

*In 2012, Kosovo made a moderate advancement in efforts to eliminate the worst forms of child labor. A new revised Criminal Code, which took effect in January 2013, imposes harsher penalties for trafficking in children and the creation of pornographic materials. The Government adopted a new protocol to combat cross-border trafficking in persons, including children. The Government also continued implementing its 2011-2016 Strategy and Action Plan for the Prevention and Elimination of Child Labor, including a consolidation of the Child Labor Monitoring System at municipal levels, and worked to enhance the capacity of Human Rights Units and youth groups to address child labor issues. The Anti-Trafficking Unit received training on child labor and developed a task force to increase identification of child beggars. However, despite these efforts, Kosovo continues to lack social programs to combat the worst forms of child labor. Children in Kosovo engage in the worst forms of child labor, including hazardous work in street work and in agriculture.*

### Statistics on Working Children and Education

Children	Age	Percent
Working	7-14 yrs.	Unavailable
Attending School	7-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		Unavailable

#### Sources:

**Primary completion rate:** UNESCO Institute for Statistics, 2013.(2)

**All other data:** Understanding Children's Work Project's analysis, 2013.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Kosovo are engaged in the worst forms of child labor, primarily in hazardous street work in urban areas and hazardous activities in agriculture.(3-6) Children working on the streets are engaged in selling merchandise and transporting goods.(3-8) Furthermore, children working on the streets may also engage in hazardous work such as lifting heavy loads, loading goods with hand-barrows.(8-10)

Children working in agriculture may be exposed to hazardous conditions, including working long hours of hard, physical labor in fields or cutting trees, operating agricultural machinery, spraying pesticides, harvesting and threshing, and working in slaughterhouses.(3, 8, 9)



Although information is limited, there are reports that children are also involved in hazardous work in the mining sector. They work underground in small tight spaces mining coal from simple surface level holes.(3, 6) Government officials reported exploitive child labor in the construction sector within the last twelve months.(6)

Kosovo is a source, transit, and destination country for children trafficked for commercial sexual exploitation and forced begging.(6, 11-14) Children are trafficked within Kosovo for the same purposes. Children in forced begging travel around the country to beg at markets in different cities.(6) Female children in Kosovo are particularly vulnerable to trafficking, as are children from the marginalized Roma, Ashkali, and Egyptian (RAE) communities due to the high incidence of poverty and low birth registration rates among these populations. Birth registration is required for children to obtain the documents needed to attend school.(15, 16) Lack of school attendance increases the vulnerability to being trafficked.(5, 15, 16)

### Laws and Regulations on the Worst Forms of Child Labor

The Labor Act sets the minimum age for employment at 15 and prohibits children below age 18 from engaging in work that may be hazardous, such as night work, overtime work, and labor that takes place underground or underwater.(5, 6, 10) Article 22 of Kosovo's Constitution incorporates by reference the UN Convention on the Rights of the Child (CRC).(17, 18) However, because Kosovo is not a UN member

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country, it is not eligible to ratify any ILO conventions. The Republic of Kosovo Administrative Instruction No. 2008 on the Prevention and Elimination of the Most Hazardous Forms of Child Labor in Kosovo established a hazardous work list, including specific work prohibited for children in agriculture, street work, mining, and work collecting dumped materials.(5, 9, 19) Specific protections for children involved in domestic service are lacking.

## International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	NA
	C182, Worst Forms of Child Labor	NA
	CRC	NA
	CRC Optional Protocol on Armed Conflict	NA
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	NA
	Palermo Protocol on Trafficking in Persons	NA
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

During the reporting period, the Committee on the Prevention and Elimination of Child Labor (KCPECL) directed the Technical Working Group on Hazardous Child Labor (HCL) to revise the Administrative Instruction No. 2008/17 on HCL.(6) The Technical Working Group updated the HCL list with additions of new examples and areas of child labor. The Ministry of Labor and Social Welfare (MLSW) has submitted the revised version of the Administrative Instruction 2008/17 to the Prime Minister's Office for approval.(6)

Article 6 of the Labor Act prohibits forced labor with the exception of work performed by convicted persons and, according to Article 131 of the Constitution, during declared states of emergency due to national security or natural disaster situations.(10, 18)

The newly revised Criminal Code took effect January 13, 2013.(14) Articles 169 and 171 of the Criminal Code prohibit

all forms of trafficking in persons, including for the purposes of prostitution and other forms of sexual exploitation, forced labor, and conditions of slavery.(20) The new Criminal Code specifically identifies harsher penalties if the perpetrator involves children in trafficking, in the creation of pornographic materials, in the facilitation of prostitution, or if the perpetrator engages in recruiting, transporting, organizing, or providing space for such activities. In addition, holding people in slavery, slavery-like conditions, and forced labor are now criminal offenses punishable by 3 to 15 years in prison when the victim is a child.(20) Article 231 of the Criminal Code states that using or procuring the sexual services of a victim of trafficking under the age of 18 years is now a criminal offense punishable by imprisonment of 2 to 10 years.(20)

The minimum age for military service in the volunteer Kosovo Security Force is 18. (3, 21)

Article 47 of the Constitution of the Republic of Kosovo guarantees a right to education.(18) Education is free and compulsory for children between ages 6 and 15.(22) However, families in the marginalized RAE ethnic groups report that their inadequate means prevent them from purchasing school materials and clothing, creating an obstacle to the successful education of their children.(15) RAE children have lower enrollment rates and higher dropout rates than the national average. The problem is further complicated by ethnic divisions and different educational systems for Kosovo Albanian and Kosovo Serb populations, in which RAE children attend classes in the language of the majority community in which they live.(23) The Kosovo curriculum is translated into four languages. Classes in the primary, secondary and university levels of education in Kosovo are offered in Albanian, Serbian, Bosnian, and Turkish. In 2013, the Ministry published the first Romani language alphabet to be used in Romani language classes in primary schools Kosovo-wide.(24) However, lack of education in the Roma languages and the small number of teachers coming from the RAE communities contribute to the low enrollment rates and higher dropout rates.(4, 15, 23, 25, 26) The majority populations are served by their own language curriculum, while minority populations may face language, social, and socio-economic barriers to inclusion in public education.(15, 23, 25)

## Institutional Mechanisms for Coordination and Enforcement

The KCPECL is Kosovo's coordinating mechanism on child labor. During the reporting period, it directed the Technical Working Group on HCL to update the HCL list.(6)

The Government is making progress in establishing the Child Labor Monitoring System (CLMS) at the municipal level across Kosovo by enhancing the capacity of Child Labor and Human Rights Units within each municipal government and developing standard operating procedures for dealing with cases of the worst forms of child labor.(6, 9, 26) The CLMS is still relatively new and has yet to reach full operational capacity in addressing child labor.(6)

A Counter-Trafficking Inter-Ministerial Working Group, chaired by the Deputy Minister of the Ministry of Internal Affairs, coordinates policy implementation, monitoring, and reporting on the implementation of actions to combat trafficking, including child trafficking.(3) The working group met monthly and the sub-working groups addressing prevention, protection, prosecution, and trafficking of children also met regularly.(13)

The Ministry of Labor and Social Welfare (MLSW) is responsible for labor issues and contains a Child Labor Unit that serves as the focal point for all activities related to child labor.(6, 9, 26) The Labor Inspectorate within MLSW investigates cases of child labor among children ages 15 to 18, while the Department of Social Welfare oversees cases in which children are under age 15.(6) Labor inspectors from MLSW and, to a narrower degree, the Kosovo Police Directorate of Trafficking in Human Being Investigation Unit (Anti-Trafficking Unit) are responsible for enforcing labor laws, including those related to the worst forms of child labor.(6, 27) Reports indicate that the MLSW inspectorate suffers a shortage of funding and institutional capacity.(6, 27) There are 48 labor inspectors who enforce all labor-related regulations. Government and non-governmental stakeholders alike stated that the workforce is inadequate for the task.(6) The ILO held legislative training in 2012 for all Kosovo officials involved in combating child labor, including some labor inspectors.(24) There is no comprehensive data available about the enforcement activities undertaken by labor inspectors as they relate to the worst forms of child labor, although future data collection is reportedly planned.(3, 27)

During 2012, the Labor Inspectorate conducted a total of 7,074 inspections, which included child labor inspections. Government officials report that there are insufficient personnel to adequately cover their regions of responsibility.(6) The Labor Inspectorate found four violations regarding the working conditions of children ages 15 to 18 working in the formal sector.(6) The Municipal Committees on Prevention and Elimination of Child Labor found a total of 168 children working in hazardous or forced labor in the informal sector.(6)

Local NGOs report that the problem of child labor is much higher in the informal sector than the formal sector.(6) The Government noted a lack of statistics as one of the major barriers to assessing the scope of child labor and the impact of government and other assistance.(6)

The Anti-Trafficking Unit is required to investigate and combat trafficking. The unit had 53 investigators in 2012, an increase from 34 in 2011. The Kosovo Police report this to be an adequate number.(6) In 2012, the Anti-Trafficking Unit investigators identified 12 child victims of trafficking for the purpose of commercial sexual exploitation and initiated cases for each victim.(6, 14) All victims were removed and assisted.(6)

In 2012, the Anti-Trafficking Unit organized an operational plan with Terre des Hommes to identify child beggars, and it established a police task force for that purpose. This task force identified 118 child beggars on the streets of the main cities in Kosovo.(6) Criminal charges were brought against three offenders for the forced begging of four child victims.(14)

In 2012, Anti-Trafficking Unit investigators received two training sessions directly related to the worst forms of child labor. Training topics included forced labor, workplace investigation, identification of victims, and investigation of trafficking in persons for the purpose of forced labor.(6) The Unit also participated in three additional training sessions that were indirectly related to the worst forms of child labor.(6)

The Government provides services for trafficking victims but still faces challenges investigating and prosecuting trafficking cases, providing sufficient care and rehabilitation options for child victims, and identifying victims of trafficking among child beggars.(7, 11, 28) There is evidence that the Kosovo justice system often does not correctly apply the legal framework regulating the crime of trafficking, which hinders effective prosecutions. The OSCE noted that trafficking incidents are often characterized as an offense less severe than that of trafficking, which results in lighter penalties for perpetrators.(13, 29)

Under regulations issued by the Ministry of Education, Science, and Technology, education inspectors from the Ministry are responsible for ensuring that students have an appropriate balance of school and work hours.(30) The Child Labor Units under MLSW also promote school attendance through Local Action Committees (LACs) on the CLMS. Over the past few years LACs were established in all municipalities in Kosovo to coordinate CLMS activities at the local level.(31)

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The LAC is responsible for monitoring schools, work sites, and families to identify children engaged in child labor and refer them to the appropriate services.(26)

## Government Policies on the Worst Forms of Child Labor

In 2012, the Government continued implementing the 2010-2016 National Strategy and Action Plan for the Prevention and Elimination of Child Labor in Kosovo.(3, 26) Actions taken in 2012 included the draft revision of the hazardous child labor list, enhancement of the capacity of Human Rights Units and youth groups to address child labor issues at central and municipal levels, consolidation of the CLMS system at the municipal level, and mobilization and support for trade unions and employers in complementing the efforts of public institutions for implementation of the plan.(6) The action plan's first report is expected early in 2013.(6) The 2009-2013 Strategy and National Action Plan on the Rights of Children explicitly references eliminating the worst forms of child labor.(8)

The National Strategy and Action Plan against Trafficking in Human Beings 2011-2014, the country's second antitrafficking plan, specifically addresses the need for the protection of children.(12, 32) The plan focuses on prevention, protection, prosecution, policy, and coordination of trafficking issues.(12, 32) The National Anti-Trafficking Coordinator led a complete review of the National Strategy and Action Plan against Trafficking in Human Beings, as well as revision of Standard Operating Procedures. The Procedures were aligned with the new Criminal Code and Criminal Procedure Code and focused on achievable objectives and activities.(14)

In 2011 OSCE and Terre de Hommes facilitated a meeting between Kosovo and Albanian officials to discuss enhanced cross-border cooperation against trafficking.(33) The meeting led to the adoption by both governments of the "Additional Protocol to Intensify Cooperation in Combating Trafficking in Human Beings Across Borders and on the Enhanced Identification, Notification, Referral and Assisted Return of Victims and Suspected Victims of Trafficking, including Children." The protocol was entered into force on June 12, 2012.(33) Similar agreements are underway with Macedonia and Montenegro.(6, 14)

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

The Government provides social support for citizens through several programs such as the Social Assistance Scheme, various pension schemes, and the Families of Children with Disabilities Scheme. The MLSW also offers assistance to 155,000 people in 35,000 families; out of these 155,000 people, 50% or 74,000 are children.(6) Despite their high poverty levels, the RAE communities benefit less from these schemes due to low rates of birth registration, which is required for participation.(15, 16)

The Government allocated approximately \$4.7 million to the Social Assistance Schemes for 2012.(3, 34) One study estimates that about 13 percent of all children receive some form of assistance, but given widespread poverty in Kosovo, only about 23 percent of the poor receive social assistance.(17, 35) Some research suggests that linking social assistance provided to families with children to school attendance may improve attendance among poor families in Kosovo.(17, 36)

The Ministry of Education provides free school meals for children up to age 15 and free text books up through fifth grade.(6) The European Union is collaborating with the Government to address lack of access to educational opportunities among the poorest communities by building schools, improving teacher education, training teachers, and working to provide a standardized curriculum for all.(37) USAID's Kosovo Strategic Plan (2010-2014) includes a targeted focus on youth, basic education, development of employment opportunities, and private sector growth initiatives.(38)

Despite these efforts, the Government does not appear to have programs that specifically address the worst forms of child labor in Kosovo. The question of whether the aforementioned programs have an impact on child labor does not appear to have been addressed.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Include legal protections for child domestic workers.	2011, 2012
	Remove barriers that prevent poor families from minority communities from accessing education through assistance with costs, and fully implement multi-lingual curriculums and educational outreach programs to promote integrated schooling.	2011, 2012
Coordination and Enforcement	Improve the resources and capacity of authorities to target and investigate trafficking crimes and cases of child labor.	2009, 2010, 2011, 2012
	Correctly apply the legal framework regulating the crime of trafficking to increase prosecutions.	2012
	Conduct a National Child Labor Survey to provide statistical information to address child labor.	2012
	Collect and publish information on labor inspections and other enforcement efforts to combat the worst forms of child labor.	2009, 2010, 2011, 2012
Social Programs	Establish programs to specifically address child labor issues.	2011, 2012
	Increase birth registrations among minority communities to improve enrollment in education, social assistance, and healthcare programs.	2011, 2012
	Consider linking social assistance paid to families with children of school age to school attendance.	2011, 2012
	Assess the impact that existing programs may have on child labor.	2011, 2012

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