

Tackling Child Labour in Kosovo

NERTIL BËRDUFI

Ph.D. Candidate

University of Tirana

Lecturer, Law Department

“Hëna e Plotë” (Bedër) University

Albania

DESARA DUSHI

Ph.D. Candidate

University of Bologna, Italy

Abstract:

Increased poverty in recent decades has forced millions of young children out of school and into work. The International Labor Organization estimates that 215 million children between the ages of 5 and 17 currently work under conditions that are considered illegal, hazardous, or extremely exploitative. As the newest country in Europe, Kosovo is faced with a lot of problems, one of them being also involvement of children in labour, especially in hard conditions, and usually exposed to various types of violence, making it a concerning problem. The aim of this paper is to show the progress of Kosovo in tackling child labour by law, its effectiveness in practice, and the other consequences that implementation brings forward.

The methodological approach of the study combines quantitative and qualitative methods. The main point of this research is to examine whether the current laws in place are the most appropriate means of preventing child labor and whether laws are enough to tackle child labor. In the first chapter the international labor standards and an overview of the legal framework of Kosovo regarding child labour will be presented. The second chapter continues with the level of implementation of these laws and their functionality. And in the last part, the consequences of preventing child labour and

an overall assessment of the utility of law in tackling child labour is examined.

Key words: Child, labor, law, implementation, protection, convention.

Introduction

“Children are the world's most valuable resource and its best hope for the future”¹. Their education and a proper preparation for future, lead to a prosperous and well developed upcoming society. Child labour is work that harms children or prevents them from attending school. Increased poverty in recent decades has forced millions of young children out of school and into work. The International Labor Organization estimates that 215 million children between the ages of 5 and 17 currently work under conditions that are considered illegal, hazardous, or extremely exploitative.

Though child labour is mainly considered a problem of developing countries, it is an emerging concern also in Eastern European countries, and the Balkan region is no exception. In order to assess the practical implementations of such a suggestion, it will be applied to a case study of Kosovo. The reason for this selection relies upon the fact that Kosovo is the newest country not only in the region, but in Europe, thus it is still weak in tackling a lot of problems, one of them being child labour.

But what is child labour? Child labour refers to the circumstances whereby a child within the age of compulsory education is engaged in paid or unpaid activities, within or outside the family, in formal or informal contexts, in legal or illegal activities, and where his or her right to education and

¹John Fitzgerald Kennedy, American 35th US President (1961-63), 1917-1963)

the opportunity to reach full physical and psychological development is denied.²

As the newest country in Europe, Kosovo is faced with a lot of problems, one of them being also involvement of children in labour, especially in hard conditions, and usually exposed to various types of violence. Taking into account that Kosovo has the youngest population in Europe, child labour is a concerning problem, as it results in a higher number of children being forced to work. The aim of this paper is to show the progress of Kosovo in tackling child labour by law, its effectiveness in practice, and the other consequences that implementation brings forward.

In the first chapter the international labor standards and an overview of the legal framework of Kosovo regarding child labour will be presented. The second chapter continues with the level of implementation of these laws and their functionality. And in the last part, the consequences of preventing child labour and an overall assessment of the utility of law in tackling child labour is examined.

The methodological approach of the study combines quantitative and qualitative methods by using preexisting data and statistics in order to provide an overview of child labor in Kosovo. The main point of this research is to examine whether the current laws in place are the most appropriate means of preventing child labor and whether laws are enough to tackle child labor. My hypothesis is that in a country where the level of poverty is high, and where children are the only members of family who work, tackling child labour is not enough. It will result in increasing poverty and in people finding other ways of gaining money for survival. This will also result in increasing child trafficking, by parents sending their children to work across borders, which instead of working end up being trafficked.

² Child Labour in Kosovo, a study on working children, UNICEF, Kosovo 2004

1. International labour standards and legal and institutional framework in Kosovo

Child labour is work that harms children and prevents them from education, by keeping them out of the school. Around the world and in Kosovo, in recent years the growing gap between rich and poor has forced many children to leave school and start working. Child labour includes at least one of these characteristics: violates the minimum working age prescribed by national laws; threatens children's physical, mental or emotional well-being; prevents children from going to school; includes intolerant child abuse such as slavery, trafficking, forced labour, or other illegal activities; or uses children to undermine labour standards. Today, many nations around the world include in their laws the minimum age for work to be 14 or 15 and prevent children under 18 from doing hazardous work. In addition to national laws, many international human rights and labour standards deal with child labour.

1.1 International labour Standards

A wide range of international organizations and institutions include international labour standards. Among them, the main role in creating and promoting international labour standards is generally acknowledged to the International Labour Organization (ILO). ILO was created in 1919 and until now it has adopted 184 Conventions that establish a range of working standards including child labor.

Two of the most fundamental ILO Conventions regarding child labour are ILO Convention No. 138 on the Minimum Age for Admission to Employment and Convention No. 182 on the Worst Forms of Child Labour.³ The former one sets the minimum age for employment to be 15. This convention recognizes the link between the age of finishing primary school

³University of Iowa Labor Center. Child Labor Public Education Project. s.d. https://www.continuetolearn.uiowa.edu/laborctr/child_labor/about/international_workers_rights.html (accessed on April 05, 2014).

and the minimum age for employment. Convention no.138 obliges member states to ensure that no child is employed in full-time work until reaching the age of compulsory education.⁴ For children aged 13 to 15 years light work is allowed under regulation from national laws. This work should not be harmful to children's health and development and should not prevent them from attending school.⁵

The other convention prohibits the worst forms of child labor and requires countries to take action for the elimination of those forms. The worst forms of child labour as prescribed in the convention are all types of slavery including trafficking of children; forced labour to pay off a debt; any other type of forced labour, including using children in war and armed conflict; all activities of child sexual exploitation, such as prostitution and pornography; involvement in illicit activities such as drug trafficking and any hazardous work which could affect the child's health, safety and well-being.⁶

The Declaration on Fundamental Principles and Rights at Work, adopted by ILO in 1998, obliges all ILO member states to respect, promote and realize the most fundamental worker's rights. Among these obligations was also the obligation to effectively abolish child labor. Besides this, the International Covenant on Economic, Social and Cultural Rights (1976), in the section 3 of its article 10 established the protection and assistance to all children and young persons without any discrimination and requires the protection of children from economic and social exploitation. It also established the

⁴ ILO Convention no. 138 on the Minimum Age for Admission to Employment, article 2. 1979.

⁵ ILO Convention no. 138 on the Minimum Age for Admission to Employment, article 7. 1979.

⁶ Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, article 3. Geneva, 1999

necessity to punish child labour by national law and requires states to set age limits for child employment.⁷

Besides the general provisions mentioned above, there are also important international agreements that provide specific framework for the creation and development of policies and strategies regarding child rights and child labour. The most important one is the UN Convention on the Rights of the Child (1989). It is the first comprehensive convention for child rights that has achieved a universal ratification. The Convention on the Rights of the Child (CRC) serves as a main source for basic standards and legal obligations in child educations, health care, and other legal, and social services for the states and also for the non-governmental organizations (NGOs).

The basic principles of CRC are the “indivisibility” and “the best interest of the child”. The principle of “indivisibility” means that all rights have the same equal status and it is essential to look at them as whole rather than separated rights for the well-being of the child. While the “best interest of the child” should be a primary consideration in all the actions regarding children.⁸

Articles 32, 28 and 29 of the Convention are particularly relevant to child labor. Article 32 guarantees children “*the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, to be harmful to child’s health or physical, mental, spiritual, moral or social development.*” It also sets the obligation for states to manage minimum age, hours and conditions of employment. It is obvious that this article addresses directly the issue of child labour.

The right to free and compulsory primary education is regulated under article 28, followed in a more broad way by article 29. Other relevant articles are the right to rest and

⁷ International Covenant on Economic, Social and Cultural Rights. «Article 10 section 3» adopted by General Assembly resolution 2200A(XXI) on 16 December 1996, entered into force in 1976.

⁸ Convention on the Rights of the Child, article 3. 1989.

leisure, play and participate in cultural and artistic activities in order to foster the development of a child's creativity, imagination and self-confidence. (article 31), prevention of usage of children in trafficking of narcotic drugs and psychotropic substances (article 33), prevention of recruitment of children under 15 years old in the armed forces (article 38), the right to birth registration to ensure that children are recognized as persons and to prevent them from having an employment before the legal minimum age or from being abused and exploited in an invisible manner (article 7), the right to information (article 14), the right to create awareness among children about their rights and risks arising from hazardous work (article 17).

As already mentioned, the Convention gives a holistic view of child rights and another characteristic of this Convention is that it also provides the measures designed to implement these rights. The convention is divided in two parts, the first one enumerating the rights, the second one showing the implantation and monitoring methods prescribed.

1.2 Legal and institutional framework in Kosovo

Domestic law in Kosovo is in compliance with International Law and ILO working standards. The republic of Kosovo has ratified the international conventions related to child rights and child labour, such as ILO conventions and Convention on the rights of the Child.

The Constitution of Kosovo, as the fundamental law of the state, contains provisions related to the right of children to care and protection essential for their well-being, including as well the right to protection from violence, maltreatment and exploitation.

The Labour Law (No.03/L-212) in Kosovo is in compliance with the CRC and with ILO C138 standards. The Labour Law defines the minimum age for employment to be 15 years. It also states that "An employee under eighteen (18) years of age shall not work under conditions, which under their

nature or circumstance performed, may damage the health, safety or the moral of the employee.”⁹

The Criminal Code defines the criminal offences committed against a child including violation of family obligations, facilitation of prostitution, abuse of children in pornography, use of children in armed conflict, use of children for illicit activities, child slavery, slavery-like conditions, and forced labour relations.¹⁰

The Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour (17/2008) establishes the banning of hazardous sectors and hazardous generic activities. The Primary and Secondary Education Law of 2002, reinforces the minimum age regulation, by guaranteeing the right to basic education for children under the age of 15.

The Law on Marriage and Family Relations sets out the role of the Institute of Guardianship, which is responsible for children without parental care including foreign children.¹¹ This measure prevents children without parents to end up in the streets by keeping them in an institution responsible for their care and protection.

Besides basic legal framework, also institutional framework is important in the protection of children’s rights and prevention of child labour. Ministry of Labour and Social Welfare (MLSW) manages child protection policies. The Department of Social Welfare is responsible for implementing interventions for the care and protection of children and young people. Centers for Social Work are responsible for the

⁹ The Labour Law (No.03/L-212) in Kosovo, Article 46/1. 2010. See <http://www.assembly-kosova.org/common/docs/ligjet/2010-212-eng.pdf> (accessed on April 05, 2014).

¹⁰ The Criminal Code of Republic of Kosovo, No. 04/L-082, 2012

¹¹ International Labour Organization (ILO), International Programme on the Elimination of Child Labour (IPEC), «Project of Technical assistance against labour and sexual Exploitation of Children, including Trafficking, in countries of Central and Eastern Europe, Province situation-Kosovo» 2005.

protection of vulnerable people in municipalities and for protecting children from abuse and neglect.

Ministry of Education, Science and Technology, has the responsibility to promote the safety, welfare and well-being of children and youth. Its strategy Education for All sets the obligation for Municipal Education Offices and School Directors to identify children that are not enrolled in the formal education system.¹²

The Ministry of Culture, Youth, Sports and Non-Resident Affairs coordinates all the activities relating to youth 15 to 24 year of age and its Department of Youth is responsible for creating interaction with youth groups in the community.

Kosovo is participating under the PROTECT CEE of International Programme on the Elimination of Child Labour (IPEC) since January 2004. On February 2005 a Child Labour Unit has been established under the Labor Department, MLSW as part of the PROTECT CEE capacity building efforts, for combating the worst forms of child labour in Kosovo. This unit coordinates the child labor activities of the Ministry, as well as other governmental structures and NGOs.

Although the legal and institutional framework is in place, its effective implementation is still weak and the number of working children is still high.¹³

2. Implementation of legal and institutional framework

Despite the efforts that Kosovo has made in establishing legal and constitutional framework for the prevention of child labour, child work in Kosovo is seen as a tradition.¹⁴ Children work to help their families. Generally, child labour involves agricultural

¹² Ibid.

¹³ ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe, International Programme on the Elimination of Child Labour. *ILO-IPEC Steps to Eliminate the Worst Forms of Child Labour in Kosovo*. Pristina: International Labour Organization, 2011

¹⁴ UNICEF. *Child Labour in Kosovo A study on working children*. Pristina, Kosovo: UNICEF, 2004.

activities, household duties, and selling in the streets. Child labor has been taken as a common practice, but it is not. That is why a change in mentality is required, in order for the mobilization of the community in the prevention and elimination of child labour. International organizations, such as ILO and UNICEF have been supporting Kosovo in the efforts of the prevention and elimination of child labour. But still work needs to be done.

2.1 International programmes in addressing child labour in Kosovo

In 2000 the World Bank Living Standards Measurement Survey concluded that nearly 4.5 per cent of children between the ages of 10 and 14 were engaged in some form of employment mostly in agriculture, household work and petty trade.¹⁵ According to a CARE International study nearly 40 percent of children start working before the age of 10, and there are some cases of children working even before the age of 5.¹⁶ Some sex-related differences are noticed by the 2004 UNICEF Situation Analysis of Children and Women in Kosovo, pointing out that the age of starting work for boys is younger than for girls and girls usually do not attend school.¹⁷ These statistics are problematic because of the vulnerability of children to violence and abuse and to the high probability of not attending school. According to the US Department of State Country Report on Human Rights Practices 2006 for Serbia (including Kosovo), roma children have the poorest life conditions, leading them to start work at an early age to help their family.¹⁸

Since 2004 ILO-IPEC has been running a technical cooperation programme against child labour and the exploitation and trafficking of children. The aim of the IPEC

¹⁵ UNICEF, Situation Analysis of Children and Women in Kosovo, 2004, pg74.

¹⁶ UNMIK, Implementation of the International Covenant on Economic, Social and Cultural Rights. 2008, pg.136.

¹⁷ Ibid.

¹⁸ US Department of State Country Report on Human Rights Practices for Serbia (including Kosovo). 2006.

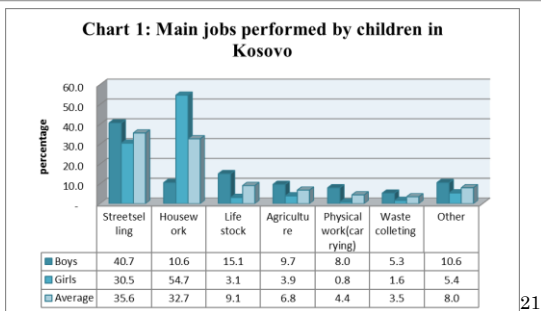
programme is to help Kosovo in creating an environment in which the worst forms of child labour can be prevented. With the help of the ILO–IPEC programme, Kosovo has adopted an Administrative Instruction on the Prevention and Immediate Prohibition of Hazardous Child Labour, which proscribes hazardous sectors and activities and facilitates the collection of statistical data.¹⁹

Also UNICEF contributed in the fights against child labor in Kosovo. In 2004 it conducted a study about child labour in Kosovo, where it analyses key feature of child labor for children of the age of compulsory education in Kosovo (6-15), including the most common types of child labor, working conditions, financial situation of children who work, and relation between child labour and education.

By this study, UNICEF reached to the conclusions that the most common job for working children in Kosovo is selling products in the street or in markets, followed by housework and agriculture production. (See chart 1 below). Half of all working children are girls and the average age of working children is 12,5 years. Approximately 15 percent of working children complain of having health problems and approximately 45 percent of the families of the interviewed children do not receive social assistance. However, UNICEF according to the UNICEF data, about 87 percent of the working children attend school making use of the shift system, so their school attendance is high and one of the main reasons of working children in Kosovo is poverty.²⁰

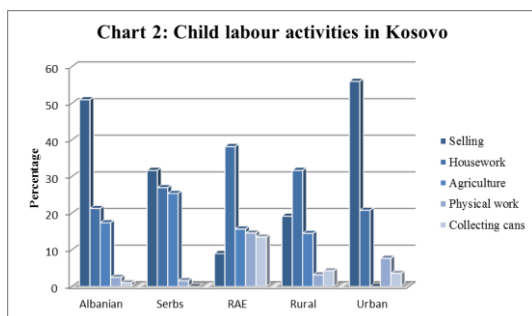
¹⁹ International Labour Organization. Profile of the Social Security System in Kosovo (within the meaning of UNSC Resolution 1244[1999]). Kosovo: International Labour Organization, 2010.

²⁰ UNICEF. Child Labour in Kosovo A study on working children. Pristina, Kosovo: UNICEF, 2004.



21

Also ethnic characteristics of child labour in Kosovo are important. While characteristics of child labor between Albanian and Serbian communities are similar, with only slight differences, the RAE population shows very different forms of child labour. (see chart 2 below)



As it is shown in the chart above, Albanian and Serbian working children are mostly engaged in selling, housework and agriculture. Albanian children are primarily engaged in selling in the streets whereas in Serbian children there is a kind of balance between selling, housework and agriculture activities. The situation is quite different in the RAE community. Their children are mainly involved in household, followed by agriculture, physical work and garbage collection. As it seen, RAE children, in contrast with Albanian and Serbian children, are not so much involved in selling in the streets. And there is a huge difference regarding children involved in garbage

²¹ Data taken from: UNICEF. Child Labour in Kosovo A study on working children. Pristina, Kosovo: UNICEF, 2004

collection between these communities. Albanian and Serbian children usually don't get involved in this working activity, whereas the percentage of RAE children involved in collecting cans and/or garbage is high. This huge difference of working activities of children of ethnic communities is a clear indicator of the social gap between these communities, showing that RAE community is particularly vulnerable.

It is noticeable from the chart above that there is a big difference of child labour between urban and rural areas. The main job activity of children in urban areas is selling in the streets, while in rural areas children engage primarily in household. Obviously, children work in agriculture only in rural areas.

Besides statistical research, international organization influence child labor in Kosovo also financially and strategically. Accordingly, under the umbrella of ILO-IPEC started in 2004, many projects were implemented, such as the project funded by German government "Combating Child Labour in selected Stability Pact countries: Capacity Building and Direct Action – Sub-regional Programme with Focus on the Worst Forms of Child Labour", in the period of October 2003-June 2008; "Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)" funded by the US Department of Labor during October 2006 – December 2009; "Support for policy level and up-scaling activities for Combating Child Labour in Central and Eastern Europe", January-December 2010, again funded by German government; another projected funded by Italian government during April 2009-June 2010, which lead in the creation of a gender-sensitive Kosovo Action Plan (KAP) for Prevention and Elimination of Worst Forms of Child Labour.²²

²² ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe, International Programme on the Elimination of Child Labour. ILO-IPEC Steps to Eliminate the Worst Forms of Child Labour in Kosovo. Pristina: International Labour Organization, 2011.

In addition, ILO-IPEC worked on increasing the knowledge of public authorities, workers and employers' organizations about ILO core conventions about child labor. During 2005-2010, many handbooks about raising awareness of child labour and worst forms of child labor were published by ILO in three different languages: Albanian, Serbian and English.²³ Government officials, teachers, social work officials, labour inspectors, agriculture inspectors, police and civil society organisations representatives of trade unions and employers organisations, were trained on child labour issues as a part of ILO-IPEC strategy.²⁴ There were also organized many awareness raising activities to draw attention to the fact that child labour is harmful and it affects the mental, physical, social and moral health of children.

2.2 Domestic measures in addressing child labour in Kosovo

Since 2004, the Ministry of Labour and Social Welfare (MSLW) took a number of actions for addressing child labor. In 2005 MSLW signed a Memorandum of Understanding for the implementation of the ILO-IPEC between the Special Representative of UN Secretary-General and Minister of Labour and Social Welfare; established a Child Labour Unit in the Ministry and the Kosovo Committee for the Prevention and Elimination of Child Labour (KCPECL). In 2006 KCPECL established a Technical working group on child labour monitoring system (CLMS). Furtherly, in 2007, the MSLW developed a child labor monitoring profile.

In 2008 MSLW issued Administrative Instruction on Prevention and Immediate Prohibition of Hazardous Child Labour, which proscribed the banning of hazardous sectors and hazardous generic activities for children. In 2009 MSLW

²³ Ibid.; ILO. ILO, Worst Forms of Child Labour Project. s.d. https://www.youtube.com/watch?v=PZOZRnil_9w (accessed on April 01, 2014).

²⁴ Ibid.; ILO. ILO, Worst Forms of Child Labour Project. s.d. https://www.youtube.com/watch?v=PZOZRnil_9w (accessed on April 01, 2014).

started the process of establishment of child labour monitoring system, in accordance with Article 5 of the ILO Convention No. 182, as a basis for creating standard operating procedures for the identification, removal, support and protection of children involved in child labor. CLMS structures are established at central level in many cities of Kosovo and the implementation is still ongoing.²⁵ In 2010 the Action Plan for Prevention and Elimination of the Worst Forms of Child Labor was drafted, and functioned in the period 2010-2012. Its goal was to control the commitment of public authorities and the budgeted allocation for the implementation.²⁶

Despite all these actions and law regulations, child labor continues to be a concern in Kosovo as the number of children working is still high. The United Nations Interim Administration Mission in Kosovo (UNMIK) explains this by stating that even though the legal framework reaches the international standards, these norms are not respected in practice due to poverty, lack on development, and insufficient care and protection of children from families and institutions. There are many cases of parents forcing children to work in order to supply food for the family.²⁷

3. Utility of law in tackling child labour

As is can be concluded from the first two chapters, a developed legislation does not mean a de facto implementation. The state control over child labor is not at a sufficient level. Kosovo does not pay sufficient attention in updating the statistics to know the real number of children working. The last statistics, which

²⁵ (IPEC), International Programme on the Elimination of Child Labour. How to prevent and eliminate the worst forms of child labour: What can employers do? Geneva: ILO, 2010

²⁶ (IPEC), International Programme on the Elimination of Child Labour. How to prevent and eliminate the worst forms of child labour: What can employers do? Geneva: ILO, 2010

²⁷ United Nations Interim Administration Mission (UNMIK) in Kosovo, Implementation of the International Covenant on Economic, Social and Cultural Rights. 2008, pg.136.

were also used in this research, are hold in 2004 by UNICEF in collaboration with MLSW, Ministry of Education, Science and Technology and some NGOs. A justification here could be the fact that the government has recently been working in establishing monitoring systems throughout the country. But the problem here is how can the state monitor street workers and the informal labor sector, which are the places where the majority of child labourers work.

An important issue which child labour laws usually fail to treat is child migration. Children migrate in illicit ways in order to work abroad and the main concern here is that children migrate with the permission of parents, who send their children to work abroad being unaware of the risks children might face once there.²⁸ Parents are usually deceived by traffickers who assure them that their children will be safe and will gain money. Parents, being unemployed or having permanent health issues that diminish in part or completely their working power, and having no other source of food supply give in and if something bad happens to these children it will be to no one's responsibility. Children from Balkan states, including Kosovo, usually end up being sexually trafficked.²⁹

Another important problem is the issue of Roma children. As everywhere, Roma community usually is not registered. Not having birth certificated, they cannot have any other document needed to get the citizenship, by thus making it impossible for Roma children to enter schools. This means that tackling child labor only by labor laws is not enough if the state doesn't have the necessary regulations not only for education but also for citizenship of minorities. Child labour should be seen as a problem in correlation with minority registration and education. No matter how good laws labour child labor would

²⁸ Humanium Help the Children Organization. Humanium Help the Children. s.d. <http://www.humanium.org/en/when-children-bring-money-in-the-balkans/> (accessed on March 28, 2014).

²⁹ Humanium Help the Children Organization. Humanium Help the Children. s.d. <http://www.humanium.org/en/when-children-bring-money-in-the-balkans/> (accessed on March 28, 2014).

be, and no matter how well are they implemented, if the issues of registration of Roma community are not taken into account, there will always be under aged children working.

Monitoring child labor in rural areas is another issue not solved by the responsible institutions. In rural areas children usually work in agriculture in their family's farm or in others' farms. The difficulty here is that children are not considered as workers but as "helping" their parents or their neighbors, even though they are doing the same jobs as adults. This makes it difficult to identify and tackle child labour in rural areas.

All the issues mentioned above are in a way or another related to poverty, making it the main driver of child labour. The consequence of looking at child labour as related just with low or lack of education are failure of laws and institutions to fight child labour. If children need to work to support their families, then banning child labour will cause other problems. In a family where parents are unemployed and the child is the only one who brings food on the table, simply preventing child labour would as a consequence deepen poverty and cause starvation. It is obvious that education of their children is not the main concern of poor families. They see children as a source of money.

This is the reason that laws are not enough for fighting child labour. Without leaving apart the increase of child education, an increase in the rate of employment, migration control, improved fight against child trafficking, increased economic support of families in need and better strategies of dealing with minorities, especially Roma community are also needed in the fight of child labor, as these issues are all interrelated with the phenomenon of working children.

A social approach is also essential for the fight of child labour. Laws and government intervention is not sufficient. The mentality of the tradition of children working to help their families' economy needs to be changed. Society should be aware of the risks that are faced by working children. For this purpose, not only the government, but also NGOs, media, and

other social institutions can give their contribution in raising the awareness of people for the danger of child labour.

As it can be concluded, one of the main actors that pushes children to work are parents. As a last resort for changing the mentality that children should work to help the family would be to take the child away from the parents. If a child is caught working, social workers should warn their parents and start monitoring them and also the child. If this phenomenon is repeated, child should be taken away from the parent and put into care, and it should also be followed by criminal charges against the parent and deprivation of parenthood rights. Furthermore, the child should be taken immediately into care, without warning, if the child's life is being put at serious risk by working. It is normal that children should be grown up by their parents, but due to the circumstances, deprivation from parenthood should also be prescribed by law. When making these decisions, the responsible institutions and the court should take into account the best interests of the child. The best interest of the child should always prevail. As it is stated in the CRC "a child shall not be separated from his or her parents against their will, except when [such separation] is necessary for the best interests of the child".³⁰

Conclusions

Within the framework of the UN Convention on the Rights of the Child (CRC), children have the right to be protected from all forms of work that are likely to be hazardous to their welfare, to interfere with their education, and/or to be harmful to their mental, spiritual, moral and/or social long term health and development. The definition of what constitutes child labour can be determined by analyzing the relationships between the age of the child, the type of work involved, and the

³⁰ Convention on the Rights of the Child, 1989, Article 9

child's working conditions. In Kosovo, the legal minimum working age is 15 years old and children between the ages of 6-15 years of age are legally required to attend school.

The purpose of this paper was to present the main problems concerning child labour in Kosovo as a recently independent state and to examine whether the current laws in place are the most appropriate means of preventing child labour, whether they are enough to tackle child labour. In order to conduct this examination, firstly the international and national legal framework was presented. Apparently, national laws comply at a great extent with the international laws regarding child labour and child protection and ILO working standards. Furthermore, the republic of Kosovo has ratified the international conventions related to child rights and child labour, such as ILO conventions and Convention on the rights of the Child. However, a good legal framework is not enough if it lacks implementation.

The current level of implementation of these laws in Kosovo leaves much to be desired. Despite the efforts that Kosovo has made in establishing legal and constitutional framework for the prevention of child labour, child work in Kosovo is seen as a tradition. Children work to help their families. Generally, child labour involves agricultural activities, household duties, and selling in the streets. Child labor has been taken as a common practice, but it is not. It is a crime. That is why a change in mentality is needed, in order for the mobilization of the community in the prevention and elimination of child labour. International organizations, such as ILO and UNICEF have been supporting Kosovo in the efforts of the prevention and elimination of child labour. But still work needs to be done.

As it can be concluded, a developed legislation does not mean a de facto implementation. The state control over child labor is not at a sufficient level. Kosovo does not pay sufficient attention in updating the statistics to know the real number of children working. But this is not the only problem. Without

leaving apart the measures for increasing child education, an increase in the rate of employment, migration control, improved fight against child trafficking, increased economic support of families in need and better strategies of dealing with minorities, especially Roma community are also needed in the fight of child labor, as these issues are all interrelated with the phenomenon of working children. The best interests of the child should always be prior to all kinds of measures.

As it can be understood, laws are not enough in tackling child labour. A social approach needs to complement them. Despite legal framework, if child labour still continues to be seen as a tradition, laws will be unable to tackle it.

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