

PROVINCE SITUATION - KOSOVO

Following the United Nations Security Council Resolution 1244, Kosovo is under temporary UN administration. Chapter 7 of the Resolution states that the United Nations Interim administration Mission in Kosovo (UNMIK) shall fulfill the role of the government as an interim arrangement. Among other things, Resolution 1244 called upon UNMIK to perform basic civilian administrative functions and to protect and promote human rights.

In May 2001, UNMIK Regulation 2001/9 approved the constitutional framework for provisional self-government in Kosovo, and, following elections in November 2001, a new National Assembly was created. The Provisional Institutions for Self Government (PISG) were appointed in March 2002.¹ In October 2005, the Security Council approved the start of negotiations for final status that, in the words of the Secretary General could be either autonomy or full independence.

Poverty and unemployment

Kosovo was the Socialist Federal Republic of Yugoslavia's (SFRY) poorest province. About 60 percent of the pre-conflict employment was created by agricultural activities (including forestry and agro-business). Unemployment was already high, reportedly rising as high as 70 percent in 1995. This unemployment rate was disproportionately high among ethnic Albanians².

After the conflict of 1998-99, the economy recovery was evident, significantly aided by the reconstruction boom financed by international donors³. Kosovo 2001 GDP per capita rose by 18. 4% to 899US Dollars. However, key industries have ceased to function, and/or are waiting to be privatized (pending the resolution of significant property related issues). Most of the economy relies now on the agrarian sector and small private enterprises that do not manage to absorb the entire workforce.

According to the World Bank Poverty Assessment Report in 2000 about half of the population of Kosovo was under the poverty line and 12 per cent were in extreme poverty. The report suggests that the probability of a household being in poverty increases with a/its dependency ratio, b/the presence of disabled members (conflict veterans for instance), and decreases with a/higher level of education, b/value of estate and other goods, c/the proportion of males of working age (i.e. the labour market is gender biased)⁴.

Unemployment is probably the main social and economic problem for Kosovo. Rates are especially high among youth (ages 16-24), women, and the rural population. The 2001 and 2002 Labour Force Surveys (LFSs) indicate that approximately fifty percent

1 Source UNICEF / UNOHCHR / OSCE ODHIR Trafficking in Human Beings in South Eastern Europe, 2003.

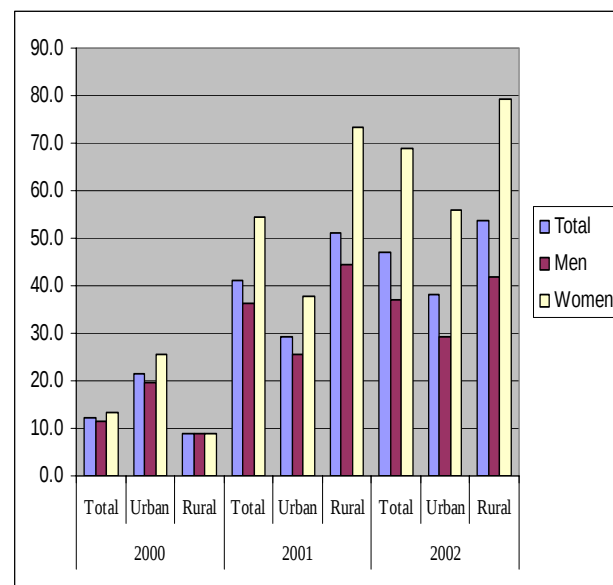
2 Source EU Kosovo webpage, www.ear.eu.int/kosovo/kosovo.htm, November 2004.

3 Sumon Kumar Baumik, Ethnic Conflict and Poverty, Serbians and Albanians in Kosovo, Tulane University 2004

4 World Bank, Kosovo Poverty Assessment Report, Volume 2, 2000

of the labour force was unemployed during these years. The chart below summarizes the unemployment situation in Kosovo.

Characteristics of the Labour Market, 2002	
Males	36.9
Females	68.9
Aged 15-19 years	79.4
Aged 20-24 years	69.0
Youth unemployment (as share of total unemployed)	40.6
Long-term unemployment (as share of total unemployed)	73.1
Labour force participation rate (in %)	41.3
Males	55.5
Females	26.9
Notes: Long-term unemployment is for more than 1 year. Source: World Bank estimates based on LFS, 2002.	



Source: LSMS June 2000, LFS

November/December 2001 and 2002.

According to the World Bank report mentioned above, 57.3% of Serb households are poor against 45.4% of Albanian ones (a reverse situation from the pre war period). The fact that some Kosovo Serbian communities, after the conflict of 1999, have been living in enclaves has also affected negatively their employment opportunities and the outreach of central institutions to them.

Education

UNICEF estimates that 45% of the schools in Kosovo were destroyed during the 1999 conflict. All schools have been reconstructed but with the continuous migration of people from rural to urban areas after 1999, some schools work with multiple shifts and do not have enough space. Although in a challenging situation of infrastructure, the education system in Kosovo is undergoing a comprehensive reform including revision of curriculum and institutional restructuring to bring it up to international standards.

According to the Statistics Office of Kosovo (SOK) there is near universal primary school enrolment for Kosovo Albanian (97.5 per cent) and Serb communities (99 per cent). However, enrolment rates for children from non-Serb minority communities remains comparatively low with only 77 per cent of children between the ages of six and fourteen enrolled in school.

While Kosovo has relatively high rates of primary enrolment, there is an important decrease in participation in lower secondary⁵. The continuation rates for girls of all communities between primary and secondary schools (upper secondary education) are lower than for boys (55 % against 65 %). The number of girls in vocational schools is

⁵ According to the UNICEF study of Situation of Women and Children in Kosovo, between grades 5 and 8 there is an increase in drop-out rates of about 7 per cent per annum.

also lower than the number of boys. According to the Statistical Office of Kosovo, in the school year 2001/2002, only 38 per cent of vocational students were female. In addition, enrolment patterns show evidence of sex based, subject related “streaming”, i.e. female pupils do not enrol in subjects traditionally regarded as “male” domains (e.g.: mechanics)⁶.

Kosovo is affected by the social impact of an economy in transition and by a conflict for which a sustainable solution has yet to be identified. These aspects have created a socio economic environment favourable to the Worst Forms of Child Labour.

Trafficking in children in Kosovo

Trafficking in Kosovo was first reported in 1999 and was in the following years mainly an issue of foreign teenage girls and women forced or lured into Kosovo for sexual exploitation. More recently, trafficking in Kosovar women and girls abroad, or within Kosovo, and trafficking of boys for labour services seems to be growing.



The graph above⁷ describes the numbers of Kosovo children victims of internal and international trafficking who have been assisted by the Trafficking and Prostitution Investigation Unit (TPIU), the International Office of Migration (IOM) and the Centres for Social Work (CSW s). The numbers are small and can not be taken as representative but there is a noticeable increase during these three years, confirmed by organisations combating trafficking. The figures can also not be added as some children were referred from one institution to another.

According to the annual report of the Centre for Protection of Women and Children, the great majority of the Kosovar children victims of trafficking are of Albanian ethnicity. Other ethnic groups include Roma, Serbian, Ashkalie and Bosnian.

Children used in criminal activities

According to the UNICEF Situation Analysis of Children and Women in Kosovo, between 2000 and 2004, 3,461 children were either suspected or victim of criminal activity. Furthermore, the OSCE reported that approximately 180 juveniles were indicted for serious offences and that approximately 23 per cent of all serious crime

⁶ same source

⁷ From data provided by UNICEF, Trafficking in Children in Kosovo, Draft, June 2004.

involved people under the age of 18. Almost 50 per cent of the offences are related to theft. Juveniles who are sentenced in a criminal court are placed in Lipjan Correctional Facility. They can take 4 hours a day classes from grade 1 to grade 12. Classes are not separated by level taught but by category of offenders.

Other Worst Forms of Child Labour

The bulk of child labour in Kosovo is concentrated in the informal sector. Based on 480 interviews with child labourers, resulting from the field visits of the Child Labour Monitoring Committee,⁹ it appears that the bulk of child labour is concentrated in these following categories: street working, different services, agriculture, scavenging, night bars and illicit activities.

Urban centres are considered attractive work locations because of perceived earning potential and greater access to customers. The highest number of children involved in street working and scavenging were identified in Pristina. Of 48 working children interviewed who were using Pristina as their main work location, 25 reported commuting to the city from rural areas. On top of long working hours and late night shifts, many child workers have to travel to and from their working locations¹⁰.

16 per cent of working children interviewed by UNICEF reported having health problems, primarily injuries due to physical work, including back and muscle pain, wounds, broken bones, headaches and eye problems. These problems are related to physical activities like carrying goods in markets and in streets, construction work, agricultural activities and scavenging in dumpsites. The majority of children, about 87 per cent, reported that they did not abandon school but worked late at night. About 11% of the working children interviewed were victims of criminal acts (theft, attack, threats).

Approximately 40 per cent of children interviewed under the UNICEF Study start working before the age of 10 and there were several cases of children beginning to work before they reach the age of five.

According to the results of UNICEF Study on Child Labour, the most frequent place of work is- contrary to the general perception- the home. 30 percent of all activities are performed at home and due to its nature and the fact that it is not visible it is very probable that the number of child workers in Kosovo is grossly being underestimated with primarily girls labourers. There is also the problem of "hidden" work situations, in particular sexual exploitation and trafficking, in which girls are at special risk.

Still, the hazardous forms of Child Labour need to be further explored in order to know where and on what to concentrate action to eliminate the worst forms of child labour.

The Convention on the Right of the Child, The ILO Convention 138 on the Minimum Age for Admission to Employment (1979), The ILO Convention 182 on the Worst

⁸ Source: Situation Analysis of Children and Women in Kosovo, UNICEF, 2004.

⁹ Follow up of the first CLM Workshop with 25 representatives of central level Governmental Institutions, NGOs and TUs

¹⁰ UNICEF Study on Child Labour in Kosovo, Pristina, 2004

Forms of Child Labour apply in Kosovo and UNMIK has an obligation to implement them.

Kosovo legislation

UNMIK regulation on the Prohibition of Trafficking in Persons in Kosovo was adopted by UNMIK SRSG in January 2001, and, before the adoption of the Provisional Criminal Code of Kosovo, it was the main legal instrument to combat trafficking.

The Provisional Criminal Code of Kosovo came into force on 6 April 2004. It provides a definition of trafficking based on the Palermo Protocol. The difference from the Palermo definition includes the fact that there is no requirement for the crime to be organised (i.e. it does not need to be committed by more than two persons to be qualified as trafficking), or to be of a trans-border character (i.e. internal trafficking is included).

The law on Juvenile Justice came into force on 20 April 2004 and clearly defines how the justice system should treat juvenile crime, with provisions for mediation, specialised courts and alternative to imprisonment.

In accordance with ILO C138 **The 2001/27 UNMIK Regulation on Essential Labour Law and the Draft Kosovo Essential Labour Law** prohibit children below 15 to work. Children from 15 to 17 may be employed in light work which should neither endanger their school attendance nor be harmful to their development.

The Law on Marriage and Family Relations sets out the role of the Institute of Guardianship (IG). The IG in most cases falls under the responsibility of the Centre for Social Work (CSW) and is responsible for children without parental care including foreign children. The CSW may therefore be involved in the rehabilitation process of children victims of trafficking.

The minimum age regulation is reinforced by the **Primary and Secondary Education Law of 2002**, which guarantees the right to basic education to all children under the age of 15.

Institutions and Policies

UNMIK is involved in the trafficking issue under its Justice and Police authorities. The new domestic structures of **PISG** have included trafficking primarily as a human rights issue under the Prime Ministers' Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues (PMO).

The Inter-Ministerial Working Group to Combat Trafficking in Human Beings was established in October 2003, coordinated by the PMO, with the aim of establishing policies against trafficking, under a Kosovo Plan of Action to Combat Trafficking in Human Beings. The first draft of the Plan was officially presented and disseminated for comments in October 2004. The Proposed strategy for the Kosovo Action Plan in Combating Trafficking in Human Beings focuses on Prevention, Protection Prosecution, Policy and Coordination.

The UNMIK White Paper on Combating Human Trafficking in Kosovo-Strategy & Commitment was drafted as a response to an Amnesty International

report against UNMIK perceived lack of action on trafficking issues (especially lack of action against UN and KFOR staff in Kosovo who were clients of trafficked Commercial Sex Workers). It underlines the six essential components of UNMIK's approach against trafficking. They are: 1) Prioritising the issue of human trafficking in the overall fight against organised crime; 2) "Zero tolerance" enforcement against traffickers and pimps; 3) Strong human rights framework to protect and assist victims; 4) Strict enforcement against UNMIK staff violating the code of conduct in this respect; 5) Regional approach to addressing the problem of human trafficking within the framework of international cooperation; 6) Sustainability through local involvement in a multi-dimensional approach.

The Standard Operating Procedures (SOPs) outline the procedures to be followed when assisting a foreign trafficked person from the identification stage to the point where s/he is accommodated in a shelter in order to ensure the coordination of the activities implemented by different institutions / organisations. The SOPs for Kosovar victims of trafficking were first drafted in June 2001. They are expected to be finalised by the end of 2004. There are so far no SOPs for the victims' reintegration, beyond their time in shelters. This limited standardisation has resulted in a lack of accountability of actors involved in rehabilitation of Kosovar victims of trafficking.

UNMIK Police created the **Trafficking and Prostitution Investigation Unit (TPIU)** in November 2000. It is comprised of 5 regional offices with 26 international and 21 Kosovar police officers. The mandate of TPIU is a) to gather intelligence about traffickers, trafficking victims and establishments for commercial sexual work, b) to identify and assist victims and c) to gather enough evidence to close the establishments and prosecute traffickers.

Ministry of Labour and Social Welfare (MLSW) coordinates child protection policies. The **Department of Social Welfare** within the MLSW has the responsibility for implementing interventions for the care and protection of children and young people. **Centres for Social Work (CSW)** under MLSW, are responsible for social protection of vulnerable people in their municipality. The CSW have wide ranging statutory powers to enable them to carry out their role in protecting children from abuse and neglect.

Ministry of Education, Science and Technology. Its role in child protection is to promote the safety, welfare and well-being of children and youth whether they are students, apprentices or trainees in schools, colleges, workplaces or under programmes conducted by the Ministry under the auspices of Department of Education. Within its strategy towards Education For All, a new **Administrative Regulation on Non-formal Compulsory and Secondary Education** was recently issued. The article two of this Regulation, make it compulsory for Municipal Education Offices and School Directors to identify children that are not enrolled in the formal education system. It provides a good basis for involvement of municipal education authorities and schools in identification, referral and rehabilitation of working children.

The Ministry of Culture, Youth, Sports and Non-Resident Affairs coordinates all the activities relating to young people in Kosovo (15 to 24 year of age). Policies and procedures are handled by the Department of Youth (DY) and there are municipal

youth officers responsible for interacting with youth groups in the community. The DY actively promotes youth networks to increase co-operation and contacts between youth organisations, social agencies and institutions.

The Department of Justice (DJ) is administered directly by UNMIK, as justice issues are reserved powers of the SRSG. For children and young people, there are two relevant Divisions within the DJ- the Judicial Development Division which contains a Unit for Victim Assistance and Advocacy (VAAU) and the Penal Management Division (PMD) for those sentenced to prison. The Victim Assistance and Advocacy Unit is responsible for assisting all victims of crime and in particular should be a key advisory body for courts when dealing with minors and women who are victims of abuse, neglect, trafficking or other crimes.

Victim Advocates appointed by the Department of Justice are present in all five regions. According to the Provisional Criminal Procedure Code of Kosovo (Art.81), the Victim Advocates “shall assist injured parties in safeguarding their rights including, where appropriate, acting as authorized representatives of the injured party”.

Penal Management Division-Kosovo Correctional Services (PMD-KCS) is responsible for the detention centres of Gjilan, Mitrovica, Peja, Prizren and Pristina as well for the prisons of Dubrava and Lipjan. From April 2003, and within the cooperation framework established between the KCS and the MLSW, with the support of ILO SKILLS, employment and training services available from the Ministry’s network of eight regional training institutions have been extended to detainees who are interested and authorized to participate. To date, demand-driven and competency-based skills training programmes in twenty-seven occupational profiles are available. Children above 15 that have been used for illicit activities, and are consequently imprisoned may benefit from these services.

With regard to non-custodial sentences, in 2002 **Terres des Hommes**, supported by UNICEF and in partnership with the Department of Social Welfare and Department of Justice, introduced a pilot programme of Community Service Orders as an alternative to detention for juvenile offenders. This programme was extended to all Kosovo in 2003.

The role of **the Kosovo Police Service** in child protection is to identify, to report and investigate child abuse and neglect. The **Kosovo Police Training School** in Vushtri with the support of UNICEF, includes three-hour training component on the policing of juveniles for all new police recruits.

The International Organisation for Migration (IOM) and the Organisation for Security and Co-operation in Europe (OSCE) are collaborating to the screening of children suspected victims of trafficking. IOM plays also a significant role in rehabilitation, referral and repatriation.

ILO SKILLS in Kosovo has focused on building the capacity of training and management staff of the correctional services. A number of activities have been carried out in the areas of human resource recruitment and development, management of training institutions, training cycle, and methodological and technical skills

upgrade of trainers, occupational planning, and employment placement services. In the Lipjan correctional facility for juvenile offenders, technical support has focused on the rehabilitation and refurbishment of training facilities within the prison as well as staff requisition and selection procedures. Further activities are planned.

NGOs play an important role in the identification and referral of Kosovar victims of trafficking and other WFCL. From the end of the 1999 until April 2004, five NGOs¹¹ from different parts of Kosovo with shelters for domestic violence had accommodated 33 children victims of trafficking, of which five were foreign. Advocacy and lobbying by the main international agencies and NGOs involved with child rights has led to the appointment of Child Rights Co-ordinators in almost all municipalities during 2003 (to date 28 of 30 municipalities have such co-ordinators). This has been accompanied by capacity building and training to allow for the development of municipal-level analysis and development of plans of action for children.

Youth Centres play a significant role in constructively engaging youth in their communities. The centres provide an important network for youth mobilisation, serve as training centres for non-formal education and promote inter-ethnic activities for youth.

IPEC ACTIVITIES IN KOSOVO

Policy level activities

Kosovo is participating under the PROTECT CEE since January 2004. A **Memorandum of Understanding** between ILO and UNMIK, acting for the Provisional Institutions of Self-Government in Kosovo, was signed by the Special Representative of the UN Secretary General on 21 January 2005.

As member of the Anti-Trafficking Coordination Group IPEC provided inputs to the first draft of the **Kosovo Plan of Action to Combat Trafficking in Human Beings**.

On February 2005 a **Child Labour Unit** has been established under the Labour Department, MLSW as part of the PROTECT CEE capacity building efforts and the commitment of the MLSW to the issue of combating worst forms of child labour in Kosovo. The Unit functions with IPEC technical support and serves as a coordination body on child labour related activities of the Ministry, as well as other governmental structures, social partners and NGOs.

A national **Strategic Planning Impact Framework Workshop in Kosovo** was organized on 3-4 June 2004. The purpose of the workshop was to gain a common understanding among the main IPEC stakeholders on the problems causing the worst forms of child labour and sexual exploitation, including trafficking and to identify possible solutions and strategies leading to the progressive elimination of these problems.

¹¹ Centre for Women Welfare, Peja; Centre for Protection of Women and Children, Pristina; Safe House, Gjakova; Centre of Women and Children, Prizren; NGO Liria, Gjilan

A Focal Point for protection of children from labour and sexual exploitation has been appointed in **The Ministry of Culture, Youth, Sports and Non-Resident Affairs-Department of Youth** as follow up of the first workshop on Establishing Pilot CLMS. Establishment of a **focal point for Child Labour Monitoring** in the **Labour Inspectorate** has been agreed with the Head of Labour Inspectorate and Deputy Minister of Labour and Social Welfare.

IPEC has worked with the Ministry of Education Science and Technology, the Ministry of Culture, Youth and Sports and the Ministry of Labour and Social Welfare to organize the **Global EFA Action Week 2005**.

Direct Action

IPEC has signed so far three Action Programmes for partners to undertake the following activities: a/an awareness raising campaign to increase the knowledge and change the attitude of key stakeholders on the issue of child labour; b/pilot testing a model of child labour monitoring system; c/pilot testing a model of long term rehabilitation of children victims of trafficking, based on psycho-social rehabilitation and economic empowerment. The Know How generated from the pilot activities will be shared with policy makers for replication. To this end, a/ a database of beneficiaries will be established and regular impact reviews will be conducted, b/ emerging good practices will be documented, validated and shared with practitioners, c/recommendations based on practice will be submitted to the Government within seminars.

STEERING COMMITTEE

As decided within the Memorandum of Understanding between the United Nations Mission in Kosovo acting for the Provisional Institutions of Self Government, Ministry of Labour and Social Welfare and the International Labour Organization represented by the International Labour Office, the Ministry of Labour and Social Welfare agreed to establish the Kosovo Steering Committee for the Elimination of Child Labour (MoU Article 4) as coordinating body in combating child labour in Kosovo.

The Kosovo Steering Committee will comprise 16 members: **a)** 12 members from the Government; Prime Ministers Advisory Office for Good Governance, Human Rights, Equal Opportunities and Gender Issues, Ministry of Education Science and Technology, Ministry of Health, Ministry of Culture, Youth and Sports, Institute of Public Health will appoint one member each; UNMIK Police and Kosovo Police Service will appoint two members (Community Police and Investigation Unit); the Ministry of Labour and Social Welfare will appoint four members (Department of Labour and Employment, Department of Social Welfare, Labour Inspectorate and Institute of Social Policies) **b)** one member will be appointed by the Kosovo Confederation of Trade Unions; **c)** one member will be appointed by the Kosovo Chamber of Commerce; **d)** one member will be appointed based on the agreement with NGOs represented in the Forum of NGOs on Child's Rights Protection.