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**ABUSE OF CHILDREN AS A WORK FORCE, A CHALLENGE FOR KOSOVO'S INSTITUTIONS AND SOCIETY**


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**Abstract:** Kosovo as a war-torn country has faced all the challenges of functioning as a state, even through UNMIK's administration, despite donations from the United Nations, little has been done to protect children's rights, as these funds were abused by UNMIK officials, remaining on paper and not improving the rights of children. Even after Kosovo's independence, the institutions did not show seriousness because the laws and initiatives remained only on the paper. Child abuse is in different proportions, ranging from elementary needs such as food and clothing, forced by parents with hazardous work for their health, and manipulation by their 'bosses' begging in the street and delinquent work such as drug delivery. Due to the wide range of issues, particular emphasis will be placed on the abuse of children as working force by parents, businesses and criminal groups. As a subtle category, both physically and comprehensively, I have found more reasons to address this topic as a scientific contribution through various national and international reports which come to conclusions and recommendations for a more appropriate treatment to improve the conditions of children in order to have a healthier future as a society.

**Keywords:** Children, abuse, strategies, and legal protection.

### **ENTRY**

On 17 June 1999, the International Labor Conference unanimously adopted the Convention on the Worst Forms of Child Labor that calls on the member states of the International Labor Organization (ILO) to take immediate and effective measures to secure the ban and elimination of the worst forms of child labor. This Convention has been one of the fastest ratified conventions in the history of the International Labor Organization (ILO), with a total of 171 ratifications by April 2010. States' readiness for accountability regarding progress towards eliminating the worst forms of child labor clearly demonstrate a worldwide consensus on the intolerance of some forms of child labor regardless of the country's economic level or its social development. All governments that have signed the convention no. 182 have taken the obligation to work with employers and workers' organizations, civil society groups and other institutions in order to make progress in this area quick and at the same time sustainable. Kosovo has expressed its political will to recognize and implement international conventions, particularly those which focus on respect and protection of human rights, including ILO Convention 182 on worst forms of child labor. (<http://www.crca.al/sites/default/files/publications/ABUZIMI%20I%20F%C3%8BMIJ%C3%8BVE%20N%C3%8B%20SHQIP%C3%8BRI%202005.pdf>)

### **HISTORY AND DEFINITION OF CHILD ABUSE**

Abuse /-abuse a right, an option, etc., overdo it. (SAMARA, HAXHILLAZI, SHEHU, FEKA, MEMISHA, GOGA, 2006, p. 26). Parental responsibility includes the entirety of the rights and duties that intend to ensure the child's emotional, social and maternal well-being, by taking care of him, by maintaining personal relationships with him, by providing him with education, legal representation and managing his assets. The child is under parental responsibility until reaching the age of majority. Parents and children should reciprocally help, love, and respect each other. (BUNA, 2014, p. 72). The best strategy that provides long-term protection for human rights is education, through it, not only public awareness is increased for human rights and also is increased the reaction to their abuse. On the other hand, education to the younger generation makes them grow with the spirit of respect and protection of human rights, and this fact will reflect not only in one another's relationship but also in institutions they will work. Also through education, people become more aware of the ways they can use it to protect human rights. (DACI, 2011, p. 376). The International child rights act expresses the idea that children have fundamental rights that reflect the most important values that are protected by law. On the other hand, the International child rights defines the minimum standards that must be respected by the states parties to the international agreement as one of the main sources of international law. (SELMANI, REXHEPI, 2014, p. 177). Recognition of the rights and obligations that parents have towards their children, recognizing their responsibilities and making them responsible for the natural and legal privilege (adoption) that stems from being a "parent" is very important both at family levels as well as in social and the State. (MANDRO, 2009, p. 399). In 1989, the UN issued the Convention on "Children's Rights", which is valid for all children, without exception. Some of the children's rights:

- The state is obliged to take care, as far as possible, that children survive and grow;
- Children are entitled, immediately after birth, to register with their name and nationality and be under the care of their parents.
- Children should not be detached from their parents unless it is for the benefit of their parents. (MJELDHEIM, LILLEJORO, SOLVBERG, 2006, p. 157)

### **ABUSE OF CHILDREN AS A WORK FORCE IN KOSOVO**

Kosovo has gone through complicated political developments, socio-economic rights including labor rights, have not been adequately addressed neither between United Nations Administration nor after the independence of the country. Today, Kosovo has the youngest population in the region and a population growing faster than any country in Europe. Young men and women under the age of 25 make up 49% of the population, of which 19.1% are aged 15 to 24. ([http://www.solidar.org/system/downloads/attachments/000/000/292/original/37\\_kosovo\\_labourlaw\\_albanian.pdf?1457601322](http://www.solidar.org/system/downloads/attachments/000/000/292/original/37_kosovo_labourlaw_albanian.pdf?1457601322)). Kosovo has adopted the definition of "child" as it is in the Universal Convention on the Rights of the Child: every human being under the age of eighteen. Child labor is defined as work that harms the child's well-being and hampers his education, development and future life. Child labor is a job that with the nature or the way it develops, damages, abuses and exploits the child and denies the child the right to education. The main aspects that may harm the child include: a) long working hours; b) physical, moral and psychological harassment that is caused to the child; c) inability to attend school and enjoy the right to recreation. General prohibited activities for children up to the age of 18 include: 1) night work, between 20:00 and 06:00; 2) Occasional rise and transmission of heavy weights over 15 kg (M) and 10 kg (F) 3) Continuous raising and transfer over 10 kg (M) and 5 kg (F); 4) Work Requiring Special Balance; 5) Work in depth, under the surface of the ground, under water and enclosed spaces; 6) Working at altitudes above 2 m; 7) Work that can cause damage to their health, due to exposure to extreme high or low temperatures, or noise and vibration; 8) Work involving exposure to biological, chemical, physical, and toxic substances and exposure to radioactivity. ([Http://www.kryeministriks.net/repository/docs/STRATEGJIA\\_DHE\\_PLANI\\_I\\_VEPRIMIT\\_PER\\_PARANDALIMIN\\_DHE\\_ELIMINIMIN\\_E\\_PUNES\\_SE\\_FEMIJEVE\\_NE\\_KOSOVE\\_2011\\_-\\_2016.pdf](http://www.kryeministriks.net/repository/docs/STRATEGJIA_DHE_PLANI_I_VEPRIMIT_PER_PARANDALIMIN_DHE_ELIMINIMIN_E_PUNES_SE_FEMIJEVE_NE_KOSOVE_2011_-_2016.pdf))

Violence against children is manifested in several forms: emotional, physical, sexual and in the form of neglect. Physical abuse again confirms the weakness of childhood, the child's fear of his protection, and the reality of his independence. In many cases, parents after yelling to a child can no longer control their emotions, and instead of trying to understand the child and explain their behavior, they use physical strength. These behaviors often justify the imposition of a disciplinary sanction. Abuse affects any age of the child from birth until the age of 18. Emotional abuse of parents who do not have the ability to relate to a child often exhibit refusing behavior towards him. They can tell the child in different ways like that unwanted child. They may ask the child to leave, or call them names, or tell the child that it is worthless. Parents may refuse to talk to the child, and the child may be called guilty of all the problems the family has. ([Http://www.crca.al/sites/default/files/publications/ABUZIMI%20I%20F%C3%8BMIJ%C3%8BVE%20N%C3%8B%20SHQIP%C3%8BRI%202005.pdf](http://www.crca.al/sites/default/files/publications/ABUZIMI%20I%20F%C3%8BMIJ%C3%8BVE%20N%C3%8B%20SHQIP%C3%8BRI%202005.pdf)). There are many reasons to encourage children to work, however the most important factor remains poverty. Poor families push their children to work in order to increase their incomes. Poverty and child labor are key components of "low economic equilibrium" in the family, community and country level. For this reason, child labor is a key point for intervention in the measures to reduce poverty and social protection, even among the very poor families, for which it is difficult to find sustainable solutions. Lack of employment contracts and the right to establish collective business associations in the informal sector makes it more difficult to protect children from abusive working conditions and the identification of the children that work. Non-implementation of the rule of law principle - has allowed the informal economy and corruption to blossom and conquer many aspects of people's lives. ([Http://www.kryeministriks.net/repository/docs/STRATEGJIA\\_DHE\\_PLANI\\_I\\_VEPRIMIT\\_PER\\_PARANDALIMIN\\_DHE\\_ELIMINIMIN\\_E\\_PUNES\\_SE\\_FEMIJEVE\\_NE\\_KOSOVE\\_2011\\_-\\_2016.pdf](http://www.kryeministriks.net/repository/docs/STRATEGJIA_DHE_PLANI_I_VEPRIMIT_PER_PARANDALIMIN_DHE_ELIMINIMIN_E_PUNES_SE_FEMIJEVE_NE_KOSOVE_2011_-_2016.pdf)).

### **THE PREVENTION OF THE EXPLOITATION OF CHILDREN AS A LABOR FORCE**

Convention on the Rights of the Child adopted by the General Assembly of the United Nations Organization on 20 November 1989, is one of the most important acts of the international law in which the rights and obligations of the child are foreseen in all areas of their life. The Republic of Kosovo has included the Convention on the Rights of the Child in its Constitution, which constitutes the widest point of reference for children's rights. Through this step Republic of Kosovo has expressed its willingness and good political will to undertake and fulfill its international obligations to ensure the realization of all fundamental and inalienable rights of all children in Kosovo. ([http://www.downsyndromekosova.org/wp-content/uploads/2014/07/report-](http://www.downsyndromekosova.org/wp-content/uploads/2014/07/report-on-application-) on application-

e- SOP-Rights-Children-2009-2010- 11.pdf). The basic principles upon which the process of drafting of the Strategy and Action Plan for the elimination and prevention of work of children in Kosovo is based and on which the implementation process should be based are as follows:

- All activities planned under the Action Plan will have at the center of their attention to respect the rights of the child and guarantee the highest interest of the child, no matter what the situation of the child is.
- Interventions for children who are involved in the worst forms of child labor will not aggravate their condition.
- All bad forms of child labor are intolerable, regardless of the state of economical difficulty situation in which the child or his family is located at.
- In accordance with the Constitution of the Republic of Kosovo, the Convention on the Rights of the Child, as well as other directives or regulations approved in Kosovo, children under the age of 15 should attend compulsory education, meanwhile children aged 15-18 should not be included in any activity that is considered to be a dangerous form of work.
- All state or municipal strategies for economic and social development will include working children as one of the most vulnerable groups in matters of education, employment, social protection, health, income generating components, etc.
- Immediate intervention mechanisms will be put in place to guarantee the service providers the ability to react to emergency situations for immediate withdrawal of children from the worst forms of work.
- Intervention for the prevention and elimination of the worst forms of child labor will pursue three strategic goals: preventing the involvement of children in the worst forms of child labor; attracting and rehabilitating children involved in the worst forms of labor; as well as the protection of all children over the minimum age for employment from exploitation and dangerous forms of labor.
- The responsible institutions should have the same engagement and create coordination mechanisms between them to enable multi sectorial and integrated policies and actions.
- A special emphasis will be given to gender equality in all activities to be undertaken within the framework of this action plan. The secretive work of girls will be a special object for research and response.
- Special effort will be made to ensure that the thoughts of the children are consulted and considered for the decisions that will affect their lives. Children and their families are consulted as part of the drafting process and will also be consulted on the evaluation of direct interventions to be implemented during the first phase of the action plan.

[Http://www.kryeministriks.net/repository/docs/STRATEGJIA\\_DHE\\_PLANI\\_I\\_VEPRIMIT\\_PER\\_PARANDA\\_LIMIN\\_DHE\\_ELIMINIMIN\\_E\\_PUNES\\_SE\\_FEMIJEVE\\_NE\\_KOSOVE\\_2011\\_-2016.pdf](http://www.kryeministriks.net/repository/docs/STRATEGJIA_DHE_PLANI_I_VEPRIMIT_PER_PARANDA_LIMIN_DHE_ELIMINIMIN_E_PUNES_SE_FEMIJEVE_NE_KOSOVE_2011_-2016.pdf)

### COMPARING THE CASE OF DIFFERENT LIFE OF CHILDREN IN KOSOVO

Based on the post-war experience there are attempts of various organizations and responsible institutions to influence the improvement of child life, the prevention of abuse in different ways with particular emphasis on physical abuse as a work force. That has proved that there are many factors that affect abuse as a work force: poverty, poor education, and low awareness of parents. The following photos show best how these children live and grow in Kosovo, while having an extremely different way of living (in photo 1 and 2), since in the first picture, the result of favorable conditions is given, as well as the opportunity to develop and be educated in a normal conditions, while the other picture shows a result of poor conditions and manipulation by the patrons, where the child is obliged to clean the cars and at the same time ask for charity. Not only these children have



their future at risk, the harshest crime that happens under our noses is that the money these children manage to collect from working and begging is taken from their masters, who only give them just enough money to survive another day, keeping the children having work and beg for them each day. (Case study Valbone Ramaj, 2018)

Case Photos 1, 2, 3

Source: Author

## CONCLUSIONS

Treating such a delicate theme on children is challenging both for scholars and institutions, knowing that Kosovo is still in the transition phase as a state and has not yet consolidated institutions and mechanisms to address this category of society such as children, as one of the most vulnerable category that holds the future of Kosovo. During the research of this study

all reports, various studies, books dealing with this issue show best that Kosovo, despite the commitments made and the signed documents, in practice is still far from treating and protecting children from abuse, especially from abuse in child labor. Therefore, still to this day in Kosovo we have abuses of children in different forms, where the most highlighted are the exiting practices of begging, and/or cleaning vehicles, being aware that the amount of money they accumulate are handed over to their masters who exploit them as their captives. Due to that, there are obligations should be fulfilled by all of the relevant institutions, civil society and the media.

## RECOMMENDATION

Since the abusers do not have any morals and would choose any path to benefit materially, even while hurting others, in this case by exploiting the children, it is indicated that helping and educating children is not enough help in their road of abandoning such life to start a better one. Institutions should be concrete and active in taking actions against child abusers, knowing that all the commitments they have received through signing international treaties calling for the protection of the rights of the child should not only stay in paper.

Abusers destroy the lives of the most vulnerable and sensitive category of the society, as well as the future of Kosovo, a country that aspires to get to be among the advanced nations.

Recommendations should focus on these issues:

Having Child Support Policy for Kosovo Institutions;

Having school curriculum on treating and preventing child abuse;

Taking measures on child abuse cases at all levels of the health system;

Taking measures by law enforcement institutions to prevent child abuse;

Improve legislation in the protection of children's rights and well-being;

Having media play an active role in dealing with abused children;

Having nongovernmental organizations increase efforts to raise public awareness on prevention child abuse.

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