

Kosovo

The Government is working with ILO to bring its laws in line with ILO Conventions 138 and 182. Children face unsafe work conditions in street work, notably Roma children in forced labor, as the result of trafficking. Concerns have been expressed about the Government's capacity to identify and prosecute traffickers.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Kosovo are exploited in the worst forms of child labor,²⁷²⁵ many of them in street work in urban areas and in the agriculture sector in rural areas.²⁷²⁶ Many of the street children come from the Roma, Ashkalia, and Egyptian communities. Children working on the streets are engaged in begging, selling goods or newspapers, or scavenging at dumpsites. They may face unsafe work conditions such as lifting heavy loads,²⁷²⁷ severe weather, accidents caused by proximity to vehicles, injuries by sharp tools and scrap metal, exposure to toxic fumes, and vulnerability to criminals.²⁷²⁸

Children working in agriculture may be exposed to severe work conditions that include long hours in extreme heat; inadequate access to water, nutrition, or sanitation; and exposure to harmful pesticides.²⁷²⁹

Kosovo is a source, transit, and destination country for children trafficked for forced prostitution and forced begging. Children are trafficked within Kosovo for the same purposes. Children in Roma communities are particularly susceptible to trafficking for forced labor, including begging at hotels and restaurants and working in the streets washing car windows.²⁷³⁰

Laws and Regulations on the Worst Forms of Child Labor

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Kosovo's Provisional Government came into being in 2008. The Labor Act sets the minimum age for employment at 15 and prohibits children below age 18 from engaging in work that may be physically harmful,²⁷³¹ such as hard manual labor, activities that

take place underground or underwater, and nighttime and overtime work.²⁷³² The Government is currently working with ILO to develop a more comprehensive list of hazardous work for children.²⁷³³ The Labor Act also prohibits forced labor.²⁷³⁴

The Criminal Code was adopted in 2004.²⁷³⁵ It strictly prohibits all forms of trafficking in persons,²⁷³⁶ any form of facilitation of prostitution including recruiting, transporting, organizing, or providing space for such activities,²⁷³⁷ and any form of procurement of sexual services or pornographic materials.²⁷³⁸

The compulsory age for voluntary recruitment to the Military is set at age 18. However, during time of war, persons age 17 can be recruited.²⁷³⁹

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Welfare (MLSW) coordinates efforts in Kosovo to combat the worst forms of child labor.²⁷⁴⁰ A Child Labor Unit was established within MLSW to coordinate all activities related to child labor in the Ministry, as well as across other government entities.²⁷⁴¹

Although MLSW takes the lead on worst forms of child labor, coordination of trafficking issues falls within the responsibility of the Prime Minister's Office for Good Governance, Human Rights, Equal Opportunities, and Gender Issues.²⁷⁴² The Office coordinates the work of counter-trafficking entities, including the relevant ministries, NGOs, and international organizations.²⁷⁴³

MLSW is responsible for enforcing laws related to the worst forms of child labor.²⁷⁴⁴ The Labor Inspectorate works with the police, municipal governments, and other relevant authorities to monitor compliance with labor laws.

The Office of the Labor Inspectorate was set up only after passing of the United Nations Interim Administration Mission in Kosovo Regulation for Essential Labor Law in 2001 and reports indicate that it suffers from a shortage of resources in terms of funding and institutional capability.²⁷⁴⁵ According to the Labor Inspectorate's Annual Report of 2009, it had completed more than 8,000 inspections of employers.²⁷⁴⁶ However, there are more than 99,000 registered businesses in Kosovo. There are no further data available about the enforcement activities

undertaken by labor inspectors as they relate to the worst forms of child labor.²⁷⁴⁷

Under regulations issued by the Ministry of Education, Science, and Technology, it is the responsibility of the local municipal education offices and school directors to identify children who should be in school, but are not. Such children may be working in exploitive labor. The officials are required to refer such children to services that should lead to their enrollment and attendance.²⁷⁴⁸

Enforcement functions for trafficking are housed in the Department of Justice, which has authority over the Police Service.²⁷⁴⁹ The Police have a Trafficking in Human Beings Investigation Section, with regional offices and a staff of 28.²⁷⁵⁰

In 2009, the Government identified 29 trafficking victims, prosecuted 25 sex trafficking offenders, and secured 22 convictions.²⁷⁵¹ However, there are also reports that during the same period there were two consecutive night raids, and close to 200 victims were found but never identified as victims, thus raising questions about the efficiency of victim identification methods and enforcement activities.²⁷⁵²

OSCE has expressed concern that the capacity of the Government to investigate and prosecute traffickers is not sufficient.²⁷⁵³ The Police, OSCE, and the Ministries of Labor and Social Welfare, Internal Affairs, and Justice conducted 11 training sessions on trafficking in May 2010. The objective was to make 330 border police and 33 customs officers capable of effectively identifying foreign and local victims of trafficking and making referrals of these victims to appropriate agencies for social welfare services.²⁷⁵⁴

Government Policies on the Worst Forms of Child Labor

The Kosovo Action Plan (KAP) to Prevent and Eliminate the WFCL for 2010-2012 is working on increasing the knowledge base of government agencies and NGOs as social partners on ILO core conventions, including child labor, and building their capacity in design and program implementation of the KAP, as well as resource mobilization and awareness raising activities.²⁷⁵⁵

The Strategy and Action Plan for Human Rights of the Republic of Kosovo (2009-2011) was drafted by the Office of the Prime Minister and approved by the

Government in December 2008. The elimination of the worst forms of child labor is explicitly referenced in the discussion of the rights of the child.²⁷⁵⁶

The 2009-2013 Strategy and Action Plan on the Rights of Children was approved by the Government of the Republic of Kosovo on June 9, 2009.²⁷⁵⁷ The action plan includes key objectives aimed at addressing child labor and issues related to child labor, but notable is a lack of discussion of street children and forced begging. The office of the Prime Minister formed an Inter-Ministerial Committee on the Rights of the Child to carry out the objectives of the plan and to coordinate policies, processes, and institutions meant to ensure the rights of the child.²⁷⁵⁸

The Government and OSCE developed the National Action Plan to Combat Trafficking in Human Beings for Kosovo as part of regional efforts to address trafficking issues.²⁷⁵⁹ The plan focuses on prevention, protection, prosecution, policy, and coordination.²⁷⁶⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has worked with ILO on several programs focused on combating child labor. For example, they developed a community-level child labor monitoring system, oriented the legal framework toward ILO Conventions 138 and 182,²⁷⁶¹ and trained officials on the application of ILO conventions on child labor.²⁷⁶² UNICEF, ILO, and the Government are training teachers to identify children engaged in the worst forms of child labor, so as to help move the children into acceptable activities.²⁷⁶³

The Ministry of Justice and IOM jointly sponsor anti-trafficking hotlines.²⁷⁶⁴ Several roundtable and panel discussions on human trafficking have taken place where officials took part in a regional project to train parents to prevent children from becoming trafficking victims. The Prime Minister has declared every October to be national trafficking awareness month.²⁷⁶⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kosovo:

IN THE AREA OF LAWS AND REGULATIONS:

- Complete work with ILO on a comprehensive list of hazardous work for children and amend the Labor Act to include that list.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve capacity of authorities to investigate and prosecute trafficking crimes.
- Publish information on labor inspections and other enforcement efforts to combat the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Revise action plans to contain explicit objectives for assisting street children, particularly those forced to beg.
- Target services to children from the Roma, Ashkalia, and Egyptian communities.
- Consider programs to increase public awareness of child beggars and other children forced to work and live on the streets.

²⁷²⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the

definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

²⁷²⁶ UNICEF, *Child Labour in Kosovo A Study on Working Children*, 2004; available from http://www.unicef.org/kosovo/kosovo_media_pub_prot.008.04.pdf.

²⁷²⁷ Ibid.

- 2728 Ibid.
- 2729 Ibid.
- 2730 U.S. Department of State, “Kosovo (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/docid/4c1883e5b.html>.
- 2731 Government of the Republic of Kosovo, *Labour Law*, (October 8, 2001); available from http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_27.pdf.
- 2732 Ibid.
- 2733 UN Kosovo Team, *International Labor Organisation (ILO)*, [online] 2010. accessed November 29, 2010, available from <http://www.unkt.org/?cid=2,47>. See also ILO-IPEC, *Protect CEE: Project of Technical Assistance against labour and sexual exploitation of Children including trafficking, in countries of Central and Eastern Europe*, Geneva, 2005; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=1901.
- 2734 Government of the Republic of Kosovo, *Labour Law*.
- 2735 UN Interim Administration Mission in Kosovo, *Combating Human Trafficking in Kosovo: Strategy & Commitment*, May 2004; available from http://www.unmikonline.org/misc/UNMIK_Whit_paper_on_trafficking.pdf.
- 2736 Government of the Republic of Kosovo, *Provisional Criminal Code of Kosovo*; available from http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf.
- 2737 Ibid.
- 2738 Ibid.
- 2739 Coalition to Stop the Use of Child Soldiers, “Kosovo,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/serbia>.
- 2740 ILO-IPEC, *Project CEE*.
- 2741 Ibid.
- 2742 Ibid.
- 2743 Ibid.
- 2744 Ibid.
- 2745 Institute for Advanced Studies, *Regulating Employment in Kosovo, Labor Law, and its Implementation*, June 2010; available from <http://www.fesprishtina.org/wb/media/pdf/Labouranalysis.pdf>.
- 2746 Ibid.
- 2747 Ibid.
- 2748 Government of the Republic of Kosovo, *Law on Inspection of Education in Kosovo*, (2004); available from http://www.masht.gov.net/advCms/documents/Ligji_mbi_inspeksionin_e_arsimit_ne_kosove.pdf. See also ILO-IPEC, *Project CEE*. See also UN Interim Administration Mission in Kosovo, *On the Promulgation of the Law Adopted by the Assembly of Kosovo on Primary and Secondary Education*, 2002; available from http://www.unmikonline.org/regulations/2002/RE2002_19.pdf.
- 2749 Commission of the the European Communities, *Kosovo Under UNSCR 1244 2007 Progress Report*, Brussels, 2007; available from http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf.
- 2750 Ibid.
- 2751 U.S. Department of State, “Trafficking in Persons Report- 2010: Kosovo.”
- 2752 Ibid.
- 2753 EU, *Country of Return Information Project*, 2009; available from www.cri-project.eu/cs/cs-kosovo-en.pdf.
- 2754 Ibid. See also OSCE, *Mission in Kosovo*, 2010; available from <http://www.osce.org/item/44764.html>.
- 2755 ILO, *ILO-SRO Budapest Newsletter*, 2009; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/newsletter_2009_2.pdf.
- 2756 Government of the Republic of Kosovo, *Strategy and Action Plan on Human Rights of the Republic of Kosovo 2009-2011*, Office of the Prime Minister, 2008; available from http://humanrights-ks.org/repository/docs/Strategija_2009_2011_Eng%20.pdf.
- 2757 Government of the Republic of Kosovo, *Action Plan 2009 for the Implementation of the European Partnership for Kosovo*, Technical Progress Report, 2009.
- 2758 Ibid.
- 2759 OSCE, *An Agenda for Change Implementing the Platform for Action Against Human Trafficking*, December 10, 2009; available from http://www.osce.org/publications/cthb/2009/12/41953_1410_en.pdf.
- 2760 ILO-IPEC, *Project CEE*.
- 2761 ILO-IPEC, *Technical Progress Report Action Plan Summary*, 2009.
- 2762 ILO, *ILO-SRO Budapest Newsletter*.
- 2763 UNICEF, *Child Protection in Action*, [online] 2010 [accessed November 29, 2010] available from http://www.unicef.org/kosovo/protection_3482.html.
- 2764 IOM, *The Republic of Serbia including the Province of Kosovo Migration Profile*, 2007; available from <http://www.iom.hu/PDFs/Serbia%20and%20Kosovo%20Province%20Sept%202007.pdf>.
- 2765 ILO-IPEC, *Project CEE*. See also U.S. Department of State, “Kosovo,” in *Trafficking in Persons Report- 2008: Special Cases*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/105390.htm>.