

# Kosovo

*The Government continues to work with the ILO to bring its laws in line with ILO Conventions 138 and 182. However, concerns have been expressed about the Government's capacity to identify and prosecute traffickers. Children continue to face unsafe work conditions in street work, and children are also engaged in worst forms of child labor in the agriculture sector.*

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



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

Children in Kosovo are engaged in the worst forms of child labor,<sup>3216</sup> in street work in urban areas and in the agriculture sector in rural areas.<sup>3217</sup> 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, and scavenging at dumpsites. They may face unsafe work conditions such as lifting heavy loads,<sup>3218</sup> severe weather, accidents caused by proximity to vehicles, injuries by sharp tools and scrap metal, exposure to toxic fumes, and vulnerability to criminals.<sup>3219</sup>






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.<sup>3220</sup>

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 vulnerable to trafficking for forced labor, including begging at hotels and restaurants and working in the streets washing car windows.<sup>3221</sup>

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

Kosovo declared independence in 2008, and accepted internationally-sponsored mechanisms, including the International Civilian Office and the EU Rule of Law Mission, to support the new government. 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,<sup>3222</sup> such as hard manual labor, activities that take place underground or underwater, and nighttime and overtime work.<sup>3223</sup> The Government is working with the ILO to bring its laws in line with ILO Conventions 138 and 182. However, because Kosovo is not yet a member country in the UN it is not eligible to ratify any of the conventions. The Government is currently partnering with the ILO to develop a more comprehensive list of hazardous work for children.<sup>3224</sup> The *Labor Act* also prohibits forced labor.<sup>3225</sup>

	C138, Minimum Age	NA <sup>3215</sup>
	C182, Worst Forms of Child Labor	NA
	CRC	✓
	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

The Criminal Code was adopted in 2010.<sup>3226</sup> It strictly prohibits all forms of trafficking in persons;<sup>3227</sup> any form of facilitation of prostitution including recruiting, transporting, organizing, or providing space for such activities;<sup>3228</sup> and any form of procurement of sexual services or pornographic materials.<sup>3229</sup>

The compulsory age for voluntary recruitment to the military is set at age 18.

The Constitution of the Republic of Kosovo, guarantees a right to education for all.<sup>3230</sup> Education is free and compulsory for children between ages of 6 and 15.<sup>3231</sup>

### **Institutional Mechanisms for Coordination and Enforcement**

A Child Labor Unit has been established within the Ministry of Labor and Social Welfare (MLSW) to coordinate all activities related to child labor in the Ministry, as well as across other government entities.<sup>3232</sup>

Although MLSW takes the lead on government efforts to combat worst forms of child labor, coordination of trafficking issues is the responsibility of the Ministry of Internal Affairs (MoIA).<sup>3233</sup> The National Anti-Trafficking Coordinator and Secretariat, housed in the MoIA, coordinate the work of counter-trafficking entities, including the relevant ministries, NGOs, and international organizations.<sup>3234</sup>

MLSW is responsible for enforcing laws related to the worst forms of child labor.<sup>3235</sup> The Labor Inspectorate works with the police, municipal governments, and other relevant authorities to monitor compliance with labor laws. Reports indicate that the inspectorate suffers from a shortage of resources in terms of funding and institutional capability.<sup>3236</sup> There are about 50 labor inspectors but none work specifically on child labor. However, the inspectors do receive one week of training on child labor issues.<sup>3237</sup> There is no data available about the enforcement activities undertaken by labor inspectors as they relate to the worst forms of child labor.<sup>3238</sup> According to the Inspectorate's 2009 Annual Report, it had completed more than 8000 inspections of employers.<sup>3239</sup> However, there are more than 99,000 registered businesses in Kosovo.

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. The officials are required to refer such children to services that ensure their enrollment and attendance.<sup>3240</sup>

The National Anti-Trafficking Secretariat oversees inter-agency coordination for combating trafficking in human beings, and the National Anti-Trafficking Coordinator is a Deputy Minister of Internal Affairs.<sup>3241</sup> The Police have an Anti-Trafficking in Human Beings Directorate, with 57 staff positions.<sup>3242</sup>

In 2010, the Government identified and assisted 39 trafficking victims, prosecuted 81 trafficking offenders, and secured 11 convictions of sex

trafficking offenders.<sup>3243</sup> The Kosovo government provided a comprehensive range of services for trafficking victims, but still faces challenges in victim identification.<sup>3244</sup>

The Organization for Security and Co-operation in Europe (OSCE) has expressed concern that the capacity of the Government to investigate and prosecute traffickers is not sufficient.<sup>3245</sup> 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 increase the capacity of 330 border police and 33 customs officers to effectively identify foreign and local victims of trafficking and refer them to appropriate agencies for social welfare services.<sup>3246</sup>

### **Government Policies on the Worst Forms of Child Labor**

The Kosovo Action Plan (KAP) to Prevent and Eliminate the WFCL for 2010-2012 aims to increase the knowledge base of NGOs on ILO core conventions, including those on child labor. The KAP also aims to build capacity in design and implementation of programs.<sup>3247</sup>

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.<sup>3248</sup>

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.<sup>3249</sup> The elimination of the worst forms of child labor is explicitly referenced in the plan's discussion of the rights of the child. The action plan includes key objectives aimed at addressing child labor issues but does not discuss street children or 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 coordinate policies, processes, and institutions that aim to ensure the rights of the child.<sup>3250</sup>

In 2009 the Government and international partners such as OSCE and the United Nations Development Programme (UNDP) developed the National Action Plan to Combat Trafficking in Human Beings (2008-2011) for Kosovo as part of regional efforts to address trafficking issues.<sup>3251</sup> The plan focuses on prevention, protection, prosecution, policy, and coordination of trafficking issues.<sup>3252</sup>

In its Action plan for 2010-2012, the Ministry of Labor and Social Welfare proposed to improve on labor market reforms, develop sectoral strategies to address poverty and increase welfare of families in need and improve education and skills development through vocational training.<sup>3253</sup>

Education in Kosovo is free to all under the law. However, students from very poor minority ethnic communities such as the RAE (Roma Ashkalia and Egyptian communities) have a much higher dropout rates than the national average.<sup>3254</sup> These communities lack access to education in Kosovo due to lack of financial investment in schools that serve the RAE communities and lack of adequately trained teachers.

The problem is further complicated by the ethnic divisions of the populations and the different educational systems that operate in Kosovo.<sup>3255</sup> The majority areas are served by their own language curriculum which creates problems of access to education for minority community students living in majority community areas.<sup>3256</sup>

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

In 2010 the European Union (EU) through the International Organization for Migration (IOM) has funded a large program to support livelihoods, income generation, and community development projects to the marginalized groups such as the Roma, Ashkalia and Egyptian communities.<sup>3257</sup>

The EU is also investing funds to address the problems of lack of access to educational

opportunities among the poorest communities, by building schools, improving teacher education, training teachers and by working to provide a standardized curriculum for all.<sup>3258</sup>

USAID's Strategic Plan for Kosovo (2010-2014) includes a targeted focus on youth, basic

education, and development of employment opportunities as well as private sector growth initiatives.<sup>3259</sup> Because these programs started relatively recently, there is no research evidence on these programs and thus it cannot be determined if any of these programs have a direct impact on combating worst forms of child labor in Kosovo.

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

**IN THE AREAS 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.
- Take steps to increase capacity and resources allocated to MLSW to address child labor enforcement issues.
- Publish information on labor inspections and other enforcement efforts to combat the worst forms of child labor.

**IN THE AREA OF POLICIES:**

- Revise action plans to contain explicit objectives for assisting street children, particularly those forced to beg.
- Provide better access to education for marginalized groups.

**IN THE AREA OF PROGRAMS:**

- Conduct research to determine if the donor funded and government funded programs have had an impact on combating the worst forms of child labor in Kosovo.

<sup>3215</sup> Kosovo is not a member of the UN and therefore not eligible to ratify any of the conventions listed in the table.

<sup>3216</sup> 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.

<sup>3217</sup> 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](http://www.unicef.org/kosovo/kosovo_media_pub_prot.008.04.pdf), *ibid*.

<sup>3218</sup> *Ibid*.

<sup>3219</sup> *Ibid*.

<sup>3220</sup> *bid*.

<sup>3221</sup> 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>.

<sup>3222</sup> Republic of Kosovo, *Labour Law* prepared by Republic of Kosovo, 2001; available from <http://www.gazetazyrtare.com/>.

<sup>3223</sup> *Ibid*.

<sup>3224</sup> International Labor Organization, *UN Kosovo Team*, [2010 [cited May 6, 2011]; available from <http://www.untk.org/?cid=2,47>. See also ILO-IPEC, *Protect CEE*, ILO, Geneva, 2005; available from [www.ilo.org/ipecinfor/product/download.do?type=document&id=1901](http://www.ilo.org/ipecinfor/product/download.do?type=document&id=1901).

<sup>3225</sup> Republic of Kosovo, *Labour Law*

- <sup>3226</sup> 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](http://www.unmikonline.org/misc/UNMIK_Whit_paper_on_trafficking.pdf).
- <sup>3227</sup> Government of the Republic of Kosovo, *Provisional Criminal Code of Kosovo*; available from [http://www.unmikonline.org/regulations/2003/RE2003\\_25\\_criminal\\_code.pdf](http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf).
- <sup>3228</sup> Ibid.
- <sup>3229</sup> Ibid.
- <sup>3230</sup> Republic of Kosovo, *Constitution of the Republic of Kosovo*, 2008; available from <http://www.assembly-kosova.org/common/docs/Constitution1%20of%20the%20Republic%20of%20Kosovo.pdf>.
- <sup>3231</sup> Bertelsmann Foundation, “Kosovo Country Report,” 2010; available from [http://www.bertelsmann-transformation-index.de/fileadmin/pdf/Gutachten\\_BTI2010/ECSE/Kosovo.pdf](http://www.bertelsmann-transformation-index.de/fileadmin/pdf/Gutachten_BTI2010/ECSE/Kosovo.pdf).
- <sup>3232</sup> ILO-IPEC, *Protect CEE*.
- <sup>3233</sup> Ibid.
- <sup>3234</sup> Ibid.
- <sup>3235</sup> Ibid.
- <sup>3236</sup> GAP Institute for Advanced Studies, *Regulating Employment in Kosovo, Labor Law and its Implementation, June 2010* 2010; available from <http://www.fes-prishtina.org/wb/media/pdf/Labouranalysis.pdf>.
- <sup>3237</sup> 23. US Embassy Reporting, *Child Labor Report*, 2010.
- <sup>3238</sup> GAP Institute for Advanced Studies, *Regulating Employment in Kosovo, Labor Law and its Implementation, June 2010*
- <sup>3239</sup> Ibid.
- <sup>3240</sup> 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](http://www.masht-gov.net/advCms/documents/Ligji_mbi_inspeksionin_e_arsimit_ne_kosove.pdf). See also ILO-IPEC, *Protect 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](http://www.unmikonline.org/regulations/2002/RE2002_19.pdf).
- <sup>3241</sup> U.S. Department of State, “Trafficking in Persons Report-2010: Kosovo.”
- <sup>3242</sup> 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](http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf).
- <sup>3243</sup> Ibid.
- <sup>3244</sup> Ibid.
- <sup>3245</sup> European Union, *Country of Return Information Project 2009*; available from [www.cri-project.eu/cs/cs-kosovo-en.pdf](http://www.cri-project.eu/cs/cs-kosovo-en.pdf).
- <sup>3246</sup> Ibid. See also OSCE, *Mission in Kosovo*, 2010, [cited May 5, 2011]; available from <http://www.osce.org/item/44764.html>.
- <sup>3247</sup> ILO, *ILO-SRO Budapest Newsletter*, 2009; available from [http://www.ilo.org/public/english/region/eurpro/budapest/download/newsletter\\_2009\\_2.pdf](http://www.ilo.org/public/english/region/eurpro/budapest/download/newsletter_2009_2.pdf).
- <sup>3248</sup> 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/Strategjia\\_2009\\_2011\\_Eng%20.pdf](http://humanrights-ks.org/repository/docs/Strategjia_2009_2011_Eng%20.pdf).
- <sup>3249</sup> Government of the Republic of Kosovo, *Action Plan 2009 for the Implementation of the European Partnership for Kosovo*, Technical Progress Report, 2009.
- <sup>3250</sup> Ibid.
- <sup>3251</sup> OSCE, *An Agenda for Change Implementing the Platform for Action Against Human Trafficking 2009*; available from [http://www.osce.org/publications/cthb/2009/12/41953\\_1410\\_en.pdf](http://www.osce.org/publications/cthb/2009/12/41953_1410_en.pdf).
- <sup>3252</sup> ILO-IPEC, *Protect CEE*.
- <sup>3253</sup> Friedrich Ebert Stiftung, *Social Schemes in the Kosovo Context*, 2010; available from <http://www.fes-prishtina.org/wb/media/pdf/Publications%202011/Social%20Schemes%20in%20Kosovo%20Context%20-%20eng.pdf>.
- <sup>3254</sup> International Organization for Migration, “IOM in Central and South Eastern Europe,” 2010 2010; available from [http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/link\\_newsletter\\_11.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/link_newsletter_11.pdf)
- <sup>3255</sup> OSCE, *Kosovo non-majority communities within the primary and secondary educational systems*, 2009; available from <http://www.osce.org/kosovo/36978>.
- <sup>3256</sup> UNESCO, *Parallel Worlds, Rebuilding the educational Ssystem in Kosovo*, 2004; available from <http://www.unesco.org/iiep/PDF/pubs/kosovo.pdf>.
- <sup>3257</sup> International Organization for Migration, “IOM in Central and South Eastern Europe.”
- <sup>3258</sup> European Union Commission, *EU Assistance to Kosovo, Education for the Future*, 2010; available from <http://euicc-ks.com/uploads/files/4%20Education%20for%20the%20Future.pdf>.
- <sup>3259</sup> USAID Kosovo, *USAID/Kosovo Strategic Plan 2010-2014* 2010; available from [http://pdf.usaid.gov/pdf\\_docs/PDACQ298.pdf](http://pdf.usaid.gov/pdf_docs/PDACQ298.pdf).