them to regular civil proceedings in order to achieve the same. Nevertheless, based on the analyzed convictions, it can be seen that no victim of human trafficking has exercised a property-legal claim in criminal proceedings, because in the opinion of the courts, this would lead to a delay in the proceedings, and for this reason, the injured party- victims are regularly referred to civil proceedings .

The court directed the injured party to pursue a property legal claim in the civil proceedings because it was not precisely determined, or because the facts established in the criminal proceedings did not provide a reliable basis for either a full or partial judgment, and their determination would lead to a considerable delay in the proceedings.

Previous research also points to these problems in exercising the right to compensation. According to the Analysis of Court Practice for Human Trafficking cases conducted by the Supreme Court of Montenegro, out of a total of 39 victims identified by court rulings, nine of them (9) filed a property-legal claim during the criminal proceedings. However, no victim of human trafficking has received compensation for damages through criminal proceedings. In all those cases, the victims were referred to civil proceeding in order to exercise their request, as observed, for example, in the judgment of the High Court in Podgorica, K no. 19/12: "According to Art. 239 of the CPC, the injured S. Lj. was referred to the civil proceedings, in order to exercise the property-legal claim set in relation to the defendants, because the facts established in the criminal proceedings did not provide a reliable basis

for either a full or partial judgment, and their determination would lead to a significant delay in the proceedings."

Vrhovni sud Crne Gore, kao najviši u sud u državi, u okviru Analize sudske prakse za predmete trgovine ljudima, dao je preporuku sudovima, da odluče o imovinsko pravnom zahtjevu u krivičnom postupku, kada za to ima dovoljno osnova.

The Supreme Court of Montenegro, as the highest court in the country, within the framework of the Analysis of Court Practice for cases of human trafficking, recommended the courts to decide on property claims in criminal proceedings, when there are sufficient grounds for this.

Likewise, we would like to emphasize the importance of given recommendations, within the framework of the review and analysis of the national practice in cases of human trafficking: "Criminal response of Montenegro in the field of human trafficking", that in accordance with the findings, recommendations and conclusions of the mentioned document, in Montenegro the development should start of guidelines for the improvement of court practice in procedures for compensation of damages to victims in criminal proceedings. It is planned that these Guidelines will be developed during the year 2025.

- take additional measures to prevent and combat trafficking for the purpose of labour exploitation, in particular by strengthening the involvement of the Labour Inspectorate, the collection of evidence, and the investigation and prosecution of detected cases.

MoI - DEPARTMENT FOR THE FIGHT AGAINST HUMAN TRAFFICKING

Efforts have been made to proactively identify victims and carry out checks in order to detect human trafficking, where the labor inspection is recognized as an authority that can make an appropriate contribution in the part of identifying potential victims of labor exploitation.

The current strategic document, as a continuous activity, also defines the implementation of joint controls of the Police Directorate (Inspectors for foreigners) and inspection services, especially during the summer tourist season, with the aim of recognizing and suppressing activities that could indicate human trafficking for the purpose of labor exploitation. In the previous year alone, 202 joint inspections of the Police Directorate and the Labor Inspectorate were carried out.

In the previous year, within its jurisdiction, the Labor Inspectorate carried out 6,867 inspections, of which 1,356 persons were found in illegal employment, of which 895 were foreigners and 461 were Montenegrin citizens.

This year, in cooperation with the International Organization for Migration, the realization of a two-year project entitled "Strengthening efforts to combat human trafficking in Montenegro" has begun, which IOM is implementing under the auspices of the Bureau of International Narcotics and Law Enforcement Affairs of the American Embassy (INL). In this regard, the procedure for selecting an expert is underway, who will make a quick assessment of the state of labor exploitation, which will serve to map further activities in this field. At the same time, a meeting was held between the Minister of Labor and Social Welfare, the head of the IOM Mission in Montenegro and the head of the Department for Fight against Trafficking in Human Beings, where it was stated that it is necessary to continue investing efforts in this area in order to improve efficiency in the fight against labor exploitation, as well as raising public awareness of this problem, with the aim of an efficient, effective and coordinated national response in combating human trafficking in Montenegro. On that occasion, the Minister emphasized that the inclusion of labor inspectors, as well as employees of social work centers in training can significantly improve the identification and protection of potential victims of labor exploitation. Special attention will be directed to the work of the inspection services during the

summer season on the coast, as well as in the construction industry, where the problems are particularly pronounced.

Supreme State Prosecutor's Office

Actions were taken on the recommendation, which resulted in the initiation of several criminal proceedings due to labor exploitation. During 2020, before the Special State Prosecutor's Office the proceedings were initiated against 3 foreign nationals. In 2023, proceedings were initiated before the Special State Prosecutor's Office against an organized criminal group of 6 persons for human trafficking, which was extended to one more person in 2024. In 2024, an indictment was brought against 6 persons, and the investigation against one person is still ongoing, and 334 foreign citizens were injured parties. During 2019, a case was initiated before the prosecutor's office against 2 persons due to labor exploitation, 2 injured party foreign nationals, which resulted in an indictment. In 2023, one proceeding against 1 person was initiated before the prosecutor's office due to labor exploitation done to the detriment of one person, and in 2024, 2 proceedings were initiated against a total of 2 persons to the detriment of 2 injured persons, in one of which an indictment was brought against 1 person.

41. Please provide information on developments in your country since GRETA's third evaluation report concerning:

➤ emerging trends of trafficking in human beings;

Supreme State Prosecutor's Office

After the third evaluation report, it is evident that there was a prosecution of organized groups that exploit persons injured by human trafficking-foreigners, that a large number of cases were processed due to sexual exploitation during which a large number of persons, mostly foreign nationals, were recognized as victims.

Team for formal identification of victims of human trafficking

Compared to the previous period in 2023, there is an evident increase in cases of sexual exploitation of women and girls compared to the previous reporting period. As a form of exploitation that was for the first time recorded in the practice of Team's work, it is human trafficking for the purpose of use for pornographic purposes.

➤ the legislation and regulations relevant to action against THB;

Supreme State Prosecutor's Office

The Constitution of Montenegro in Article 9 stipulates that ratified and published international treaties and generally accepted rules of international law are an integral part of the internal legal order, that they have primacy over domestic legislation and are directly applied when they regulate relations differently from internal legislation. Priorities in countering the occurrence of human trafficking were ensured by the adoption of a set of laws in the field of justice, namely: the Criminal Code, the Criminal Procedure Code, the Law on Compensation of Damage for Victims of Violent Crimes, the Law on Foreigners, the Law on Seizure and Confiscation of Criminal Assets, the Law on Treatment of minors in criminal proceedings, the Law on Health Care and the Law on Social and Child Protection, the Law on International Legal Assistance in Criminal Matters. Montenegro has ratified international documents: the United Nations Convention against Transnational Organized Crime, the Protocol to

Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children, the Protocol Against Smuggling of Migrants by Land, Sea and Air, the United Nations Convention on the Rights of the Child, the Optional Protocol on sale of children, child prostitution and child pornography, Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Convention on Suppression and Prevention of Violence against Women and Domestic Violence (Istanbul Convention), International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Ministry of Justice

According to the Law on Amendments to the Criminal Code of Montenegro, which was adopted in December 2023, in Article 444, in addition to the terminological harmonization of the concept of child, in the criminal offense from Article 444, Trafficking in Human Beings, in paragraph 1, kidnapping is added as one of the ways of committing the criminal offense, another more serious form of this criminal offense has been added, which will exist if, as a result of the offense referred to in paragraph 3 of this article, severe physical injury to a child has occurred, and a prison sentence of at least five years has been prescribed. Also, alignment with Directive 2011/36/EU was carried out, paragraph 11 introducing a provision on non-punishment of the victim.

Law Proposal of the Law on free legal aid

Law Proposal on amendments to the Law on free legal aid which the Government of Montenegro determined at the session of April 18, 2024, and which is currently in the parliamentary procedure, foresees that the victim of the criminal offense of human trafficking will have the right to free legal aid in related procedures, in accordance with the laws regulating family and obligation relations and the enforcement and securing procedure, after a final and enforceable court decision establishes that the victim is a victim of the criminal offense of human trafficking. In related cases, free legal aid is per rule provided by the same lawyer.

Proposal for the Law on Amendments to the Criminal Procedure Code

The need to pass the Law on Amendments to the Criminal Procedure Code is based on several reasons. First of all, in the part of strengthening the rights of victims in criminal proceedings, opportunities for exercising the right to effective participation in criminal proceedings, the right to use one's own language, the right of the victim to understand and to be understood from the first contact with the relevant national authorities. General provisions are prescribed to guarantee the rights of the victim. In addition to systematizing the rights of victims in criminal proceedings, a clear obligation of state authorities (court, prosecutor's office, police) has been introduced to inform the victim in a way that is comprehensible of the rights he/she has and the rights he/she has as an injured party. Also, there is an obligation of these authorities to treat the victim with consideration and they are obliged to make sure that the victim has understood the given notice of rights. These state authorities will instruct the victim in a way that he/she can understand about the meaning of participating in the procedure as the injured party. The minutes will include the notification given and the victim's statement as to whether he/she wants to participate in the proceedings as an injured party. The formation of the National Victim Support Service is planned. The Law Proposal was sent to the EC in December 2022, and the EC's comments were submitted in December 2023. Alignment with the EC's comments is ongoing.

The Ministry of Justice has started activities on the development of the first national Strategy on the protection of victims' rights in Montenegro as an umbrella document that will ensure a harmonized and comprehensive approach to the protection of victims' rights. The joint project of the European Union and the Council of Europe "Strengthening responsibility in the judicial system and improving

the rights of victims in Montenegro" will provide expert and technical support during the entire process of drafting this strategic document and the Action Plan for its implementation.

Also, the Law Proposal on Amendments to the Law on Seizure and Confiscation of Criminal Assets and in accordance with the GRETA Recommendation, Article 61, Paragraph 3 stipulates that the confiscated assets become state property, as well as that the Law on State Property is applied to the disposing of assets. Finally, the purpose of the confiscated property at the disposal of the Government is specified in percentage terms, in order to clearly know how to dispose of the confiscated property

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- 30% of those assets for the needs of the state administration body responsible for state property affairs; and
- 20% of those assets for the purpose of providing funds in accordance with the law governing the exercise of the right to temporary child support

- the institutional and policy framework for action against THB (co-ordinating bodies, specialised entities, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

Supreme State Prosecutor's Office

In December 2018, a Decision was adopted on the formation of the Operational Team for the fight against human trafficking. The decision on the formation of the Operational Team for the fight against human trafficking and migrant smuggling, adopted in April 2024, extended the team's jurisdiction to migrant smuggling.

The Agreement on mutual cooperation in the fight against human trafficking was revised and a new one was signed on May 27, 2024. (signatories: 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, PI Center "Ljubovic", PI Center for Child and Family Support Bijelo Polje, Red Cross of Montenegro Gore and non-governmental organizations: "Montenegrin Women's Lobby", "Safe Women's House", "SOS telephone for women and children victims of violence - Nikšić" and "Center for security, sociological and criminological research of Montenegro - Defendology Nikšić").

The Agreement is available at the following link <https://www.gov.me/mup/borba-protiv-trgovine-ljudima->

Ministry of Interior

At the strategic level, the Coordinating Body for monitoring the implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024 is in charge of monitoring the implementation of the national policy to combat human trafficking and it was established by the Minister of the Interior (new convocation by the latest decision No. 078/24-2410 of 31/01/2024). This body and the implementation of the strategic document is coordinated by the Ministry of Interior, which is responsible for creating and monitoring the implementation of the national policy of combating human trafficking. The members of this body are representatives of state administration bodies, administrative bodies and the judiciary, with the presence of representatives of the Protector of human rights and freedoms and one NGO representative. Additional strength/support to this body is

provided by the presence as observers of representatives of international organizations (IOM, OSCE, UNICEF, CoE), the EU Delegation in Montenegro and the US Embassy.

Following the best international practice, and wanting to improve the system of identification of victims of human trafficking, we formed a Team for the formal identification of victims of human trafficking at the Ministry of Interior. This Team bases its work on the implementation of certain operational procedures, which provide that victim status can be obtained based on human rights violations, and not only if the victims are the subject of the criminal offense of human trafficking (so not only on the basis of prosecuted cases). The tasks of the Team are to:

- coordinate the initial referral and protection of persons presumed to be victims of human trafficking;
- carry out the procedure of formal identification of victims of human trafficking,
- achieve communication and cooperation with local partners,
- visit locations where vulnerable categories reside;
- quarterly inform the Minister of Interior about the results of its work.

Members of the Team (MoI/PD, MLSW, NGOs) are available 24 hours a day and, if necessary, will go to the field as support in a specific case.

- the current national strategy and/or action plan for combating trafficking in human beings (objectives, main activities, budget, bodies responsible for the implementation, monitoring and evaluation of results);

MoI- Department for Fight against Trafficking in Human Beings

The Strategy for Combating Trafficking in Human Beings 2019-2024 is in force which defined the directions of the national policy of combating human trafficking in the areas of: prevention, protection of victims, criminal prosecution, as well as in the area of partnership, coordination and international cooperation.

Since the adoption of the mentioned Strategy, 5 action plans have been adopted and implemented for the years 2019, 2020, 2021, 2022 and 2023. The last, one-year Action Plan that follows the implementation of the Strategy was adopted on May 17, 2024.

These are materials whose adoption and monitoring of implementation are coordinated with the dynamics of the implementation of the Strategy, but also with numerous program documents, the annual work programs of the Government, as well as the accession programs of Montenegro to the European Union.

The strategic document is in its final year of implementation, and at the end of the year, an external evaluation of its implementation will be carried out, in order to assess the success in achieving certain goals that were defined during the adoption of this strategic document:

- Improvement of preventive activities and participation of all actors at the state level in their implementation;
- Improvement in the identification of victims of human trafficking and the quality of protection and assistance during their social reintegration;
- Strengthening of the capacity of the authorities for the criminal prosecution of human trafficking, in order to conduct criminal and financial investigations more efficiently;
- Strengthening of coordination and partnership between numerous different actors in this area, from all sectors of society at the national and international level and promoted networking.

The last Action Plan was adopted by the Government of Montenegro at the session held on May 17, 2024, when the Report on the Implementation of the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024 was adopted, for the year 2023. This year's Action Plan envisages the implementation of 57 activities in strategic areas: Prevention of human trafficking, Protection of victims of human trafficking, Response of criminal justice/criminal prosecution and Partnership, coordination and international cooperation.

Funds in the amount of 657,680 euros have been planned for the implementation of the Action Plan in question, of which the projected consumption of funds from the budget in the amount of 378,050 euros.

The action plan for the implementation of the Strategy for Combating Trafficking in Human Beings 2019-2024, for the year 2023, monitored the implementation of 63 activities. Out of the total number of activities, 43 were implemented, 5 activities were partially implemented, while there are a total of 15 unrealized activities. These are unrealized activities in strategic areas: Prevention of human trafficking -4, Protection of victims of human trafficking -3, Criminal justice response/criminal prosecution -1 and Partnership, coordination and international cooperation-7.

All action plan implementation reports can be found at the following link: <https://www.gov.me/mup/borba-protiv-trgovine-ljudima>.

Supreme State Prosecutor's Office

Strategic goal: to strengthen the capacity of the authorities for the criminal prosecution of human trafficking, in order to conduct criminal and financial investigations more efficiently.

Recommendations were included in the Strategy and acted upon.

Recommendations:

- Introduce measures to sensitize prosecutors and judges in relation to the situation in which the victim is, the trauma experienced, as well as in relation to the rights of victims, especially when it comes to children - the prosecutor's offices subject matter competent for the criminal offense of human trafficking have appointed prosecutors who specialize in dealing with this criminal offense and who are trained in dealing with victims of human trafficking.

- Provide specialized training for the special police unit for financial crime and prosecutors in order to increase financial investigations and confiscation of property acquired through criminal activity - prosecutors attended specialized training for financial investigations, which resulted in the initiation of financial investigations in a certain number of cases.

-Introduce measures/training to ensure that the crime of human trafficking does not qualify as a related crime of victimization of victims and witnesses, especially when it comes to children- the prosecutors underwent training and attended meetings at the national and international level in the field of human trafficking, which led to the correct qualification of specific events as the criminal offense of human trafficking and resulted in a greater number of investigations compared to the earlier period. The prosecutors underwent the following trainings:

In 2021:

- Meeting "Next steps: After the 10th anniversary of the Network of National Coordinators for Combating Human Trafficking and the 20th Anniversary of the UN Protocol against Trafficking in Human Beings" organized by the Ministry of Internal Affairs, Department for Combating Human Trafficking, January 2021;
- Seminar "Trafficking in human beings and the rights of refugees" organized by the Center for Training in the Judiciary and the State Prosecutor's Office" February 2021
- Regional meeting "Access to effective remedies for victims of human trafficking in Southeast Europe" organized by the Ministry of Internal Affairs and UNODC, March 2021

- Conference of the 21st Alliance for Combating Trafficking in Human Beings, organized by the Directorate for the OSCE and the Ministry of Foreign Affairs, April 2021.
 - Training "Fight against human trafficking" organized by the Center for Training in the Judiciary and the State Prosecutor's Office" July 2021
 - Expert conference "Exit strategies from human trafficking and sexual exploitation in the Danube region, organized by the Office for European Integration, October 2021
 - The third joint multidisciplinary UNODC training on the investigation and prosecution of smugglers, November 2021, of migrants from Bosnia and Hercegovina-Montenegro, organized by the Ministry of Internal Affairs and UNODC, March 2021
 - "Human Trafficking" conference organized by the Center for Women's Rights, November 2021;
 - Two-day training "Security for human beings and borders - Fight against migrant smuggling in the Balkans", organized by the Civic Alliance, December 2021;
 - Visit of the UNODC mission to Montenegro on the subject of human trafficking, November 2021.
- in 2022:
- Seminar "Trafficking in human beings, fight against impunity" organized by the Center for Training in Judiciary and State Prosecutor's Office and the ERA Center, March 2022;
 - Virtual conference "Application of a gender-based approach in the fight against human trafficking", organized by the MoI, Department for the fight against human trafficking, February 2022;
 - Panel discussion "Impact of technology on human trafficking", organized by the OSCE, February 2022;
 - Round table "Preventing impunity for human traffickers and supporting victims of human trafficking in Southeast Europe", organized by the OSCE in April 2022;
 - Regional workshop "Exchange of best practices and experiences in preventing, detecting and prosecuting migrants and human trafficking in mass and mixed migration flows in the Western Balkans", organized by the MoI, Department for the fight against human trafficking;
 - Recommendations of the special representative and coordinator of the OSCE, for the fight against trafficking in the context of the crisis in Ukraine;
 - Seminar "Financial investigations in cases of human trafficking" organized by the Center for Training in the Judiciary and the State Prosecutor's Office, July 2022;
 - Meetings of national coordinators and rapporteurs on the topic of the fight against human trafficking, June 2022, organized by the OSCE
 - The third meeting from the human rights dimension "Protection of the rights of persons who are victims of human trafficking" organized by the OSCE, July 2022;
 - Three-day training "Fight against human trafficking" organized by the Center for Training in the Judiciary and the State Prosecutor's Office, July 2022;
 - Regional thematic multidisciplinary workshop "Preventing impunity for human trafficking and supporting victims of human trafficking in Southeast Europe", organized by the MoI, Department for the fight against human trafficking, September 2022.
 - Regional workshop "Improving the response of criminal justice to solve evident challenges in human trafficking investigations" organized by the MoI, Department for the fight against human trafficking, October 2022;
 - Three-day national training "Simulation of trials in cases of human trafficking" organized by the Center for Training in the Judiciary and State Prosecutor's Office, November 2022;
 - Seminar "Fight against human trafficking", organized by the Center for Training in the Judiciary and State Prosecutor's Office, December 2022;
 - Meeting "Obtaining support and improving results in the field of anti-trafficking at the local level", December 2022, organized by the MoI, Department for the fight against human trafficking;
 - Regional conference "Combating human trafficking and migrant smuggling in the Western Balkans, and the annual regional meeting of representatives of the Western Balkans", February 2023 (invitation received in December 2022);

In 2023:

- 2nd regional workshop - victims of trafficking in Southeast Europe 31.01.-02.02. organized by UNODC;
 - Seminar "financial investigation in cases of human trafficking, March 23-24, Sofia, organized by CTJSPO and ERA Center;
 - Realistic scenario-training "smuggling of migrants and human trafficking" March 20-23, Sarajevo, organized by the OSCE;
 - Seminar "joint action in the Western Balkans against human trafficking and smuggling of migrants" April 3-6, Sofia, organized by IOM;
 - "Trafficking in Human Beings with an Accent on Ukraine" meeting, organized by UNODC and the Police Directorate, April 2023
 - Regional conference "Improving the response to human trafficking for the purpose of sexual exploitation, especially women and girls, through dealing with the demand in Southeast Europe" April 27-28, Dubrovnik, organized by UNODC and the Police Directorate;
 - 33rd conference "Criminal offenses related to trafficking in migrants. New challenges in investigation and international cooperation" April 27, Sofia, organized by SEEPAG;
 - Validation workshop of the analysis of the Montenegrin legislative framework in relation to the binding EU and international standards that regulate the criminalization and sanctioning of the use of online platforms for recruiting, controlling, transporting and exploiting victims, as well as for the investigation and prosecution of human trafficking with the help of technology; June 2, organized by IOM;
 - Workshop on the challenges and opportunities of JITs between EU member states and partners with the WB with a focus on combating migrant smuggling - organized by EUROJUST and JIT, July 6, Sarajevo Bosnia and Herzegovina;
 - Seminar "Use of high technology for commission, investigation and prosecution of human trafficking" organized by IOM, July 3-5, 2023, Bar, Montenegro;
 - Meeting "Support for the prevention and fight against migrant smuggling and human trafficking in the Western Balkans" organized by GIZ, June 16, 2023, Podgorica;
 - Training course "Building capacity on systemic analysis of drug trafficking, migrant smuggling and human trafficking networks along the Balkan route"; organized by UNODC, GPML and GPCD, September 19-22, 2023;
 - Trial simulation-seminar "trafficking in human beings" October 3-5, Moldova, organized by UNODC;
 - Training "Fight against human trafficking" October 16-18 organized by CTJSPO;
 - Regional conference "Human security and border-smuggling of migrants", 27-28. October 2023, Belgrade, organized by UNODC;
 - "Strengthening the responsibility of the judiciary on human trafficking" November 16-17, organized by IOM;
 - Meeting "Dealing with child trafficking in Southeastern Europe" organized by REGM and the Police Directorate;
 - Training on the topic "Application of procedures tailored to the child and interviews with child victims of criminal offenses in order to prevent further victimization", 05-06/10/2023, Bečići, Montenegro,
- In 2024:
- Workshop "Recognition and treatment of victims of human trafficking", organized by CILC, March 2024;
 - OSCE conference "Beyond raising awareness - reshaping the prevention of human trafficking", April 2024;
 - Meeting "Uniform Standard Operating Procedures for the Management of Transnational Human Trafficking Cases", April 2024;
 - Thematic conference "Combating Migrant Smuggling in the Digital Domain" in April 2024 organized by EUROPOL

- Ensure the participation of specialized experts who are not lawyers in courts and prosecutor's offices who will work with victims (psychologist, social pedagogue, etc.)

Supreme State Prosecutor's Office

At the Supreme State Prosecutor's Office, a professional service consisting of a social worker and a psychologist was formed, which provides assistance to persons under the age of 18. The proposal of the CPC envisages the formation of an expert service to help victims of, among other things, human trafficking. When hearing persons under the age of 14, representatives of the Center for Social Work attend the hearing.

In the period 2012 - 2018, a total of 15 investigations for criminal offence human trafficking were conducted - increase in the number of conducted investigations into human trafficking by 20 percent by 2024

ACHIEVED - in the period from January 1, 2019 to December 31, 2023, a total of 26 investigations were conducted and another 3 from January 1, 2024 to April 19, 2024. In addition to the previously mentioned cases in which the Order on the conducting of the investigation was formally passed, 9 other proceedings were initiated against known perpetrators of criminal acts.

In the period from 2012-2018 there were no cases of conducting financial investigations in parallel with criminal investigations until 2024, at least one financial investigation was conducted in parallel with criminal investigations ACHIEVED (5 financial investigations were launched)

- recent case-law concerning THB for different forms of exploitation.

Supreme Court

One verdict for illicit marriage and another for begging. These are the second verdicts so far for this form of exploitation.

Supreme State Prosecutor's Office

The practice is in the period from November 1, 2021 to April 19, 2024 through two final and enforceable judgments in relation to which there is a remark that the punishments are too lenient.

Police Department

Newly emerging trends relate to human trafficking for pornographic purposes and the sale of children.

Part III - Statistics on THB

42. Please provide the following statistics, per year starting with 2019, where available disaggregated as indicated below:

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

MoI -Team for formal identification of victims of human trafficking

Table number 1: Number of identified victims of human trafficking by the Formal Identification Team for the period from January 1, 2020 to December 31, 2020

STATUS	NUMBER/GENDER	TYPE OF EXPLOITATION	NATIONALITY
Victims	2 adult men	Labour Exploitation	PAKISTAN
Victim	1 minor girl	Conclusion of Illicit Marriage	SERBIA
Victim	1 minor girl	Conclusion of Illicit Marriage and Forced Begging	MONTENEGRO
	1 minor boy	Forced Begging	
Victims	12 adult females	Labour Exploitation	TAIWAN
	25 adult males		
Victim	1 minor female	Conclusion of Illicit Marriage	MONTENEGRO
Victim	1 minor female	Conclusion of Illicit Marriage	KOSOVO
Victim	1 minor male	Forced Begging	MONTENEGRO
Victim	1 minor female	Conclusion of Illicit Marriage	MONTENEGRO
Victims	4 minors, 2 male and 2 female	Forced Begging	MONTENEGRO IDP
Victims	2 adult females	Sexual Exploitation	SERBIA
			MONTENEGRO

Table 2: The number of victims of human trafficking identified by the Team for Formal Identification for the period from January 1, 2021 to December 31, 2021

STATUS	NUMBER/GENDER	TYPE OF EXPLOITATION	NATIONALITY
Victim	1 minor girl	Sexual Exploitation	MONTENEGRO
Victim	1 minor girl	Conclusion of Illicit Marriage	MONTENEGRO
Victim	1 minor girl	Forced Begging	MONTENEGRO
	1 minor boy	Forced Begging	
Victim	1 minor girl	Conclusion of Illicit Marriage	SERBIA

Table 3: The number of victims of human trafficking identified by the Team for Formal Identification for the period from January 1, 2022 to December 31, 2022

STATUS	NUMBER/GENDER	TYPE OF EXPLOITATION	NATIONALITY
Victim	1 adult female	Conclusion of Illicit Marriage / Forced Begging	MONTENEGRO
Victim	7 minor girls	Conclusion of Illicit Marriage	(5) MONTENEGRO SERBIA (2)
Victim	2 minor girls	Forced Begging	MONTENEGRO
Victim	3 adult females	Sexual Exploitation	RUSSIA
Victim	1 minor boy	Conclusion of Illicit Marriage	MONTENEGRO
Victim	2 minor boys	Forced Begging	MONTENEGRO

Table 4: The number of victims of human trafficking identified by the Team for Formal Identification for the period from January 1, 2023 to December 31, 2023

STATUS	NUMBER/GENDER	TYPE OF EXPLOITATION	NATIONALITY
Victim	3 adult females	Use for pornographic purposes	UKRAINE (2 persons) ISRAEL (1 person)
Victim	1 adult female	Sexual exploitation/ Use for pornographic purposes	UKRAINE
Victim	1 adult female	Sexual exploitation	SERBIA
Victim	1 minor girl	Sexual exploitation	MONTENEGRO
Victim	1 minor girl	Sexual exploitation /Forced criminality	MONTENEGRO
Victim	2 minor girls	Forced begging	MONTENEGRO
Victim	4 minor boys	Forced begging	MONTENEGRO
Victim	1 minor boy	Forced criminality	ALBANIA
Victim	3 minor girls	Conclusion of illicit marriage	MONTENEGRO (2persons) KOSOVO (1 person)

Victim	1 minor girl	Conclusion of illicit marriage / Forced begging	MONTENEGRO
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- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

In the mentioned reporting period, within the asylum procedure, there were no identified victims of human trafficking.

In the period from 2019 to 30/04/2024, there were no officially identified victims of human trafficking in the Section for the reception of foreigners seeking international protection during the duration of the procedure upon application. Three persons were suspected of being victims of human trafficking, and in accordance with their allegations, the competent institutions were contacted. In question is an adult man from Iran and two unaccompanied adult women (with the nationalities of Serbia and Morocco) who were suspected of being victims of sexual exploitation. In all cases, regarding suspicions and allegations, cooperation was achieved with the Department for Fight against Trafficking in Human Beings, while in the case of the beneficiary from Serbia, the competent state prosecutor's office was also involved.

- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).
- Number of child victims of THB who were appointed legal guardians

Ministry of Labor and Social Welfare

In accordance with the Law on Social and Child Protection and by-laws, a legal guardian is appointed for all persons who have been given the status of a victim of human trafficking, and centers for social work undertake activities within their competence in order to adequately protect the victim and provide them with help and support.

- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB granted a residence permit, with an indication of the type of the permit (for the purpose of co-operation in the investigation/proceedings, on personal grounds, other) and its duration (disaggregated by sex, age, nationality, form of exploitation).

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

In the previous period, not a single permit was issued for a victim of human trafficking.

- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).

MoI - Directorate for Administrative Affairs, Citizenship and Foreigners

In the reporting period, there were no persons who were granted international protection on the basis that they were victims of human trafficking.

- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).

Supreme Court –N/A

- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.
- Number of victims of THB who received free legal aid.

Supreme Court: No victim has received free legal aid so far

- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).

The Team for formal identification of victims of human trafficking did not participate in the return of persons to their countries of origin.

- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).

Supreme State Prosecutor's Office

in 2019:

conclusion of illicit marriage -1 investigation, number of injured parties 1
labor exploitation - 1 investigation, number of injured parties 2

in 2020:

conclusion of illicit marriage -3 investigations, number of injured parties 3 (one of which was determined during the investigation to not be human trafficking)
begging - 1 investigation, number of injured parties 6
prostitution and other types of sexual exploitation, use for pornographic purposes - 1 investigation, number of injured parties 3
labor exploitation - 1 investigation, number of injured parties 34

in 2021:

conclusion of illicit marriage -3 investigations, number of injured parties 3
begging - 1 investigation, number of injured parties 4

in 2022:

conclusion of illicit marriage -2 investigations, number of injured parties 3
begging - 2 investigations, number of injured parties 2

prostitution and other types of sexual exploitation, use for pornographic purposes
- 1 investigation, number of injured parties 3

in 2023:

begging - 5 investigations, number of injured parties 9
prostitution and other types of sexual exploitation, use for pornographic purposes - 3 investigations,
number of injured parties 19
labor exploitation - 1 investigation, number of injured parties 334

in 2024:

begging - 1 investigation, number of injured parties 1
labor exploitation - 2 investigations, the number of injured parties 1, and the second investigation is
an extension of the investigation from 2023, so the number of injured parties is already shown

Note: the number of investigations shows the cases in which an order to conduct an investigation
was issued. In addition to this number, there were other cases before the prosecutor's office against
known perpetrators of the criminal offense of human trafficking, namely 9

Police Directorate

Number of investigations into human trafficking cases

Type of exploitation:	Number of Victims
1. Forced begging - 3	7
2. Labor exploitation - 1	250
3. Prostitution and other types of sexual exploitation - 2	2
4. Forced labor and begging - 2	4
5. Forced labor and begging and sexual exploitation - 2	2
6. Illicit child marriage - 2	2

➤ Number of prosecutions in THB cases (disaggregated by type of exploitation, with an
indication of the number of victims and defendants concerned).

Supreme State Prosecutor's Office

Proceedings that were started in the indicated year, and a decision was made in the reporting period.

in 2019:

conclusion of illicit marriage - number of criminal prosecutions 1, number of injured parties 1, number
of defendants 1

labor exploitation - number of criminal prosecutions 1, number of injured parties 2, number of
defendants 2

Note: in 2019, one person was charged, the number of injured parties was 4 in the case that was
started in 2018.

in 2020:

conclusion of illicit marriage - number of criminal prosecutions 3, number of injured parties 3, number of defendants 2

begging - number of criminal prosecutions 1, number of injured parties 6, number of defendants 2

prostitution and other types of sexual exploitation, use for pornographic purposes - number of criminal prosecutions 1, number of injured parties 3, number of defendants 1

in 2021:

conclusion of illicit marriage - number of criminal prosecutions 3, number of injured parties 3, number of defendants 4

begging - number of criminal prosecutions 1, number of injured parties 4, number of defendants 4

prostitution and other types of sexual exploitation, use for pornographic purposes - number of criminal prosecutions 1, number of injured parties 1, dismissal

in 2022:

conclusion of illicit marriage - number of criminal prosecutions 4, number of injured parties 5, number of defendants 4

begging - number of criminal prosecutions 2, number of injured parties 2, number of defendants 2

prostitution and other types of sexual exploitation, use for pornographic purposes - number of criminal prosecutions 1, number of injured parties 3, number of defendants 3

in 2023:

conclusion of illicit marriage - number of criminal prosecutions 3, number of injured parties 3, number of defendants so far none

begging - number of criminal prosecutions 6, number of injured parties 11, number of defendants 4

prostitution and other types of sexual exploitation, use for pornographic purposes - number of criminal prosecutions 4, number of injured parties 20, number of defendants 6 (of which 2 minors)-

labor exploitation - number of criminal prosecutions 2, number of injured parties 335, number of defendants

in 2024:

begging - number of criminal prosecutions 1, number of injured parties 1,

labor exploitation - number of criminal prosecutions 3, number of injured persons 2 (in one case, the injured persons were shown through the procedure from 2023 and will not be shown again), number of defendants 1

Note: injured parties are represented in all proceedings, not only in proceedings in which the indictment was brought

➤ Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).

➤ Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.

➤ Number of judgments in THB cases resulting in the confiscation of assets.

➤ Number of convictions of legal entities for THB

Supreme Court - Table of imprisonment sentences imposed in the period from 2019 to today

Official designation of the case:	Imprisonment sentence
K. br. 87/17	Single imprisonment sentences in duration of 17 and 15 years for two defendants
K.br. 4/19 – article 444 paragraph 6 in relation to paragraph 1 of Criminal Code	8 years of imprisonment
K br. 82/20	2 years
K .br. 21/21	1 year and 2 months ¹
K. br. 196/22	1 year of imprisonment
K.br. 163/21	2 years of imprisonment

At the level of all the analyzed convictions for human trafficking criminal offences, it follows that the most severe sentence was imprisonment in the duration of 17 and 15 years, for the two defendants, while the mildest recorded sentence was in the duration of 1 year

In judicial practice, there were no cases in which assets were seized or confiscated from defendants.

Note: in the answers to the previously asked questions, data on the forms of exploitation were given.

Measures for the protection of victims during court proceedings:

When it comes to the participation of minors - injured parties in criminal proceedings, in some cases, good court practice can be observed, especially in the part of excluding the injured child party from direct testimony in order to avoid secondary victimization, and this has already been discussed.

Based on data from judicial practice, it can be seen that no victim of human trafficking had the status of a protected witness, which is a rarity also for other types of criminal offences;

The victim support services that were established by the courts have not come to life in practice, which is why the system of legal protection is not fully qualitative, efficient and effective, but they would greatly contribute to the achievement of a support and protection system in accordance with the best standards. It is considered positive that the amendments to the Criminal Procedure Code recognized that support services should exist in courts, state prosecutor's offices and the police.

¹ The verdict was passed on the basis of a plea agreement

Data for 2019

In 2019, for the criminal offense of human trafficking, two criminal proceedings for the criminal offense of human trafficking under Article 444 of the Criminal Code of Montenegro were initiated before the High Court in Podgorica, of which a final verdict was issued in one case, and the other proceeding was in the trial phase.

Data for 2020:

One verdict was passed in the case that was conducted before the High Court in Podgorica for human trafficking, by which the defendant was declared guilty and sentenced to an imprisonment of 10 (ten) years. In this case, deciding on the submitted appeals, the Appellate Court of Montenegro, by decision dated November 6, 2020 reversed the judgment of the High Court in Podgorica in the part of the decision on punishment, and sentenced the defendant to imprisonment of 8 years.

At the same time, this year, three more cases were established for the criminal offense of human trafficking.

Data for 2021

In 2021, Montenegrin courts had a total of 8 cases pending against 11 defendants. Of that number, 2 cases have been resolved, and 6 cases are pending. When it comes to resolved cases, in two cases, the courts issued two convictions against three defendants, in one case, the defendant was sentenced to 2 years in prison, and in the other - 1 year and 2 months.

Data for 2022

When it comes to statistical data for the year 2022, a total of 11 cases against 21 defendants are pending before the competent courts. However, there were no resolved cases during this year.

Data for the period from 01/01/2023 until 31/03/2024

For to the criminal offense of human trafficking from Article 444 of the Criminal Code of Montenegro, during the reference period, a total of seventeen (17) cases were pending, namely: sixteen before the High Court in Podgorica and one before the High Court in Bijelo Polje. Two cases have been finalised, in one case the proceedings are ongoing in the phase of confirming the indictment, in one case the indictment has been confirmed, but the main trial has not yet been scheduled, while the other cases are in the trial phase before the High Court in Podgorica. One case is pending before the High Court in Bijelo Polje after the first-instance judgment of that court K. no. 10/22 was overturned by the decision of the Appellate Court of Montenegro Kž. no. 146/23 dated 05.12.2023.

Based on this statistical picture, it can be pointed out that during 2023, the track record continued to improve in the form of the total number of human trafficking cases pending before the competent courts (17).

When it comes to the aforementioned two final and enforceable cases, in one case the defendant was sentenced to a prison sentence of two (2) years, and in the other case the defendant was sentenced to a prison sentence of 1 (one) year.