

In 2013, Kosovo made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government adopted an updated list of hazardous activities prohibited to children and a revised Criminal Code that imposes harsher penalties for the trafficking and commercial sexual exploitation of children. It also published its first review of the implementation of the 2010–2016 National Strategy and Action Plan for the Prevention and Elimination of Child Labor in Kosovo (SAP) and mandated that all national and local government agencies take steps to address the worst forms of child labor. However, children in Kosovo continue to engage in child labor in street work and in the worst forms of child labor in forced begging and commercial sexual exploitation, sometimes as a result of human trafficking. Children from minority communities continue to face barriers to accessing education; the inspectorate faces gaps in terms of resources, capacity, and the collection of data on enforcement efforts; and programs to directly or indirectly combat the worst forms of child labor are underfunded.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kosovo continue to engage in child labor in street work and in the worst forms of child labor in forced begging and commercial sexual exploitation, sometimes as a result of human trafficking. (1-6) Data on key indicators on children's work and education are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|-------------|
| Working (% and population) | 5-14 yrs. | Unavailable |
| Attending School (%) | 5-14 yrs. | Unavailable |
| Combining Work and School (%) | 7-14 yrs. | Unavailable |
| Primary Completion Rate (%) | | Unavailable |

Source for primary completion rate: UNESCO Institute for Statistics, 2014.(7)

Source for all other data: Understanding Children's Work Project's analysis, 2014.(8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|-----------------|---|
| Agriculture | Activities unknown (1, 2, 9) |
| | Forestry (1) |
| Industry | Construction, activities unknown* (2, 9) |
| | Mining, including for coal* (2, 9) |
| Services | Street work, including selling and transporting goods (1, 2, 9) |
| | Begging† (2, 9) |
| | Scavenging (1) |

Table 2. Overview of Children’s Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|---|--|
| Categorical Worst Forms of Child Labor† | Begging as a result of human trafficking (2, 4, 6, 9, 10) |
| | Commercial sexual exploitation sometimes as a result of human trafficking (2, 4, 6, 9, 10) |
| | Use in child pornography* (11) |
| | Use in illicit activities* (1) |

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.







There are more girls than boys among identified trafficking victims in Kosovo. Girls are most often trafficked into commercial sexual exploitation.(6) Children of minority ethnic groups such as Roma and Egyptian are more often involved in street work and begging than are children of other groups.(12). The high incidence of poverty and lack of access to education among the marginalized Ashkali, Egyptian, and Roma communities make the children in these communities vulnerable to child labor.(1, 13)

Many obstacles prevent children from the Ashkali, Egyptian, and Roma communities from accessing education. The lack of birth registration impedes the ability of these children to attend school.(13) Some families from these communities report that their inadequate means prevent them from purchasing school materials and clothing, thus creating an obstacle to the successful education of their children.(13) In addition, classes at the primary, secondary, and university levels of education in Kosovo are offered in Albanian, Bosnian, Serbian, and Turkish, but instruction in the Romani language is limited. In 2013, the Ministry of Education, Science, and Technology published the first Romani language alphabet to be used in language classes in primary schools in Prizren municipality.(14) However, continued gaps in education in the Romani language and the small number of teachers who are from minority communities contribute to the low enrollment rates and higher dropout rates within these communities.(15, 16)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Kosovo is not a UN member country; therefore, the Government is not eligible to ratify any ILO or other UN conventions. Article 22 of Kosovo’s Constitution, however, incorporates the UN CRC by reference.(17)

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|--|--------------|
|  ILO C. 138, Minimum Age | N/A |
|  ILO C. 182, Worst Forms of Child Labor | N/A |
|  UN CRC | N/A |
|  UN CRC Optional Protocol on Armed Conflict | N/A |
|  UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | N/A |
|  Palermo Protocol on Trafficking in Persons | N/A |

The Government has established relevant laws and regulations concerning child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|--|
| Minimum Age for Work | Yes | 15 | Article 7 of the Labor Law (18) |
| Minimum Age for Hazardous Work | Yes | 18 | Articles 20, 23, 26-28 and 45 of the Labor Law (18) |
| List of Hazardous Occupations Prohibited for Children | Yes | | Administrative Instruction 05/2013 (AI 05/2013) (19, 20) |

Table 4. Laws and Regulations Related to Child Labor (cont)

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|--|
| Prohibition of Forced Labor | Yes | | Article 6 of the Labor Law (18) |
| Prohibition of Child Trafficking | Yes | | Articles 171 and 231 of the Criminal Code; Law No. 04/L-218 on the Prevention and Elimination of Human Trafficking and Protection of the Victims of Trafficking (21, 22) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 237, 238, 241 and 242 of the Criminal Code (21) |
| Prohibition of Using Children in Illicit Activities | No | | |
| Minimum Age for Compulsory Military Recruitment | Yes | 18 | Kosovo Law No. 03/L-046 on the Kosovo Security Force (2, 23) |
| Minimum Age for Voluntary Military Service | Yes | 18 | Kosovo Law No. 03/L-046 on the Kosovo Security Force (23) |
| Compulsory Education Age | Yes | 15 | Kosovo Law No. 04/L-032 on Pre-University Education (23, 24) |
| Free Public Education | Yes | | Kosovo Law No. 04/L-032 on Pre-University Education (2, 23) |

During 2013, the Government updated the country's 2010 list of hazardous work prohibited to children. The list prohibits children from carrying heavy loads; working with a number of toxic chemical and biological substances; and performing certain activities within the agriculture, construction, and mining sectors, on the streets, and in dumpsites.(2)

The newly revised Criminal Code took effect in 2013; it contains increased penalties for human trafficking and expanded the definition of trafficking crimes.(4) Article 171 of the Criminal Code prohibits all forms of trafficking in persons, including for the purposes of prostitution and other forms of sexual exploitation, forced labor, and conditions of slavery.(21) The new Criminal Code specifically identifies harsher penalties if the crime perpetrated involves trafficking of children, the creation of pornographic materials, or the facilitation of prostitution, or if the perpetrator engages in recruiting, transporting, organizing, or providing space for such activities involving children. Holding people in slavery, slavery-like conditions, and forced labor are also now criminal offenses punishable by 3–15 years in prison when the victim is a child.(21) During the year, the Government adopted Law No. 04/L-218, which also addresses trafficking. This Law establishes the basis for legal actions to prevent and prosecute trafficking and spells out protections for victims, including special protections for child victims.(22) These protections include the right to stay at a shelter in separate facilities from adults for up to 6 months, and to receive education during that time.(22)

The law lacks prohibitions against using children in illicit activities.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|--|
| Ministry of Labor and Social Welfare (MLSW) Labor Inspectorate | Conduct inspections to enforce labor laws, including child labor laws, with a focus on protecting children who are legally employed. Its mandate does not include underage child labor.(2, 23) |
| MLSW Department of Social Welfare (DSW) | Investigate for underage child labor.(23) |
| Kosovo Police's Directorate of Trafficking in Human Being Investigation (DTHBI) | Enforce criminal laws against the worst forms of child labor, including trafficking and forced labor.(2) |
| Ministry of Justice | Enforce criminal laws against forced child labor.(2) |
| Ministry of Education, Science, and Technology (MEST) | Ensure that students have an appropriate balance of school and work hours through the work of education inspectors.(25) |

Law enforcement agencies in Kosovo took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, the Ministry of Labor and Social Welfare Labor (MLSW) Inspectorate employed 51 inspectors, the same amount as in 2012. During the year, the Labor Committee of Kosovo’s legislative assembly submitted a request to the Government to increase funding to the Inspectorate.(2) The Inspectorate’s budget for 2013 was \$772,000, but the budget for 2014 was decreased to \$717,000. The Labor Committee, other government officials, and independent analysts have noted that the Inspectorate has insufficient resources.(2, 26) MLSW did not offer training to inspectors on child labor during the reporting period. During 2013, the Labor Inspectorate conducted 8,378 inspections, which included inspecting for child labor.(2) Through these inspections, 20 children were found in hazardous activities in the agriculture sector, 43 were found in begging/street work activities, 8 were found in waste scavenging, and 1 child was found in other activities.(23) The Inspectorate issued four citations for violations regarding the working conditions of children ages 15 through 17; the Inspectorate determined these violations had been addressed upon reinspection. As a result of its attention to underage child labor, MLSW’s Department of Social Welfare (DSW) reported that 46 children were removed from hazardous work situations during the year.(2) Information on whether these children had been referred to services is unavailable, as such detailed reporting is not maintained.(2, 23)

Criminal Law Enforcement

In 2013, the Kosovo Police’s Directorate of Trafficking in Human Being Investigation (DTHBI) Victim’s Assistance Unit had 55 investigators, compared with 53 in 2012. These investigators received training on forced labor and trafficking during the year.(2, 23, 27) The Kosovo Police report the number of investigators to be adequate, and DHTBI reports that it coordinates with other agencies and refers children to services. However, in their annual report, DHTBI stated that the Assistance Unit lacks sufficient funding for official vehicles, civilian clothing for investigators, and advanced technology for undercover investigations.(2) During 2013, DHTBI found 24 child victims of trafficking, 21 of whom were trafficked for the purpose of commercial sexual exploitation and 2 for forced begging; one child had been trafficked for other, unspecified reasons.(2, 23) There are standard operating procedures for referring victims to services in Kosovo.(10) However, information on whether these specific children had been referred to services and whether these cases had been prosecuted is not available.(2)

The Kosovo Police task force, working with the Swiss NGO Terre des Hommes, identified 48 children involved in begging activities during 2013.(2) Further investigation demonstrated that they were not victims of child trafficking or forced labor. Instead, the Kosovo Police prosecuted some parents for child mistreatment and abandonment.(2)

Sometimes the Kosovo justice system has incorrectly applied the legal framework regulating the crime of trafficking, which hinders effective prosecutions. The OSCE noted that trafficking incidents are often classified as less severe offenses, which has resulted in lighter penalties for perpetrators.(28)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|--|--|
| Kosovo Committee for Prevention and Elimination of Child Labor (KCPEPCL) | Oversee and provide policy guidance for activities to prevent and eliminate child labor. Members consist of representatives from government agencies, the police, trade unions, the Kosovo Chamber of Commerce, and a child protection NGO.(2) |
| Counter-Trafficking Inter-Ministerial Working Group | Coordinate policy implementation, monitoring, and reporting on the implementation of actions to combat trafficking, including child trafficking. Efforts are led by a National Anti-Trafficking Coordinator through the Ministry of Interior Affairs (MOIA). (4, 10) |

In 2013, the Kosovo Committee for Prevention and Elimination of Child Labor's (KCPEPCL) Technical Working Group on Hazardous Child Labor was responsible for the adoption of the country's updated hazardous list, AI 05/2013.(2) This instruction placed responsibility for addressing child labor with all national and local government agencies. The agencies with the most significant implementing roles include the MLSW; the Ministry of Justice; the Ministry of Education, Science, and Technology; the Ministry of Local Government and Administration; the Ministry of Agriculture, Forestry and Rural Development; the Ministry of Culture, Youth and Sport; and the Ministry of Health.(2) In December, the KCPEPCL adopted recommendations for action under AI 05/2013 for each of these institutions.(29)

The Government continued to establish the country's Child Labor Monitoring System (CLMS), which consists of Local Action Committees at the municipal level. Committee members proactively monitor schools and work sites for cases of child labor, refer such children to services, and plan and make recommendations for addressing the problem of child labor.(30) During the reporting period, the members of the CLMS focused on leveraging existing services for children; documenting child labor trends; incorporating lessons learned and joint planning; and evaluating the efficiency of the CLMS.(2) Despite these positive aspects, government officials, as well as representatives of international and NGOs, reported that the Government lacks a sustainable and comprehensive mechanism to collect nationwide data on child labor, analyze lessons learned, and take follow-up actions. Although local and regional MLSW Offices share data on children, all other agencies report data only within their organizational hierarchy.(2, 23)

During 2013, the Ministry of Interior Affairs began funding the work of the Counter-Trafficking Inter-Ministerial Working Group without international assistance. The Group met regularly and led an awareness campaign.(10) However, funding from the Working Group was not available for prevention purposes or other activities besides awareness raising.(4, 23)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Kosovo has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

| Policy | Description |
|--|---|
| National Strategy and Action Plan (SAP) for the Prevention and Elimination of Child Labor in Kosovo, 2010–2016 | Aims to eliminate the worst forms of child labor in Kosovo by 2016 with a focus on prevention, as well as withdrawal of children from the worst forms of child labor, the protection of young workers, and the integration of gender concerns into anti-child labor efforts.(31) The first phase, which ended in 2013, focused on laying the groundwork to combat child labor through efforts such as improving knowledge on child labor and response of relevant institutions to the problem.(2, 31) In 2013, a working group of the KCPEPCL produced the country's first report on the progress made in implementing the SAP.(2) The report described activities implemented through 2012, which included the development of legal reform proposals, training inspectors and investigators, and awareness raising. A pilot program to combat hazardous child labor in agriculture also continued under the SAP.(16) |
| Strategy and National Action Plan on the Rights of Children, 2009–2013* | Aimed to ensure children's rights were protected according to international conventions such as the UN CRC. Goals included eliminating exploitative child labor.(32) |
| National Strategy and Action Plan against Trafficking in Human Beings, 2011–2014 | Calls for the elimination of trafficking and organized crime in Kosovo through four main strategies: (1) prevention of trafficking, (2) protection of victims and witnesses, (3) prosecution of trafficking crimes, and (4) special protection for children.(6) According to the most recent reports from early 2013, the National Anti-Trafficking Coordinator led regular meetings to review the Plan and revise standard operating procedures. The procedures were aligned with the goal of the new Criminal Code and Criminal Procedure Code to focus on achievable objectives and activities; they included requirements for the police and social workers to communicate with victims' advocates after they have identified potential trafficking victims.(4) |
| Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015 | Promotes the protection of the Ashkali, Egyptian, and Roma communities, and calls for their full integration into Kosovar society. Includes actions in various areas including education, and establishes a fund specifically dedicated to improving these communities' access to educational opportunities.(33) |

*The impact of this policy on child labor does not appear to have been studied.

The report on SAP implementation identified many priority areas in the action plan for which planned activities were behind schedule. These areas included conducting a child labor survey and creating a better functioning CLMS.(16)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Kosovo funded and participated in programs that include the goal of eliminating or preventing child labor (Table 8). In addition, the Government funds programs that may indirectly benefit children at risk of child labor or who are involved in child labor, including its worst forms.

Table 8. Social Programs to Address Child Labor

| Program | Description |
|---|--|
| With Me initiative | ILO-IPEC-supported project in which the Ministry of Agriculture, Forestry and Rural Development and local authorities participate that is providing a set of basic services to withdraw and prevent children from child labor in agriculture in certain villages in the municipality of Rahovec.(16) |
| Hope and Homes for Children‡ | MLSW provides partial funding for this shelter, which serves only child trafficking victims, and other shelters that provide care to child and adult victims of forced labor or trafficking.(2, 10, 16) |
| Support for policy level and up-scaling activities for Combating Child Labor in Kosovo | \$87,000 Government of Germany-funded, 1-year project that supported the refinement of child labor policies and the expansion of activities to combat child labor. Provided technical assistance for AI 05/2013 and the SAP implementation report issued in 2013.(29) |
| Social assistance benefits*‡ | MLSW program that provides monthly social assistance benefits to needy families. Benefits are increased per child conditioned on the child's school attendance.(2) In 2013, benefits were given to 29,500 families whose members include an estimated 65,000 children.(2) |
| Free school meals and text books *‡ | MEST program that provides free school meals for children up to age 15, and free textbooks through fifth grade.(2) |
| Social Inclusion and Improvement of Living Conditions for Roma, Ashkali and Egyptians and Other Vulnerable Groups in Kosovo†‡ | Government and foreign donor -funded project implemented by Terre des Hommes and by a local NGO.(34) Focuses on four basic areas: (1) empowerment and advocacy; (2) basic, secondary, and tertiary education; (3) sanitation and housing; and (3) vocational education, employment, and income to improve the lives of minority communities in Kosovo. Based on the Government's Strategy for the Integration of Ashkali, Egyptian and Roma communities (2009–2015).(34) |
| MOIA Birth registration effort* | MOIA Civil Registration Agency effort that waives fees for many registration services for Kosovo Ashkali, Egyptian, and Roma communities.(10) |
| Innovations Lab Kosovo* | Municipal authority and UNICEF project to assist families in completing the birth registration process.(35) |
| EU-funded program to promote education for minorities in Kosovo* | EU-funded and MEST-implemented program to address the 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.(36) In 2013, as a result of this collaboration, MEST introduced Romani language classes in Prizren municipality.(23) |
| Minority Support Project * | USAID-funded project implemented with the Government; one of its goals is to connect Kosovo minorities with government social assistance. Part of USAID's Strategic Plan in Kosovo.(37-39) USAID also supports implementation of another project focused on Kosovo's education sector and a third project in Northern Kosovo to promote integration by targeting areas of economic integration, community development, and capacity building.(23) |

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Kosovo.

Despite the programs mentioned above, the report on the SAP noted that programs to combat child labor on the streets were not carried out as planned.(16) Despite the high poverty levels of Ashkali, Egyptian, and Roma communities, these groups benefit the least from MLSW social assistance programs because of low rates of birth registration, which is required for program participation.(33) Since children from these communities sometimes do not benefit from cash transfers and educational support, they are more vulnerable to being involved in child labor. The 2013 budget for MLSW's social assistance programs was \$37.4 million, \$832,000 less than needed.(2)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Kosovo (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Laws | Adopt measures to prohibit the use of children in illicit activities. | 2013 |
| Enforcement | Increase resources to better enable authorities to target and investigate cases of child labor, including trafficking. | 2009 – 2013 |
| | Provide training to labor inspectors on child labor issues. | 2009 – 2013 |
| | Improve the collection and publication of information on whether children found in child labor are referred to appropriate services. | 2009 – 2013 |
| | Correctly apply the penalties in the legal framework regulating the crime of trafficking. | 2012 – 2013 |
| Coordination | Strengthen the Child Labor Monitoring System to better collect and analyze data on child labor, and develop appropriate policy responses based on these data. | 2013 |
| | Increase resources the Counter-Trafficking Inter-Ministerial Working Group allocates to anti-trafficking prevention efforts. | 2013 |
| Government Policies | Assess the impact the National Strategy and Action Plan on the Rights of Children may have on child labor. | 2013 |
| | Conduct the planned National Child Labor Survey to provide statistical information to address child labor, including the situation of children working in agriculture and on the streets. | 2012 – 2013 |
| Social Programs | Assess the impact that existing programs may have on child labor. | 2011 – 2013 |
| | Remove barriers that hinder access to education for poor families from minority communities, such as costs of school materials, lack of widely available multilingual curricula, and the low number of teachers from minority communities. | 2011 – 2013 |
| | Increase the budget available to realize activities under the National Strategy and Action Plan for the Prevention and Elimination of Child Labor. | 2013 |
| | Increase birth registrations among minority communities to improve school enrollment and other social assistance programs. | 2011 – 2013 |
| | Increase the budget for MLSW Social Assistance benefits program. | 2013 |

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