Conceptualizing Child Labour Trafficking and Exploitation: The Case of Roma Children in Montenegro

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Trafficking of children for labour exploitation is a profit-oriented criminal activity by which children are recruited, transported, harboured or received for the purpose of labour exploitation irrespective of whether or not force, abduction, fraud or other means were used. This paper examines child labour trafficking in the context of human rights violations and as the worst form of child labour. In an attempt to situate the discourse of alleged labour exploitation and trafficking of Roma children in Montenegro, focusing in particular on instances of child begging, this paper offers an overview of the international legal framework as well as the Government of Montenegro’s policy framework relevant to this issue; an analysis of implicated historical, familial and cultural structures; and focuses on identifying root causes in terms of push-pull factors that are associated with enhancing children’s vulnerability and proneness to exploitation. Along with a set of recommendations, in closing, the paper calls for a more sophisticated analysis of child labour trafficking and, in the case of Roma children, a more nuanced understanding of historical and cultural pretexts against the backdrop of labour trafficking.

Key words: child labour trafficking, labour exploitation, begging, Roma children, Montenegro.

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Introduction

Child trafficking is defined by the profit-oriented and exploitative purpose of moving a child away from home into an isolated environment, with no support mechanisms, further exacerbating child’s proneness to manipulation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is viewed as trafficking, regardless of whether or not force, abduction, fraud or other means are used.¹ As such, this criminal activity presupposes two mutually inclusive factors: movement and (the intention) of exploitation. Movement can occur within state borders or transnationally with children possibly exploited at various points of the transit. At times, child labour migration and trafficking occur concurrently (de Lange, 2006: 25).² An element of movement, however minimal, is required in order to distinguish trafficking from other forms of slavery and slave-like practices. The 2011 U.S. State Department’s Trafficking in Persons Report (TIP Report) has found the problem of trafficking of children for the purpose of forced begging in 80 countries; trafficking of children to be recruited as child soldiers in 19 countries; 81 reported instances of child sex tourism; and the trafficking of children for the purpose of domestic servitude was reported in 108 of the 184 countries covered by the report (U.S. Department of State, 2011). Trafficking of children for the purpose of forced labour and labour exploitation of children was reported in 154 countries, while trafficking of children for the purpose of commercial sexual exploitation was found in 168 countries. It is estimated that profits from trafficked people in forced economic exploitation, with calculations restricted to the world’s 1.1 million victims of human trafficking for forced economic exploitation, amounts to US$ 3.8 billion (Belser, 2005: 11). International Labour Organization estimates that some 980.000 to 1.225.000 boys and girls are forced to work as victims of trafficking (ILO, 2005). Children between 15 and 17, mostly girls, are trafficked much in the same way and for the same purposes as adults; the youngest children are most frequently trafficked for illegal adoption, while those between these two age groups are trafficked for both economic and sexual exploitation (Sorensen, Nuyts, 162

² This is the case in the rural-rural migration in Eastern Burkina, which leads children from the province of Gnagna to the more southern cotton-producing areas of Kompienga and Tapoa.
Boys become victims of labour trafficking because they are considered a source of cheap labour force in agriculture, whether as seasonal or long-term workers, while girls face high demand in households. Children are also trafficked and exploited to work in the fishing industry, as in the case of Ghanaian children in the Volta region, whereas others toil in sweatshops as part of global supply chains controlled by multinational corporations. Some children, as in Sierra Leone, are forced to become child soldiers and engage in armed conflicts. Criminal networks and individuals exploit children by forcing them to sell drugs, pickpocket, or become thieves and burglars. The trafficking of children for labour exploitation by use of forced begging has been attributed to South East Europe, most frequently referring to Roma children (Europol, 2011; UN.GIF, 2009: 22).

Although geographically dispersed, these cases share some common denominators such as children:

a) receiving derisory sums or no salary at all,
b) living and working in poor conditions,
c) experiencing malnutrition, and
d) lacking access to health care if needed.

Children’s living quarters frequently coincide with places of their employment and they are sometimes chained to the machines they work with. They are mostly employed in illegal sectors, which exacerbates the identification of such exploitative conditions. Child trafficking and their labour exploitation have negative effects on the mental and physical development of children, as well as their subsequent reintegration in their home countries and communities. In turn, these negative effects have a direct influence on their families, society and the state as a whole in terms of its socio-economic growth and development.

Definitions and International Legal Provisions on Child Labour Trafficking

Trafficking in persons is an egregious human rights violation. As a global problem, it is a subject of increasing concern to border officials and law enforcement agencies who attempt to manage it within their efforts to curb transnational organized crime. The main international legal instrument in the
fight against transnational organized crime is the United Nations Convention against Transnational Organized Crime (United Nations, 1998), which is supplemented by two protocols: the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. According to article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air:

“(a) ‘Smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.” (United Nations, 2000).

Conversely, according to article 3 in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children:

“(a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) ‘Child’ shall mean any person under eighteen years of age.” (United Nations, 2000b)
Children may be trafficked for the purpose of:
- prostitution
- pornography
- sex tourism
- forced labour
- domestic service
- begging
- adoption
- removal of organs
- drug distribution
- armed conflict
- criminal activities (Mattar, 2006).

Trafficking of children for labour exploitation is analyzed in this paper as a human rights violation and the worst form of child labour. Within the discourse on what constitutes light work and what signifies child labour, there are three international legal instruments that are highly important: the ILO Minimum Age Convention No. 138, the United Nations Convention on the Rights of the Child and the ILO Worst Forms of Child Labour Convention No. 182.

The ILO Convention No. 138 Concerning the Minimum Age for Admission to Employment provides the most inclusive international standards for setting the minimum age for admission to work or employment. This convention asks member States to set a general minimum age for admission to work or employment not lower than the end of compulsory education, and generally at least 15 years of age. Nevertheless, it is also flexible in leaving the setting that minimum age in Article 2 (4) which states that “notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.” The Convention requests a higher minimum age of not less than 18 years for employment or work that by its nature or circumstances might jeopardize the health, safety or morals of children, usually referred to as hazardous work. In terms of light work, the

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3 ILO Convention No. 138, art. 2, paragraph 3.
4 ILO Convention No. 138, art. 2, paragraph 4.
5 ILO Convention No. 138, art. 3, paragraph 1.
Convention makes an exception for developing countries in lowering the age limit to 12 years under the presumption that their economic conditions and educational systems make the originally proposed age limits unrealistic.6

The ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour supplements Convention No. 138 and prohibits child labour for which there is no economic justification due to the illegal and harmful nature of the labour. This Convention strongly deliberates that a child is a person under the age of 18.7 Article 3 states that the term worst forms of child labour applies to “all forms of slavery such as the sale and trafficking of children, debt bondage and serfdom and forced labour, including compulsory recruitment of children for armed conflict; the use of children for prostitution and pornography, for illicit activities, and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”8

The United Nations Convention on the Rights of the Child relies on the principles of non-discrimination, the best interests of the child, the right to life and development and the views of the child to be taken into consideration, including his or her right to be heard in court. This Convention has been ratified by every country except for Somalia and the U.S. In terms of child labour, Article 32 specifies that children should be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.

One of the major drawbacks of these conventions is the lack of an enforcement mechanism that would aid the member states to implement them.

**Historical, familial and cultural structures and implications**

In the context of economic theory, the phenomenon of trafficking of children for labour exploitation is perceived as a function of supply and demand. On the one hand, the supply of children as units of labour is enhanced by the economic inability of parents to provide basic necessities

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6 ILO Convention No. 138, art. 7, paragraph 4.
7 ILO Convention no. 182, art. 2.
8 ILO Convention no. 182, art. 3.
leaving children in conditions that might lead to exploitation. Under such circumstances, children are expected to take on the role of adults and contribute to the meager household income. Poverty is, thus, most frequently cited as the main cause of child labour and trafficking of children for labour exploitation, implying that child labour should be tolerated in poor countries, at least in its non-hazardous forms (Anker, 2000: 257-280). Apart from poverty, other factors impacting the supply of cheap labour force in the form of children include discrimination, lack of education, unemployment, homelessness, statelessness, socio-cultural norms and traditions, domestic violence, and various types of crises among others. They are also referred to as push factors. The most recent case of child trafficking for labour exploitation in Europe illustrates some of them. The case involves a Romanian Gypsy gang that stole 181 children from their families and sent them to the U.K. to pick pockets, beg, wash windshields and shoplift (Bloxham, 2010). Court documents allege that the children were physically abused and some deliberately disfigured. The men were arrested in April 2010 when 300 armed Romanian police raided 17 heavily fortified 'gipsy palaces' in Tanderai, in the south of Romania, after their British counterparts informed them about a Roma 'crime wave' as a result of Romania joining the EU. Under the pretense of a good life and education opportunities in the UK, the alleged gang leader is accused of loaning money to the families to win their trust. This case underscores some of the factors impacting the supply of Roma children for labour trafficking. It is evident that Roma children are often perceived as units of malleable and easily controllable labour due to their parents’ low economic status, which places them in vulnerable situations conducive to labour exploitation. Also, the opportunity for acquiring education is often one of the factors that contribute to children relocating and leaving their communities. Both poverty and lack of education were cited as main push factors in the case. In the context of the classical economic model of supply and demand, the demand for child labour trafficking and their labour exploitation is spurred by the pull factors. Some of those factors are perceived labour shortages, globalization, demand of domesticservants, remittances, foreign troops presence, employers, consumers and grey economy itself (Arhin, 2009: 9).

Within the framework of discussion on push factors and especially those highlighting the importance of socio-cultural norms and traditions, it is noteworthy to mention that child labour trafficking is at times intertwined with issues directly affecting families, such as poverty or the need for
domestic help. The historical roots of child labour trafficking are thus rooted in familial structures and the socially constructed practices that exploit child labour become culturally embedded forms of patronage, which support impoverished parents to resort to engaging their children in potentially exploitative work (Arhin, 2012: 62). In West Africa, for example, the vestiges of pre-colonial child pawning as a practice of using one’s children against as collateral against a loan still persist in modern societies (Lovejoy, Falola, 2003: 109-136). For years, since then, parents have resorted to the placement of their children and have sent them to their well off relatives or friends in order to alleviate the economic cost of raising another child. This practice has recently attracted the attention of traffickers who have become intermediaries in this process. At times, parents and family members might be aware of potential exploitative conditions, while receiving families would blatantly exploit the children as domestic servants. One of the most prominent cases involving familiar arrangements and the economic exploitation of children in Europe involves a girl, Siwa-Akofa Siliadin, who as a 15-year old was brought to France from Togo with hopes to attend school and has worked as a domestic servant instead.⁹ Although certain practices that are considered traditional, such as begging in specific castes in Pakistan (ILO, 2004: 23), it is possible to analyze the phenomenon of begging in the context of children’s increased vulnerability and a conduit to exploitative conditions. Child begging in Roma families has historically been perceived is a survival strategy, however, contemporary literature and research view this phenomenon as trafficking of children for forced labour (Delap, 2009: 6). In the case of Roma families, forcing children to beg is not a cultural trait or tradition anymore, if it ever was one, but a form of organized business and crime, according to Bajro Bajrić, director of the Roma for Roma association in Croatia (Život na semaforu, 2011). Furthermore, he claims that child begging has evolved into a practice organized by creditors who use children to pay off their parents’ debts by begging on the street, a practice resembling that of child pawning in West Africa. Such cultural connotations provide pretexts for engaging children in worst kinds of jobs further exacerbating the existing challenges in addressing the type of trafficking that involves families and in the course of which children are prompted, recruited or sold by a family member.

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According to the 2003 census, there are 3,000 RAE\textsuperscript{10} living in Montenegro, representing 0.42% of the total population. An additional survey conducted in 2008, the largest of its kind to date, covered a total of 7,166 RAE, both local and displaced persons from Kosovo living in Montenegro, representing approximately 70% of the RAE population living in Montenegro (UNHCR and UNICEF, 2009: 6-9). Almost 40% of Roma (2,767) do not have birth certificates or citizenship documents, of whom 1,928 are children representing more than two-thirds of all who need to be registered, i.e. 714 in the birth registry and 1,214 in the citizenship registry books.\textsuperscript{11} Refugees and displaced persons represent 66% of those who need to be registered with 1,376 being children. Of the 945 local RAE with incomplete documentation, some 76.3% are not registered in the citizenship registry books. The same report states that only 44% of Roma boys and 22% of Roma girls have ever been enrolled in school. Roma face an illiteracy rate of 42%, which amounts to 55% for women. Still, unofficial estimates cite the total number of the RAE population to be as much as 20,000 (ISSP and UNDP, 2003: 16). The literacy rate of RAE lags far behind the national rate standing at 55%. Their poverty rate is 4.5 times higher than the national, and the unemployment rate is 43.3% compared to the overall one of 11% (Vlada Republike Crne Gore, 2003: 3). Less than 14% of Roma children attended kindergarten in 2008/2009 (MONSTAT, 2009: 29). On a more positive note, about 90% of the Roma in Montenegro have health insurance and more than 94.5% of children are covered by the system of regular immunization (Vlada Republike Crne Gore, 2003: 5). It is important to note that the quoted number of Roma includes those that fled from Kosovo during the armed conflict. After the collapse of Yugoslavia in 1990s, former republics, including Montenegro, were confronted with a massive influx of refugees and displaced persons. Such circumstances rendered a score of persons either de iure or de facto stateless as successor states’ citizenship laws reflected the principle of ius sanguinis as the exclusive or main principle in granting nationality/citizenship (Dedić, 2007: 2). A large number of Roma from Bosnia and Herzegovina and Kosovo became

\textsuperscript{10} RAE is a term commonly used in Montenegro to include Roma, Ashkalia and Egyptians and terms Roma and RAE are used interchangeably in official policies and reports such as is the case with this article.

\textsuperscript{11} Registration in the registry books was considered complete if a person possessed both birth and citizenship certificates.
stateless and migrated throughout the region. They faced challenges in terms of inadequate housing, an absence of employment opportunities and the lack of civil registration and documentation. Additionally, most of them did not regularize their citizenship or identification documents prior to their leaving the war affected republics, which further exacerbated their status in the new environments. Montenegro currently hosts 16,364 refugees and 1,300 stateless persons (UNHCR-Montenegro, 2012). In 1990s, concurrently with problems surrounding issues of refugees and displaced persons, human trafficking gained momentum in the region’s political discourse. As two mutually reinforcing phenomena, statelessness and trafficking pose added challenges. Statelessness can cause the displaced persons to become easy targets for traffickers as their legal status is devoid of potential protection from police and they lack access to systems of justice. The repatriation of trafficking victims can be arduous for the same reasons. Anecdotal evidence claims a child trafficking route via Bosnia and Herzegovina, which is preferred due to a facilitated process of obtaining identification documents after which children are transported across Europe for the purpose of organized begging mainly in Italy and Germany (Romski centar, 2004). Additional research and well grounded analysis is required to support similar allegations.

Montenegro is a transit, source and destination country for trafficking in persons. Throughout the period between 2001 and 2011, and based on the U.S. State Department’s Trafficking in Persons (TIP) reports, Montenegro has been placed primarily among Tier 2 countries (Graph 1).

**Graph 1:** Montenegro’s placement in TIP Reports 2001-2011.

![Graph 1: Montenegro’s placement in TIP Reports 2001-2011.](image)

**Source:** Author’s own calculation based on data from U.S. State Department’s TIP Reports 2001-2011.
The U.S. State Department’s TIP Report 2011 specifically states that Roma children are coerced into street begging in the country, many of whom come from Albania, Kosovo, Serbia, and from within Montenegro. Localities that Roma children normally occupy as their workplaces are areas around traffic lights and cafés. As if strategically chosen, those places usually involve people seated in their cars, waiting for the green light, seemingly with no alternative but to give in to small children knocking on their car windows asking for money or offering to wash their windshields. Other children, whether with their siblings, mothers or by themselves, approach people comfortably sitting in cafés as if asking them to share some of that luxury with them. Children’s demeanor spans from explicitly asking for some change to tenaciously staring in one’s eyes without uttering a word and just extending a hand. Many children are recognized locally due to their lingering history of begging on the street or are known by their name thus becoming a part of the social milieu. Perhaps due to this familiarity with some of the child beggars, there is no systematic fashion of collecting information on the nature and the scope of child begging nor is there a proper procedure for registering cases. The society in general demonstrates a variety of sentiments towards this issue ranging from indifference, tolerance to despise and rejection (Fondacija za stipendiranje Roma, 2010: 3). Article 219 (2) of Montenegro’s Criminal code states that forced child begging is a crime punishable by imprisonment of three months to five years. The police generally respond to calls reporting incidents of child begging and come out to assist them. In most cases, children are said to be begging due to existential reasons as well as parental and educational negligence. Begging is more pronounced in the summertime as tourists come to enjoy Montenegro touted as one of the most attractive international tourist spots. Leading up to busy summer months, news articles often provide a snapshot of the pre-season outlook in some of the most popular destinations such as the town of Budva. In one such article, the police of Budva estimated some 400 beggars, mainly from continental Montenegro and neighbouring countries, flocking down to the coast as a part of an organized (crime) effort to capitalize on some 100,000 expected tourists (“Ruka na ulici, kesa kod

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Footnote 12: Article 219 (2) “A parent, adoptive parent, guardian or other person who abuses a minor or forces him/her to excessive labor or labor not suited to his/her age or to mendicity or for gain leads him into doing other acts detrimental for his/her development, shall be punished by an imprisonment sentence of three months to five years.” Criminal Code, Official Gazette of the Republic of Montenegro no. 70/2003, and Correction, no. 13/2004.
gazde”, 2008). As a response to some of the allegations made by local NGOs, a number of successful police operations, entitled “Beggar”, were undertaken in those summer months resulting in the arrests of a Serbian national residing in Podgorica, two Montenegrin nationals, and two more Serbian nationals who were transporting 30 persons of whom 19 minors for the purpose of begging (Fondacija za stipendiranje Roma, 2008: 3).

Overall, forced child begging in Montenegro is not perceived as a worst form of child labour, or as potentially the trafficking of children for labour exploitation, but as a long-standing problem seen as a traditional phenomenon which does not attract or require an intervention on the national level. One of the local NGOs, the Roma Scholarship Foundation, has been particularly active in advocating that begging is a crime punishable by law and asking that more attention be directed towards viewing this issue within the framework of child abuse and negligence on the part of their parents (Fondacija za stipendiranje Roma, 2008: 2). It is crucial to invest more effort in raising public awareness on the issue particularly in regards to the vulnerability of children who are exposed to work on the street and their proneness to varied types of exploitation including trafficking.

**Identifying root causes, challenges and opportunities**

Identifying, analyzing and adequately addressing the root causes of child labour exploitation in order to moderate the susceptibility of children to abuse and trafficking continue to be some of the main challenges. The socio-economic and living conditions of the Roma remain precarious as chronic and intergenerational poverty presents the most significant impediment for improving their livelihoods. Providing prevention and protecting children from being trafficked implies responding to discrimination and other forms of societal actions that marginalize Roma communities. Poverty and discrimination are clearly some of the most significant root causes. Roma children are no strangers to experiencing intersectional discrimination whereby multiple grounds of discrimination operate simultaneously (Ravnbol, 2009: 11). They are discriminated against based on their race, appearance, education, gender, etc. Some examples include placing Romani children with no disabilities in school classes for children with special needs, limiting their access to justice and education, etc. There have been cases of children
enrolled in a special needs elementary school who subsequently needed to go on to a special needs secondary school, which was over 100 km away, and felt discouraged to continue their education (ERRC and CRI, 2009: 15). In addition, recent reports addressing the vulnerability of Roma children to exploitation and abuse, including trafficking, support the argument that discrimination and inequality are major contributing factors (UNICEF-Kosovo, 2004: 22-25).

Another recurring challenge that is critical for mapping targeted prevention efforts is the availability of data that would assist in designing profiles of child victims and patterns of trafficking. In terms of population data, the indicator for the total Roma population is not obtained annually but via information from the census which is conducted every 10 years. In addition, periodic surveys done by the National Statistics Office and independent institutes provide an estimate of the most current numbers. Data on cases of trafficking is scarce as well. Data on child trafficking is nearly non-existent. Official statistics show that in the period from 2004 to 2010 there have been 19 indictments for 48 persons including one for a case of child trafficking for adoption involving 6 persons (Office of National Coordinator for Fight against Trafficking in Human Beings, 2010). Additional invaluable data is collected by local shelters, rehabilitation and transit centres.

In 2011, a research on regional child begging was conducted in cooperation with the members of the network of Ombudsman for Children of South-East Europe: Provincial Ombudsman of the Autonomous Province of Vojvodina, Ombudsman for Children of the Republika Srpska, Ombudsman of the Republic of Montenegro and Ombudsman of the Republic of Serbia, which resulted in a Regional Report on Prevalence, Prevention and Suppression of Child Begging. The Special Report on Child Begging in Montenegro, relying on data pertaining to the period from January 1 to December 31, 2010, states that 323 children were found begging and have been registered by various institutions (Ombudsman, 2011: 15-47). The majority of cases were reported in Bar (37%), Andrijevica (34%) and Podgorica (15%). They were mainly 16-17 year old boys. As part of this first phase of the regional project, this research confirmed that begging was the most frequent economic exploitation of children who come from poor families, who are not enrolled in schools, do not have health care and are not registered at birth. The average earning of child beggars in Montenegro ranges from 2 to 15 Euros. In terms of methodology, the Office of the Ombudsman of the Republic of Montenegro
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developed a questionnaire distributed to relevant organizations, organized three focus groups and conducted individual interviews with 12 children. The report cites that social work centres mainly offer socio-legal services to citizens of Montenegro whereas police reports document that the majority of child beggars did not hold Montenegrin citizenship, which is the reason why certain municipalities, such as Budva and Herceg Novi, did not have any records on cases of child begging (Ombudsman, 2011: 19). The report also underscores that children of children of refugees and displaced persons are among those most commonly found begging on the street as in the case in Berane, which leads in terms of the highest number of overall registered cases of child begging in Montenegro, of which most children come from refugees and displaced families. The Special report was presented at the 54th Session of the Committee for Human Rights and Freedoms of the Montenegrin Parliament on November 23, 2011. The discussion brought to light a number of discrepancies in the report somewhat undermining its legitimacy. Some of the remarks pointed out that the actual number of children begging is higher than what was registered by the research; that the Special report in an instance states that children who beg by going door to door often do not face extreme poverty, go to school and have parents who are employed, whereas later in the text the report mentions children coming from poor family backgrounds and whose parents are not employed and beg as well (Skupština Crne Gore, 2011: 6-9). Members of the Parliament also indicated that interviews conducted with only 12 children did not provide sufficient methodological grounds to form a valid conclusion on the state of child beggars. Another drawback is the lack of accurate and proper registering of child begging cases such as in the case of Budva municipality that did not register a single case of child begging in 2010, although the town is swarming with underage beggars, especially during the tourist season. Ultimately, the report as well as the parliamentary discussion accentuated the need for better coordination between the police and social work centres, better registering procedures and data collection.

Failure to collect data is partly attributed to the Roma's lack of proper identification documents, which presents another challenge hindering efforts in better documenting cases of trafficking. In order to improve the data collection, regularizing the legal status of some 4,458 Roma from Kosovo remains one of the priorities (Amnesty International, 2009: 43-35). Living in a legal limbo, they do not possess personal documents, property records
and registered land titles which further exacerbates their situation and increases the probability of remaining stateless (Arraiza, Öhman, 2009: 43-35). More importantly, most of them are not able to present cadastral records or have been landless even while living in Kosovo due to their housing being handed down to them for generations, which resulted in their unclear legal entitlements to these dwellings. The new 2008 Law on Citizenship made it difficult for the Roma, both administratively and financially, to prove entitlement to Montenegrin citizenship. In 2010, the government of Montenegro allocated 400,000 Euros towards enhancing the status of RAE and one of the projects is specifically the registration and provision of identification documents.

In regards to children, the most common concern is that children go unregistered at birth. There is a direct causal link between the non-registered children and their vulnerability to exploitation, denial of citizenship and lack of social protection. Birth registration establishes child’s distinct legal identity and without it children risk becoming stateless underscoring their marginalization furthermore. It is estimated that 50 million children worldwide go unregistered every year (Miller, 2004: 7). Registration is essential in cases of child trafficking as it facilitates the process of identifying victims and assisting them in the course of their repatriation. As stated earlier, only 61.4% of the RAE population in Montenegro have appropriate documentation and are registered. The process of registering a child by a mother who herself was a child when she came to Montenegro can be particularly cumbersome as in the case of M who was born in 1993 in Kosovo and fled to Montenegro in 1999 with her family (UNHCR and UNICEF, 2009: 30). She was immediately registered and assumed the status of a displaced person. Being only 6 at the time, the Commissariat her issued a (DP) ID card without a photo. In 2008, after an arranged marriage, she gave birth to a daughter at the age of 15. She went to the municipal registry office and submitted the attestation from the hospital to request a birth registration for her daughter. Her request was denied as her ID did not have her photo on it. She will have to wait three more years until she comes of age at 18 to get an ID with a photo. Only then will she be granted the right to register the birth of her daughter.

Birth registration should be a part of an effective civil registration system, however, in the case of the Roma, cases prove that additional strategies are needed to raise awareness about the importance of this process. Often young mothers are reluctant to register their children or give birth in hospitals; other
times they are unaware of the registration requirements. Roma also do not register their children due to costly and complex procedures for registering children 30 days after their birth, or because they have been refused by hospitals for not having proper health insurance, or simply because they did not know that registration of all newborns was mandatory (Rorke, Jovanović, 2009). In light of such conditions, there is evidence of some Roma girls and women in Montenegro giving birth using other women’s health cards, which results in erroneous birth registrations. Another example states that out of 682 Roma refugees/displaced children born in Podgorica, 103 children were not properly registered at birth (UNHCR and UNICEF, 2009: 15). Only 15 of those children were born inside the health system, while 88 were born outside the health system. The majority of those born in hospital were registered in the “citizenship” column as citizens of “FR Yugoslavia”, “Serbia and Montenegro” or “Serbia”. This fact also implies that parents may not be aware that those children did not actually hold a citizenship but had to be re-registered in the citizenship registry.

Montenegro’s Policy Framework and CRC Committee Recommendations

Upon becoming a sovereign state in 2006, Montenegro acceded to a number of international legal instruments pertaining to human rights and rights of the child. The Government of Montenegro has also adopted

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13 Interview with a local NGO, February 24, 2011.
On September 10th, 2010, members of the Committee on the Rights of the Child met with the delegation of Montenegro to discuss the Initial Report (CRC/C/SR. 1558 and 1560) and their discussion mainly focused on dire socio-economic circumstances surrounding the RAE population and their children. In conclusion, the Committee on the Rights of the Child submitted observations which adopted at its 1583rd meeting, held on October 1st, 2010 (CRC/C/MNE/CO/1). While welcoming a number of enacted laws and ratifications, the Committee’s report noted some areas of concern. Referring specifically to economically disadvantaged, marginalized and neglected children, including RAE children, the Committee recommends that the State party increase annual budget allocations for education, health care and family support as per article 4 of the CRC (CRC/C/MNE/CO/1: 14). In terms of birth registration, the Committee praised Montenegro’s efforts in addressing the lack of registration of children through its Strategy on Minority Policy (2008-2010), and recommended that these efforts continue and strengthen especially in the cases concerning RAE refugee children (CRC/C/MNE/CO/1: 32-33). The Committee also encouraged the provision of economic and social assistance programmes for families with special attention to most vulnerable families, such as RAE families (CRC/C/MNE/CO/1: 40). In relation to health and welfare, the report states that there is limited access to adequate health-care services, and therefore recommends a comprehensive programme that would improve the health of mothers and children, including basic health care services for the most vulnerable children, in particular for Roma children, children living in rural areas and refugee children (CRC/C/MNE/CO/1: 50). Under the same ambit of health provision, it is suggested that Montenegro strengthen its educational campaigns on HIV/AIDS, particularly among Roma girls, and that it takes steps to improve RAE’s standard of living (CRC/C/MNE/CO/1: 55-58). Pursuant to education, leisure and cultural activities, and while acknowledging Montenegro’s efforts to better integrate Roma children in schools and the

Strategy for inclusive education adopted in 2008, the Committee expressed concern that Roma children lacking birth registration and identity documents continue to face barriers to accessing education, and that there is a low RAE school enrollment (CRC/C/MNE/CO/1: 59-60). The report specifically addresses the issue of economic exploitation and makes a reference to RAE children being engaged in harmful and exploitative labour, particularly in begging. The Committee therefore suggests that the state monitor the situation and collaborate with ILO in order to develop strategies to strengthen awareness, prevention and assistance programmes and eliminate such practices through the implementation of the ILO Conventions no. 138 and 182 (CRC/C/MNE/CO/1: 64). Another special protection measure that the report suggests concerns children in street situations, predominantly Roma, who are vulnerable to trafficking and economic and sexual exploitation. In this regards, the Committee urges Montenegro, in collaboration with NGOs, to:

a) “To provide protection and assistance to children currently living on the streets taking into account the views of these children;

b) To elaborate and implement programmes, on the basis of in-depth studies and analysis of the root causes, in order to prevent children from leaving families and schools for the street;

c) To set up programmes providing children in street situations with relevant information in order to prevent them from becoming victims of trafficking and economic and sexual exploitation, and on adequate complaints mechanism; and

d) To ensure that children in street situations are not considered or treated as offenders.” (CRC/C/MNE/CO/1: 66)

In its subsequent comments, the Committee also noted the persisting problem of national and cross-border trafficking especially of Roma children and refugee children and urged the state:

a) “To strengthen its awareness-raising campaigns including through education and media campaigns, by paying particular attention to vulnerable groups of children;

b) To strengthen protection provided to victims of trafficking, including prevention, social reintegration, access to health care and psychological assistance and free access to legal aid; and
c) To enter into bilateral and multilateral agreements for the prevention of trafficking and for the rehabilitation and repatriation of trafficked children” (CRC/C/MNE/CO/1: 70).

**Conclusion**

Child labour trafficking is one of the most egregious forms of modern exploitation, and requires a global effort encompassing governments, lawmakers, NGOs and citizens to efficiently implement or introduce new laws, raise public consciousness and provide educational opportunities for children in order to eradicate this practice irrevocably. Principally due to its EU membership aspirations, Roma issues have attracted more attention in Montenegro in the past few years. Considering the widespread evidence of Roma’s involvement in child begging, the government of Montenegro made significant attempts to create responses and measures to combat this type of exploitation. In 2005, they put together a National Action Plan for the Decade of Roma inclusion 2005-2015 with a goal of better integrating Roma within the Montenegrin society, and in 2007 enforced the Strategy for Improvement of Status of Roma, Ashkaelia and Egyptians (AE Population in Montenegro 2008-2012, which effectively amended the National Action Plan and incorporated the recommendations of local and international organizations. In 2011, the Office of the National Coordinator for Fight against Trafficking in Human Beings established a group to develop a strategy for 2011-2016, soliciting advice from all stakeholders, including NGOs. Within such collaborative framework, one of the most pressing issues ought to be the importance of raising awareness on the significance of registering children. Being registered at birth, regularizing their legal status and acquiring citizenship will prevent them from being *de facto* invisible in the system of social protection and eventually help them escape potential abuse, neglect and exploitation. Furthermore, children need to have access to educational and vocational opportunities as healthy and necessary alternatives to exploitative work conditions. Such positive engagements will empower them to overcome discrimination and other difficult situations. There is still a lot to be done in terms of data collection, which needs to be sustained and executed with well thought out methods and techniques, and one that
would produce a more nuanced understanding and analysis of Roma's socio-economic idiosyncrasies. The current state-of-affairs and paucity of confirmed cases of child labour trafficking among Roma children should not serve as a deterrent to concluding that begging reinforces the vulnerability of Roma children and is conducive to exploitative working conditions and trafficking. Although further investigation grounded in robust research is essential and necessary, this is the time to enhance the protection of Roma children as the Government of Montenegro has the institutional commitment and capacity to successfully prevent the occurrence of child labour trafficking cases.

**Literature**


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Konceptualizovanje trgovine decom u cilju radne eksploatacije: slučaj romske dece u Crnoj Gori

Trgovina decom sa ciljem njihove radne eksploatacije je kriminalna aktivnost orijentisana profitom, u kojoj se deca regrutuju, transportuju, sakrivaju ili dobijaju za potrebe radne eksploatacije, nevezano za činjenicu da li je sila, otmica, prevara ili neki drugi metod upotrebljen u te svrhe. Ovaj rad istražuje trgovinu decom u cilju radne eksploatacije u kontekstu kršenja ljudskih prava kao najgore forme dečjeg rada. U pokušaju da se situira diskurs navodne radne eksploatacije i trgovine romskom decom u Crnoj Gori, uz fokus na posebne slučajeve dečjeg prosjačenja, ovaj rad nudi pregled međunarodnog pravnog okvira, kao i uredbi Vlade Crne Gore relevantne za ovo pitanje, analizu istorijskih, porodičnih i kulturnih struktura, ali i identifikovanje ključnih uzroka tzv. faktora guranja i privlačenja koji su povezani sa povećanjem vulnerabilnosti dece i olakšavanjem njihove eksploatacije. Uz niz preporuka, u zaključku, rad poziva na sofisticiraniju analizu trgovine decom u cilju radne eksploatacije, kao i iznijansiranije shvatanje istorijskih i kulturnih faktora koji omogućavaju radnu eksploataciju u slučaju romske dece.

Ključne reči: trgovina decom, radna eksploatacija, prosjačenje, romska deca, Crna Gora.