



THERE IS A WAY OUT!

**INFORMATION FOR MIGRANT WOMEN FACING
DOMESTIC VIOLENCE AND HUMAN TRAFFICKING**

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If you are a foreigner who is experiencing domestic violence or human trafficking, you may not be aware that some legal mechanisms and organizations that can help you get the protection you deserve.

Abusers usually use victims' lack of information to enforce their power and control and prevent you from seeking help and escaping violence. You might also be worried about the safety of your family members in your homeland, or afraid that the abuser might kidnap your children, or take revenge in some other way? Maybe you hesitate to report the abuser for fear that he will be deported and that that could affect your legal or economic status? We want you to know that there is a solution. Information provided in this brochure will help you recognize whether you are facing domestic violence or human trafficking, improve the understanding of your rights, how to exercise them and, who to turn to for help.

Yours,
Women's Rights Center

WHAT IS HUMAN TRAFFICKING?

Human trafficking implies sale and purchase, i.e. keeping a person against their will and for the purpose of their exploitation, as well as other actions that may be part of that process (eg transportation, hiding, prohibition of movement, etc.)

Exploitation always occurs, and it is always carried out through the use of force, threats, fraud, abuse of authority and/or abuse of a difficult position, kidnapping, or in some other way. When it comes to child trafficking, it is human trafficking even when there were no threats, coercion, abuse of position, or similar actions.

It is important to know that the victim's consent to exploitation does not change the fact that it is human trafficking and that it is a criminal offense.

Anyone can become a victim of human trafficking, especially when facing difficult life circumstances. Economic instability, war conflicts, marginalization, poverty, climate change, health crises, and similar phenomena lead people to insecure situations, because of which they are often forced to leave their homeland. Migrants, especially women, and children, are the most common targets of human traffickers. They are in a foreign country, often without identity documents, without knowledge of the language, and without help from social and family networks, so human traffickers take advantage of their vulnerability to recruit them and create a relationship of dependence. Children and young victims of domestic violence and neglect who are not adequately cared for through the social protection system or are homeless, are at a particularly high risk.

Human traffickers exploit people to gain material profit. Their victims are often subjected to sexual exploitation, forced labor (working under inhumane, illegal, or otherwise unacceptable conditions), begging, forced marriage, or forced to participate in criminal activities.

Trafficking in human beings is not always easy to recognize, due to the widespread belief that human traffickers only use force and threats. In a large number of cases, victims of human trafficking are exposed to threats, severe violence, and physical restrictions on freedom of movement. However, very often, their obedience is ensured through psychological manipulations and other non-violent means, which is why at first glance they seem to be free to make decisions about their lives. Traffickers often give victims a small portion of their earnings, to bind them even more. They often use other people to get close to the victim and build a relationship of trust, which they later abuse. For example, many women and girls who have been sexually exploited are recruited in a very similar way: traffickers used people of the

same age as their victims or people they know to get emotionally close to them, to assure them that their relationship is friendly or intimate. After that, through intimidation, threats, and violence, they dragged the victims into a chain of exploitation from which they were not allowed to get out. Sometimes the exploiter is the victim's parent, partner, or spouse. Forced or sham marriages are often used as a means of controlling victims or as a way to secure legal residency. Therefore, it is more likely that the victim will be recruited by the people she knows, than by complete strangers.

HOW CAN YOU RECOGNIZE HUMAN TRAFFICKING?



As we have stated, many people do not recognize human trafficking and are not aware that they are exposed to it. Read these questions and think about whether any of them apply to you or someone you know. If you answer positively to one or more questions, it is possible that you are exposed to human trafficking for labor or sexual exploitation and you should seek the support of institutions and organizations whose contacts are on the last pages of this brochure.

- You don't have control over your passport or other personal documents?
- Are you forced to use a false identity (passport or other identification document of another person)?
- Someone is using your illegal stay in the country to force you to do things you don't want to do?
- Someone is using your homelessness, lack of resources, or other difficult circumstances to force you to do things you don't want to do?
- Your family forced you to get married against your will and received monetary compensation or service for that?
- Are you forced to commit illegal acts (smuggling, theft, prostitution, begging...)?
- Are you afraid for your safety or for the safety of your loved ones, if you refuse to commit these acts?
- Is your freedom of movement restricted and are you only allowed to go out when someone is watching over you?
- Were you told not to tell anyone about your situation and not to ask for help?
- Do you feel like you are in a hopeless situation?

If you answer positively to any of these questions, you may be exposed to labor exploitation:

- Is your employer forcing you to stay at a job or in a situation that you want to leave?
- Are you underpaid or not paid at all for your work, but can't do anything about it?
- Your employer exhausts you with work, and doesn't allow you to rest or have free time?
- Do you constantly owe money to your employer or recruiter, even though you give them the majority of your earnings?
- Do you live and work in isolated conditions, cut off from communication and interaction with others or support systems?
- Do you feel that you are being followed when you talk or communicate with others?
- Is your boss threatening you with deportation or revoking your residence permit?
- Are you working in dangerous conditions without proper protective equipment, training, proper breaks or other protection?
- Do you live in dangerous, overcrowded or inhumane conditions provided by your employer?

If you answer positively to any of these questions, you may be exposed to sexual exploitation:

- Are you forced to provide sexual services and are afraid to refuse?
- Do you live where you work or do guards transport you between home and workplace?
- Do you work in a sector that requires the provision of sexual services for money, such as a strip club, nightclub, pub or illegal massage business?
- Do you have a guardian, "sponsor", or a person with whom you are in an emotional relationship who does not allow you to meet or speak with anyone alone or who monitors your movement, earnings, or communications?
- Do you constantly owe money to your employer or the person who found you a job/accommodation, even though you give them most of your earnings?
- Does a close person take away the money you earn, physically attack, insult, threaten, belittle, or sexually abuse you?

WHAT IS VIOLENCE AGAINST WOMEN AND VIOLENCE IN THE FAMILY?

When one family member or emotional partner intimidates, threatens, blackmails, insults, belittles, physically and sexually attacks another, trying to control him, we are talking about family or partner violence.

Physical violence can include slapping, punching, kicking, hair pulling, pushing, grabbing by the neck, throwing to the floor, and other actions that may or may not cause visible physical injury.

Although physical violence is the easiest to recognize, family or partner violence is more often manifested through other forms of behavior that are not always clearly visible. The abuser, in order to control the victim, can resort exclusively to **emotional/psychological abuse**, without using physical violence. It manifests itself through belittling, emotional manipulation, underestimation, insults, ignoring, yelling, blackmail, coercion, intimidation, threats, isolation, preventing contact with close people and the environment, denying or taking away means of living, expulsion or threats of expulsion from the house, etc. This way, the abuser wants to destroy the self-confidence of the victim and make her feel useless, worthless or mentally unstable. Thus he tries to establish a relationship of dependence, which allows him to control and exploit her. The abuser can manipulatively convince the victim that his bad behavior was caused by her and that it is all her fault, thereby preventing her from seeking support.

Economic violence occurs in cases where the abuser deliberately restricts or deprives other family members of the basic means of living (food, hygiene products, clothing, treatment, medicine), does not allow them to get an education or entertainment, does not allow them to work, exploits their work, has full control over the joint budget, independently decides how money is spent or refuses to spend money on family needs.

The most hidden form of domestic/partner violence is **sexual violence**. It is especially painful and traumatic when the abuser is a family member or a close person. Victims are genuinely afraid to talk about it with other people, even with their closest ones, especially if they are still children. In addition to being afraid that no one will believe them, victims of sexual violence are also ashamed, because they have been taught that they caused such behavior and that such things should not be talked about. They often avoid talking about their experience and, because of the discomfort and mistrust they feel in the people they try to turn to for help. They are also afraid of the consequences for other family members and feel that they should protect them. Sexual intercourse implies intimacy and mutual consent. Forcing someone to perform any sexual act is violence and is against the law.

There is a close connection between domestic violence, violence against women, and **child abuse**. Children do not have to be directly affected by violence to be considered victims, as our laws recognize that witnessing violence against a family member or close person is also a traumatic experience and sufficient for children to be considered victims. This applies not only to children who are present during the violent act and who are active witnesses but also to those who are exposed to the long-term consequences of such violence. Children have the right to support and protection of their best interests. This means, among other things, that the institutions are obliged to ensure that the decisions on custody and the right of visitation and contact of the violent parent do not violate the rights and safety of children and the parent who suffers violence.



HOW CAN YOU RECOGNIZE PARTNER/FAMILY VIOLENCE?

If you answered confirmative to even one of these questions, you may be a **victim of abuse**:

- Have you changed your usual activities so as not to upset your partner/family member?
- Do you feel that a family member/partner is constantly controlling you, that you do not have the freedom to decide on things that concern you, to leave the house, or to meet with family or friends?
- Does he constantly call/text you when you are not together and expect you to constantly tell him where you are and what you are doing?
- Are you not able to communicate freely with people from your environment, because a family member/partner restricts you in this?
- Is he telling you that he is the only one who cares about you?
- Does he insult you or say things that make you feel less valuable, not smart enough, or unworthy of anyone's attention?
- Does he intimidate you, so that you feel he might hurt you if you don't follow his rules?
- Is he violent towards other family members in your presence?
- Does he destroy/break things in the house when he is angry?
- Does he hurt your pet?
- Does he exhaust you with work, or deprive you of rest or sleep?
- Does he control your business, and prevent you from working and earning? Does he take away your earnings, money, or possessions?
- Is he limiting or denying you food, money, medicine or other necessities?
- Does he threaten to evict you from your apartment, or leave you without property?
- Does he threaten to take away your children (if you have children together)?
- Are you often afraid that he will "explode" so you choose your words carefully to avoid it?
- Does he hit you, slap you, pull you by your hair choke you, push you, or pull you in anger, even lightly?
- Does he stop you from leaving by threatening suicide?
- Does he threaten to kill or hurt you, or to do it to someone you love? Does he threaten with weapons or other objects?
- Does he hurt you, your children, or other family members so that you needed medical help?
- Does he talk to you or touch you in a sexual way that insults or belittles you?
- Does he force you to have sex even when you say you don't want it?
- Does he blackmail you by publishing your intimate recordings/photos? Did he ever do that?

YOUR RIGHTS

If you have survived human trafficking, sexual violence, domestic violence or war crimes, the state of Montenegro guarantees you the following rights:

- **The right to free legal aid.** You have the right to free legal aid even if you are a child.
- **The right to access specialist support services and the right to effective psychological and other specialized help and support from a service, organization, or institution that provides assistance to victims of criminal offenses.** Also, authorities, institutions, organizations, and other legal and natural persons with whom you come into contact are obliged to preserve the **confidentiality of information** and to ensure the protection of your data, as well as the data of your family members. It is forbidden to publish information that could lead to someone recognizing you unless you specifically agree to it. If you are a child, it also means that all your documents are strictly confidential and closed to everyone, except for people who are directly involved in your case.
- **The right to protection from intimidation and retaliation.** This means that, when you report violence or human trafficking, the police are obliged to take actions and measures to protect you without delay. If you are a victim of domestic violence, a police officer is obliged to escort you to an apartment or other residential area when taking personal items that are necessary for your daily life, if you request it. Police escorts can also be requested for the provision of temporary care accommodation.

If you are a victim of human trafficking, the police assist you from the moment of identification, through all stages of the investigation, ending with the completion of the reintegration procedure in the country of origin, transit, and final destination.

- **The right to be informed about all your rights in a way you can understand them.** When undertaking the first action in which you participate as a victim/injured party, the court, the state prosecutor's office, and the police are obliged to treat you carefully and to ensure that you receive all the information that is important for you as the injured party in the proceedings. Also, the form of communication must be adapted to your specific needs, including, for example, needs relating to age, language, and any disabilities. You have the right to use your own language and to have an interpreter/translator for your language. If you are a child, the interpreter should be trained to work with children.

- **The right to a "reflection period".** As a foreigner who has survived human trafficking, you have the right to consider, during a period of 90 days, whether you want to participate in the proceedings before the state authorities, whether you will join

the criminal prosecution or whether you will be a witness in the proceedings.

- **The right to an individual assessment.** This means that during your hearing, the authority that conducts the hearing in cooperation with professional services, determines your needs for protection, in order to prevent the risk from the perpetrator of violence or from the criminal procedure itself. When performing an individual assessment, your personal needs are taken into account, even when you object to the implementation of protective measures and other measures the law provides. For example, if your case has reached the court, you will be able to wait in a special waiting room so that you do not have to meet the perpetrator, and you can make testimony through an audio-video device if meeting the defendant would intimidate you or revive the trauma that you survived.

- **The right to a hearing without undue delay after filing a criminal report,** as well as to have your further hearings conducted only to the extent that it is necessary for the purposes of the criminal proceedings.

- **The right to the protection of your dignity when testifying.** This means you can withhold answers to unnecessary questions about your private life, or, you can request that the public be excluded during court proceedings. It also means that all actors in the proceedings should treat you with sensitivity, fairness and respect, especially if you are a child. Special attention is paid to your personal situation, well-being and specific needs.

- **The right to be accompanied by a trusted person when undertaking actions in which you participate.** This means that you have the right to choose a confidential person who will attend all procedures and actions related to your protection. A confidential person can be a family member, an authority official, a person from an institution, a non-governmental organization or another legal entity, or another person you trust. You can choose a confidential person before or during the procedure and actions related to protection. The competent authorities are obliged to provide you with the presence of a confidential person in all procedures and actions in which you are involved as a victim/damaged person. As a victim of human trafficking, you have the right to request the escort of activists from a non-governmental organization that supports you.

- **The right to take medical actions for the purposes of criminal proceedings to the smallest possible extent and only if they are necessary;**

- **The right to be notified by the state prosecutor about all actions taken based on the criminal complaint,** and the right to file a complaint for not taking action during the previous investigation. In addition, you have the right to be informed

about the termination of custody of the defendant in the proceedings in which you were injured, the escape of the suspect and the release of the convicted person from serving his prison sentence, as well as about the measures taken for your protection. You have the right to be informed, at your request, of any final decision suspending the criminal proceedings against your criminal complaint.

- **You also have the right to specialized assistance when submitting a property law claim.** It is a request by which you ask the court to determine financial compensation for the suffering and damage you suffered, which should be paid by the person convicted of that crime.

- **The right to obtain temporary residence based on family reunification and due to humanitarian reasons.** It is important that you know that the Montenegrin Law on International and Temporary Protection of Foreigners foresees accelerated procedures for granting asylum and provides you with the possibility of obtaining temporary residence based on family reunification, but also due to humanitarian reasons, if you are a victim of the criminal offense of human trafficking or domestic violence. If your temporary residence permit was issued for humanitarian reasons, you have the right to accommodation, health care, education, work, and financial assistance, in accordance with the law.

You have rights if you are a member of the victim's family



If you have lost a family member due to the serious consequences of a criminal offense, you as a member of his/her family receive the same rights as a direct victim, including the right to information, support, protection, and compensation. Family members are considered to be a spouse or common-law partner, that is, a partner in a life partnership of the same sex, children, parents, adopted children, adoptive parents, brothers, and sisters of the victim. Family members of surviving victims also have the right to protection.

If you are a child, you have the right to special protection, to express your opinion and be treated by experts who have special knowledge and skills for working with children. You have the right to be heard in a separate room with an expert who will adjust all questions to your age and maturity, while the other participants in the proceedings (judge, prosecutor, lawyer) will be in another room.

WHO CAN YOU CONTACT FOR HELP?

If you are a **victim of human trafficking**, you can contact:

The Police at **122**

Social Work Centers that exist in all cities and whose contacts you can find at **www.csrcg.me**

SOS Hotline for Victims of Human Trafficking by calling the **free** number **11 66 66**



If you are a **victim of domestic violence or sexual violence**, you can contact:

The Police at **122**

Social Work Center

SOS Hotline for Victims of Human Trafficking by calling the **free** number **80 111 111**



ORGANIZATIONS THAT PROVIDE SPECIALIZED SERVICES FOR WOMEN AND CHILDREN VICTIMS OF GENDER-BASED VIOLENCE YOU CAN CONTACT FOR HELP

Podgorica

Women's Rights Center – **067 166 800**

Montenegrin Women's Lobby – **020 250 750**

SOS Hotline For Women and Children Victims of Domestic Violence Podgorica – **020 232 254**

Women's Safe House – **069 013 321**

Nikšić

SOS Hotline For Women and Children Victims of Domestic Violence Nikšić – **080 111 111**

Center for Roma Initiatives – **067 104 700**

Herceg Novi

Ksena – **069 042 945**

Berane

Counseling center for women victims of violence
068 748 448

Bijelo Polje

SOS Hotline For Women and Children Victims of Domestic Violence Bijelo Polje – **050 433 660**

Plav

SOS Hotline For Women and Children Victims of Domestic Violence Plav – **069 245 320**

About Women's Rights Center

NGO 'Women's Rights Center' (WRC), based in Podgorica, was founded in 2012, on the basis of the founders' long-term experience in providing support to women victims of domestic violence and other violations of women's human rights.

mission

Women's Rights Center is a non-profit, non-party aligned, non-religious organization that fights for the suppression of all forms of violence against women and their access to justice, developing gender equitable democratic practices and cooperation with all relevant domestic and international actors in Montenegro.

vision

**GENDER EQUALITY, ACCESS TO JUSTICE
AND SOCIETY WITHOUT VIOLENCE
AGAINST WOMEN – OUR REALITY**

goals

- Promotion of women's human rights and gender equality;
- Empowering women survivors of family violence / partner violence through counselling, psychological and legal support;
- Connecting with other organizations / institutions dealing with protection and promotion of women's human rights.

programs

ADVOCACY PROGRAM

Advocacy and monitoring implementation of policies in the field of gender equality and women's human rights;

SUPPORT SERVICES FOR WOMEN WHO EXPERIENCED GENDER BASED VIOLENCE PROGRAM

Initial counselling and support of the women's advocates;
Representation before institutions and free legal support;
Psychological counselling.

CULTURE PROGRAM

Cultural, artistic and educational activities with the aim of promoting feminist and anti-fascist principles and encouraging activism through creative work.

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