Summary of Laws
that Protect Children’s Rights
in the Republic of Kosovo
Summary of Laws That Protect Children’s Rights in The Republic Of Kosovo

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<th>Acronym</th>
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<tbody>
<tr>
<td>CRA</td>
<td>Civil Registration Agency</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>PEAD</td>
<td>Pre-university Education Administration Department</td>
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<td>SWD</td>
<td>Social Welfare Department</td>
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<tr>
<td>DCAM</td>
<td>Department of Citizenship, Asylum and Migration</td>
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<tr>
<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus /Acquired Immunodeficiency Syndrome</td>
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<tr>
<td>NIPH</td>
<td>National Institute of Public Health</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>ISP</td>
<td>Institute of Social Policies</td>
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<td>ISCED</td>
<td>International Standards Classification of Education</td>
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<tr>
<td>CHR</td>
<td>Convention on Human Rights</td>
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<td>JCK</td>
<td>Juvenile Code of Kosovo</td>
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<tr>
<td>CEFRD</td>
<td>Convention for Elimination of all Forms of Racial Discrimination</td>
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<td>PTCK</td>
<td>Parent-Teacher Council of Kosovo</td>
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<td>PCCK</td>
<td>Provisional Criminal Code of Kosovo</td>
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<td>KP</td>
<td>Criminal Code</td>
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<td>LSFS</td>
<td>Law for Social and Family Services</td>
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<tr>
<td>MLAG</td>
<td>Ministry of Local Administration Governance</td>
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<td>MEST</td>
<td>Ministry of Education, Science and Technology</td>
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<td>MJ</td>
<td>Ministry of Justice</td>
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<td>MPB</td>
<td>Ministry of Internal Affairs</td>
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<td>MLSW</td>
<td>Ministry of Labour and Social Welfare</td>
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<td>HRU</td>
<td>Human Rights Units</td>
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<td>WHO</td>
<td>World Health Organization</td>
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<td>UNO</td>
<td>United Nations Organizations</td>
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<tr>
<td>IPCPR</td>
<td>International Pact for Civil and Political Rights</td>
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<td>CSW</td>
<td>Centre for Social Work</td>
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<td>CSK</td>
<td>Correctional Service of Kosovo</td>
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<td>PSK</td>
<td>Probation Service of Kosovo</td>
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<tr>
<td>KLA</td>
<td>Kosovo Liberation Army</td>
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<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>PMO</td>
<td>Prime Minister’s Office</td>
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<td>OGG</td>
<td>Office for Good Governance</td>
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   b. Units for Human Rights at Central and Local Level

2. Ministry of Labour and Social Welfare
   a. Department of Social Welfare
   b. Centres for Social Labour
   c. Institute for Social Policies
   d. Department of Martyrs’ Families, War Invalids and Families of Civil Victims (DMFWUFCV)
   e. Executive Body of Labour Inspectorate

3. Ministry of Justice
   a. Kosovo Correctional Service
   b. Kosovo Probation Service

4. Ministry of Health
   a. National Institute of Public Health
   b. Department of Health Services
   c. Office for Health of Mother and Child in Reproductive Health

5. Ministry of Education, Science and Technology
   a. Department of Administration of Pre-university Education
   b. Division of general education
   c. Division of vocational education
   d. Division for communities
   e. Unit of parent-teacher coordination

6. Ministry of Internal Affairs
   a. Department of Public Safety
   b. Department of Citizenship, Asylum and Migration
   c. Civil Registry Agency

7. Ministry of Culture, Youth and Sport
   a. Department of Youth
   b. Department of Culture
   c. Department of Sport
   d. Department of Heritage

8. Ministry of Local Governance Administration
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   b. Committee for Prevention and Elimination of Hard and Dangerous Children Works
   c. National Council for Persons with Disabilities
   d. Council for Child Defence and Justice for Children
   e. Kosovo Committee for Health of Mother and Children
   f. National Coordinator against Human Rights Trafficking – Working Group
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I. PURPOSE

This document provides a summary of laws, which protect children rights in the Republic of Kosovo. Its purpose is to refresh and inform more about the current system of children protection in Kosovo, including here the existing structures, mechanisms for protection of children as well as legal framework regarding protection of children in Kosovo, about the gaps and challenges that are related to the children protection; it will also offer a detailed information about the changes of policies and legislation as well as it will help in identifying the fields of improvement including at the same time the general response, both, by the state, as well as by civil society organizations regarding this issue.

II. DEFINITION OF “CHILD”

According to the legislation of the Republic of Kosovo and in compliance with the Convention on Children Rights, “child” is considered human being under the age of 18.

Guaranteed children rights, based on the age: eighteen years old age is defined the as age when the adulthood is reached, the right to voting, general age for entering into wedlock, the age for recruitment in armed forces. The majority of rights and protections for children are implemented for the persons under the age of 18 years. Some privileges and responsibilities are recognized to the children under the age of 18, such as: the right to obtain citizenship of the Republic of Kosovo by birth in its territory; the right to engagement in non-dangerous and hard works (15 years); the right to undertake legal transactions (14 years); age 14 year-old is defined as minimal age that carries criminal responsibilities; ability to consent for sex (16 year); the right to give his/her consent to recognition of fatherhood (16 year old); the person has the right to enter and stay in the Republic of Kosovo for undefined period of time if he/she is under the age of eighteen (18)year old; the right to receive free health services in public health institutions, until the age of 15 year-old as well as pupils and students until the end of regular education; the child protection from civil aspect of international abduction (16 year-old); competent court may allow marriage to the minor person older than sixteen year-old, if it concludes that such a person has reached necessary physical and psychical maturity to exercise his own marriage rights and to fulfil marital obligations; testament may draft every person who turned on 18 years old and has capacity to act.

III. CONSTITUTION OF REPUBLIC OF KOSOVO

The Constitution of the Republic of Kosovo, as the highest legal act of the country, is based on highest European and international principles and standards to protect human rights, and in this way offers safe ground for implementation of these norms in Kosovo.
In the Article 22 of the Constitution of the Republic of Kosovo are included human rights and freedoms guaranteed by the international agreements and instruments such as: Universal Declaration on Human Rights; European Convention on Protection of Fundamental Human Rights and Freedoms and its protocols; International Convention for Civil and Political Rights and its Protocols, Framework Convention of the Council of Europe on Protection of National Minorities; Convention on Elimination of all Forms of Racial Discrimination; Convention on Elimination of all Forms of Woman Discrimination; Convention on Children Rights; as well as the Convention against Torture and Treatments of other Cruel, inhuman and humiliating punishments.

Within the Constitution of the Republic of Kosovo was included also the Convention on Children Rights, which is at the same time the most important international, global instrument, and which in a clear way recognizes children as the most vulnerable members of society and due to this foresees and requires rights and special protection for children. With the inclusion of the Convention on Human Rights in the highest legal act of the country, was provided quite sustainable ground for better legal regulation towards the protection of children rights. At the same time, international agreements and instruments make the widest point of legal reference to guarantee human rights and freedoms, especially of children, and have a priority in case of conflict towards the provisions and other acts of public institutions.

In the Constitution of the Republic of Kosovo are involved also the main principles of CCR, such as the “The best interest of a child”, which is considered as general principle in all decisions that have to do with children; as well as protection of children from the abuse and negligence, including physical and psychical recuperation and social reintegration. The protection of children rights is foreseen also in legal provisions, which present the procedures to identify endangered children from all forms of violence.

This is supported the best by the argument of Article 50 of the Constitution, which stresses the children rights:

1. “Children enjoy the right to protection and to necessary care for their welfare”;
2. “Children born out of marriage, have equal rights with those born in marriage”;
3. “Every child enjoys the right to be protected from violence, mistreatment and exploitation”;
4. “All actions that have to do with children, undertaken by the institutions, be them public governance, or private institutions, they will be in the best interest of children”;
5. “Each child enjoys the right to regular personal relations and direct contacts with their parents, with an exception when competent institution defines that such a thing is in contradiction with the best child interests”;

Article 25 of the Constitution of the Republic of Kosovo, foresees protection of survival and child development, on which occasion stresses “Each individual enjoys the right to life.” Since in the Constitution is included also the International Convention on Civil and Political Rights, then this right is guaranteed also by its Articles 2 and 6.

Based on the acts of international acts, children should in no way or for any price be exposed to torture, mistreatments, other cruel punishments, inhuman or degrading, all these principles are worth also for the children that are in contradiction with law.
Besides the other, they clearly state that children should be treated in human manner and their dignity should be respected, which should be invulnerable and ground of all actions.

Wanting to protect the right to privacy, which is one of the children rights, and in a manner that it is protected from any possible violation, The Constitution of the Republic of Kosovo in Article 36 stresses: “every person enjoys the right that his private and family life is respected, invulnerability of apartment (house) and secrecy of correspondence, telephony and other communications”. In this article also is quoted besides the other: “this right may be limited only temporarily, according to the court decision, if it is necessary for the course criminal procedure”.

One of the listed rights under the guarantee of the Constitution of the Republic of Kosovo (Article 38), is the freedom of faith, consciousness and religion, which contain the right to accept and manifest religion, to express personal convictions, to accept or refuse to be a member of a community or a religious group. None can be forced or stopped, in contradiction to his consciousness, to participate in religion practicing as well as to make public the convictions or his/her faith. The freedom of religion manifestation, of faith and of consciousness is defined by the law, if such a thing is necessary to protect safety, public order, health or the rights of other people.

Constitution of Republic of Kosovo, also guarantees the freedom of expression, which includes the right to expression and to receive information, to distribute and receive information, other opinions and messages, without being impeded by anybody. But, the freedom of expression may be limited in cases when such a thing is necessary for prevention of inciting and provoking violence and hostilities, based on racial, national, ethnic or religious hatred. (Article 40).

The right to organize gatherings, protests and demonstrations, as well as the right to participate in these organizations, is guaranteed by Articles 43 (freedom of gathering) and Article 44 (freedom of association) of the Constitution. These right may be limited by law, if it is necessary to safeguard public order, public health, national security or the protection of the rights of others. The freedom of association contains the right of everyone to establish an organization without obtaining any permission, to be or not to be a member of any organization and to participate in the activities of an organization, to establish trade union. When the organizations and the gatherings aim at violating constitutional order, violation of human rights and freedoms, inciting racial, national, ethnic and religious hatred are punished with legal decision of the competent court.

As local legislation, the Constitution also, concretely the Article 35, foresee the right of freedom of movement, where it is stated that every person every person that is legal resident in the territory of the Republic of Kosovo enjoy the right to move freely, this right is limited only then when it is necessary to keep the peace and order of a democratic society.

Special importance in the Constitution is “Name and nationality”, this is reflected in the best way in Article 59.8, where is foreseen the right of all community members that live in Kosovo “have personal names registered in their original form and in the script of their language as well as revert to original names that have been changed by force in the past”.

In the same way, the provisions of the Constitution of the Republic of Kosovo recognize the right of refuges and of internally displaced persons to return to their
homes, by promoting and facilitating safe and dignified return, assists them in recovering their property and possession (Article 156.)

As it is known, the education is one of the most fundamental rights, but also most important children's right. This right is also strictly guaranteed with the Constitution, Article 47 guarantees the right of every person to basic education and funded by public funds. It is also stressed that, public institutions shall ensure equal opportunities to education for everyone in accordance with their specific abilities and needs.

Non-inclusion of children in armed conflicts and taking of all measures to protect children from armed conflict, including physical and psychological recuperation as well as social reintegration, are now the part of the Constitution of the Republic of Kosovo. These issues are reflected in the Chapter XI of the Constitution where are foreseen general principles in the security sector, while the Article 126, determines legal ground for the establishment of Kosovo Security Force. Competences, responsibilities and the mandate of Kosovo Security Force is regulated by the Law No. 03/L-046 on Kosovo Security Force.

The provisions of the Constitution of the Republic of Kosovo promote the spirit of tolerance and of dialogue as well as they respect the standards defined with the Framework Convention of the Council of Europe for Protection of National, which instrument that according to Article 22 is directly implemented in Kosovo and has priority in case of conflict over legal provisions of the country. Besides the other, the Constitution stresses that, all inhabitants belonging to the same national or ethnic, linguistic, or religious group shall enjoy the same rights to express and develop freely their identity and attributions as a community.

Chapter III of the Constitution, foresees the rights of minority children and of the indigent groups when it stresses that: members of communities shall have the right, individually or in community, to use freely their language and alphabet; to get educated and have access to information in their language; to have equal representation in employment in the public bodies and enterprises at all levels; to build education institutions, for education in their language, that can be offered financial assistance from public funds; receiving of health and social services on non-discriminatory basis; as well as other rights that include mass media, religion, preserving religious institutions, etc.

Same as the right to full equality and without any discrimination is guaranteed to all Kosovo citizens in the third chapter of the Constitution, this right is also protected also with the Law against Discrimination. This law offers guarantees of equality before the law in exercising civil and political rights that are provided in the Article 26 of the International Pact for Civil and Political Rights (IPCPR) and of civil, cultural, economic, social and political rights as provided in the 5 of the Convention for Elimination of all Forms of Racial Discrimination (CEFRD).

IV. SOCIAL PROTECTION

The child’s right to survival, welfare, development and social security in the Republic of Kosovo is regulated through the Law on Social and Family Services, the Law on Social Assistance Scheme in Kosovo, Law on Material Support to the Families of Children with Disability, Law on Safety at Workplace, Protection of Health of Employees and of Work Environment as well as of Law on Labour, Law on Labour
Protect children on the move


The laws that guarantee the protection and upbringing of children in the Republic of Kosovo mainly aim at providing welfare to the individual when there is not family support and when the support is not sufficient. The right of children with permanent disabilities (physical, mental and sensorial) by supporting materially their families.

The legal provisions also give special importance to the parent support in the development of the parental responsibilities, by aiming at preventing the division of family whenever it is possible and to avoid every risk that would harm the child. Apart from this, local legislation aims at preventing all forms of domestic violence, facilitation of consequences caused by violence as well as the treatment of perpetrators of violence, paying special attention to the child.

Aiming at guaranteeing the security of work environment as well as prevention of injuries and of professional diseases at work, legal provisions prohibit the employment of children under the age of 18, in all those circumstances that may hurt the security and the moral of a child. It has also been determined the criteria on the establishment of employment relationship, including the probation work, practice, the laws strictly prohibit all kinds of discrimination at work, prohibition of forced and compulsory labour, and prohibition of the work during the night shifts for persons under the age of 18.

The support by the state should be offered to children every time by respecting their dignity as human beings and their rights based on international instruments and local legislation. The responsible institutions for offering of protection services to children are obliged to make efforts to promote welfare of children within their biological families, by offering to them social care and counselling and in particular cases the assistance may be implemented through material support.

a. Parental responsibilities

It is of special importance to stress that, “In all matters related to offering of services to children and families, the best interest of child should be the first and most important consideration” (Law on Social and Family Services in Kosovo in Article 9.1). The best fulfilment of a child is considered then when their needs for their physical and psychological needs are fulfilled within the context of his natural family (LSFSK Article 10.1).

In the Republic of Kosovo, the relations between the parents and children are regulated with the Law on Family, in its fourth part. One of the principles of the Law on Family is that the children have the right to grow up with their families, and the parents are primary responsible for the care and education of children. This law has also determined the provisions for the supervision and the support of children by the state.

Therefore, the Law on Family (Article 70) foresees the rights and obligations of parents towards children, by stressing that the parents have similar rights towards their children and should exercise their parental rights in equal manner. In the same way, the children of the parents that were not married at the time of birth of their child enjoy rights and have equal obligations, with the children born by the parents.
that were married at the time they were born. The law prohibits the right that the spouses file claim for divorce during the wife’s pregnancy and until their common child has turned 1 year old.

With the parental responsibility according to the legislation in force are implied the rights and duties that aim at providing emotional, social and material welfare of a child, by taking care of him, by keeping own relations with it, by ensuring to him, the upbringing, education, legal representation and administration of property. Every time during the implementation of these principles, parents should take into consideration skills, talents, affinities and wishes of their children. The child is under the parental care until the adulthood, while the adulthood is considered after the child becomes 18 years old.

Besides the others, the parents are forced to provide to their child these rights at any time (LF Article 125):
- Each child enjoys the undeniable right for life.
- Children have the right to grow up in a family with parents. Children not living together with both parents, have the right to regularly meet the parent they are not living together with.
- Children with diagnosed mental or physical impairments are eligible to special care, suitable conditions of life which guarantee their dignity and facilitate active participation in social life.
- Children are eligible to free of charge primary schooling and access to information regarding different professions and schools.
- Children enjoy the right for protection from economic utilization, child exploitation trafficking and sexual exploitation and from any activity which could be harmful or hazardous to their education or health.
- Children shall be protected from maltreatment and sexual violations.
- Children shall be protected from illegal usage of narcotic drugs and psychotropic substances and it shall not be permitted that children are used for illegal production and trafficking of such substances;

According to the law in force, the parents have equal rights towards their children and they should exercise their parental right in equal manner. For the implementation of the abovementioned principles, the parents are forced to give their contribution personally, or if it is necessary to use the services of social institutions.

Furthermore, the parents have the legal right and obligation to represent their minor children in any institutional body and that all consignments and statements that should be made to the child, may be sent to either of parents, but in case the parents do not live together the statements is sent to the parent the child is living with, (LSFS, Article 133).
b. Removal /return of child from the care of his parents or of a custody and the way of keeping contacts between the child and divorced parents

A child’s best interests are usually best served when their physical and psychological development needs are met within the context of their natural family. (Article 10), in circumstances where there are grounds to suspect that a child is experiencing serious harm to his physical or mental health, or is at risk of such within his family can consideration be given to removing her or him from the care of his parents or parent or other care giver. (LSFS and Article 10).

The process of temporary or permanent partition of the children from parents and the way of its exercising, is regulated with the Law on Family, it its provisions from 140-149, where, among is stressed among the other that the partition of a child from his parents can be done only by the decision of the competent body. The Custodian Body is foreseen as an institutional mechanism, mandated to exercise general and continuous supervision towards exercising of the parental rights and obligations, and also the function of the Centre for Social Work, responsible for the protection of children.

When the Custodian Body has reasonable grounds to believe that there is an immediate serious risk to the health, safety or welfare of a child, the Custodian Body may enter any premises and remove the child to a place of safety where he/she will be cared for, for a period not exceeding 72 hours, without permission or the court order. When the Custodian Body and the Court assess that making of decision on exercising parental rights and obligations is in the best interest of a child, children and parents may be separated by responsible authorities despite their wish. When the child, is older than 10 years, then the court in particular takes into account children emotional needs and wishes. (LSFS Article 148-140).

If the Custodian Body learns about the existing danger towards the child, because of an abuse of parental rights or any danger to the child by serious neglect of parental obligations, it is obliged to urgently undertake measures for the protection of the personality, the rights and the interests of the child. (Article 147). The competent court makes the decision to deprive the parents from parental custody in an out-contentious procedure, after hearing the opinion of the Custodian Body and investigating all relevant circumstances of the individual case. According to the Law on Family, (Article 149). The parents, who are deprived from a parental care, are those parents who abuse the exercise of parental rights or seriously neglect the exercise of parental obligations. Depending on circumstances, the parents may be deprived from custody for all their children or, only from custody of one child.

Before the court issues an order to separate the child from his/her parents, the Centre for Social Work must conduct a comprehensive professional assessment of the child’s need for Social and Family Services and to request from the court in the name of the Department of Social Welfare a Guardianship Order. In order to make its decision, the court will pay particular regard to number of factors, including the ascertainable wishes and feelings of the child, his physical, emotional and educational needs, the likely effect on him of any change in his circumstances, his age, sex, environment the child has lived, any harm that he has suffered or is at risk of suffering, how capable each of the child’s parents is of meeting his/her needs. If the Court decides that he child cannot live with his/her parents, it may undertake measure that the child continues to have access to his/her family. The parents, whose child is subject to a
Guardianship Order will be assisted by the Centre for Social Work, where possible, to enable them to resume their full parental rights. The case should be reviewed by the Centre for Social Work at least every six months and, if the circumstances in the child’s family have changed to the degree that the Order is no longer necessary, application must be made to the court for its revocation, Law on Social and Family Services (Article 10).

Apart from being entitled to assess the circumstances by the Centre for Social Work, the child in need is also entitled that his needs are fulfilled by the state, taking into account all living circumstances, including the extent of need and the existence of sources for their fulfilment.

Local legislation pays special attention to the support of parents in cultivation of parental responsibilities, aiming at preventing the separation of the family whenever it is possible, in order to prevent every risk that might harm the child. During the procedures of marriage disputes, the Custodian Body is responsible to protect the children in the reconciliation procedure, trying to reach an agreement between the spouses in order to protect the children’s interests and to conclude under what living and developing conditions the joint children of the spouses are found in and undertakes all necessary measures to ensure child welfare. (LF Article 82).

When reasons causing the deprivation of parental custody cease to exist, the parent or parents by court decision may be entrusted back parental custody. (Law on Family, Article 151). When in a marital dispute the competent court brings a judgment for the dissolution or annulment of marriage, by this judgment the court shall also decide on issues of custody, care and education of a child to one parent. (Law on Family, Article 140). The competent court regulates and makes a decision on the manner of preserving personal contacts of the parents with children but it is preliminarily requested that the parents agree on preserving personal contacts with the child, (Law on Family, Article 145).

If by the Custodian Body is seen that if the parent who exercises parental custody hinders personal contacts of the child to the other parent, the court by judgment shall regulate the manner of maintaining personal contacts of the children with the parent who does not exercise parental custody, if the evaluation of all circumstances of the case show that this is necessary for the protection of the child. In such cases the opinion of the child who is capable of forming his/her views shall be taken into consideration by the court in all cases of parental custody, which shall be given due weight in accordance with the age and the ability of the child to understand. (Law on Family, Article 140).

When dealing with children of divorced spouses, whose parent wants to travel abroad with the child, initially he/she should submit a request in the CSW to obtain the consent of the Custodian Body. The Custodian Body contacts the other parent and receives written statement, if the consent is given by the other parent, then he/she shall obtain travel document for his/her child. But, if another parent does not give his/her consent that his/her child travels abroad, the dissatisfied parent may address the Court.

The right to enter and leave the country with a purpose of family reunion is addressed in the Law on Foreigners in the fifth chapter, by which, apart from other issues, is regulated temporary residence of the parent with a purpose of family reunion in the Republic of Kosovo. In the same chapter is stressed that: Primary thing is the
Protect children on the move

opinion and the wish of the child for making decision for permission of residence of the parent, then the procedure on family union begins.

c. Social services offered by the State

Based on the CCR but also on local legislation, the parents are obliged to take care about their children and to secure them wellbeing. In case that parents cannot offer this right to their children, then the state with its administrative and professional mechanisms undertakes all proper supporting actions to protect the children and to empower the family.

Local legislation foresees special rights and benefits to benefit from state services for the family members, including children of KLA martyrs, invalids and war veterans.

Based on the conditions and criteria provided in general provisions of the local legislation, family members of the KLA martyrs, invalids, veterans and civil victims of war, exercise these rights: Family pension; advantage in employment in equal conditions; Tax and customs facilitations; Registration advantage in education institutions; Scholarship for education; Placement in dormitories without compensation; Free school books for elementary and secondary education; Housing care; Low and reduced tariff of electrical energy consumption; Exemption from payment of court taxes; Exemption from taxes on immovable property; Health care free of charges in public institutions; Exemption from administration costs in university education.

According to the Law on Material support to the Families of Children with Disabilities, the families of children with disabilities benefit 100 € per month. The right to benefit from this social assistance have those children, who are: immovable; totally blind as well as the children who due to the nature of disease or permanent disease, are not capable to move by themselves in independent way in places where they need, are not able to eat by themselves, to get dressed and undressed, to finish their physiological needs as well as to maintain their personal hygiene.

With a purpose of facilitation of exercising parental responsibility and social protection of children, there are special provisions in local legislation that protect this right, by offering assistance to the families of children in need. Therefore, Law on Family (Article 5) stresses among the others: “parents who are not capable to create necessary living conditions for themselves and their children are under special financial and social support.”.

Special financial and social support benefit children, who for whichever reasons are found in these circumstances:

- Live in poor families, their families receive social assistance according to the criteria determined with the law on assistance;
- For children without parental care are implemented alternative forms such as: family union, custody, adoption, family shelter, residence shelter,
- Children with permanent disabilities from 1 to 18 years, are provided monthly material support in harmony with the Law on Support to Families of Children with Disabilities;
- For victims of violence, trafficking, of sexual crimes, is applied protection in a sense of rehabilitation, reintegration, temporary shelter, family empowerment, children protection by state institutions such as the courts, etc.
- For the minors in conflict with the law, the Custodian Body as above has its responsibilities as stipulated in the law. In this way is protected the minor, is represented in the court, are evaluated the reasons that led him in the conflict with the law, is worked in re-socialization and monitoring of the educative measure imposed by the court such as “Intensive Supervision of the Custodian Body.”

- For the children of separated parents/divorced, is made reconciliation of spouse and family relations, the opinion on entrust of children, in case the reconciliation of spouses is not reached, is carried out the monitoring of the contacts between the parents and the child according to the decision rendered by the Court or the Custodian Body.

Identification of the children in need is made by the Centre for Social Work, which are obliged to make professional evaluations for each individual and family that request assistance or that is learnt in another way that they need social and family services, in the territory where they act. According to the law, every person or the family in need has the right to apply for social assistance, the families in need are provided direct social care, counselling and material assistance by the Centre for Social Work. Centre for Social Work maintains a register of families and the children in need and these families are visited on a regular basis by a responsible person in order to ensure the safety and wellbeing of the child and provide the family with whatever services may be considered necessary. (LSFS Article 9).

The social care, among the other, is provided to the children and the families in need then when a parent or the parents or any other care giver due to either because of lifestyle, physical or mental disability or illness, psycho-social problems, addiction or other reason, have difficulty providing adequate levels of care and supervision of children.

“Person in Need” shall mean any person found on the territory of Kosovo, regardless of status or place of origin, who is in need of social services because of:

1. children without parental care
2. children with antisocial behaviour
3. juvenile delinquency
4. disordered family relationships
5. physical illness or disability
6. mental disability
7. vulnerability to exploitation or abuse
8. domestic violence
9. human trafficking
10. addiction to alcohol or drugs
11. natural or contrived disaster or emergency
12. or other cause that renders them in need
Social Assistance is offered to poor vulnerable families, with an aim of protection and case towards them in social aspect. Within poor families, besides other members, belong also the children from the age ha 0-18 years, adopted children, fostered children, orphan children or the children of one partner (Law on Social Assistance Scheme Article 1).

According to the Law on Social Assistance Scheme (Article 4) should be fulfilled several criteria in order that the children and the families in need are provided social assistance, firstly, he/she should be the resident of the Republic of Kosovo and they should be classified in one of the following categories:

a) if all family members do not work or are not able to work;

b) a family member who is able to work, but is registered as unemployed ad has at least one child under the age of 5 in its care an orphan child under the age of 15.

It can be clearly seen that according to the criteria stipulated by the Law on Social Assistance Scheme, it was not included the providing of social assistance for that category of children that are over the age of 5, and the families do not have any employed member and who are not in the good economic condition to provide necessary conditions for a good living conditions for full development of their human potential. In this direction, it should be worked that the Social Scheme includes also the children over the age of 5 in the social assistance schemes.

Law on Social Assistance Scheme of Kosovo, provides creation of the social insurance scheme for families that live in property, the families that face certain difficulties and which need assistance. The financial assistance is offered to the families, according to the proof of wealth and within certain allocated sources for this purpose in Kosovo Consolidated Budget, the scheme is administered by MLSW through Centres for Social Work.

In the Article 9 of the law is determined the monthly standard rate for social assistance. This rate is adjusted according to the number of family members and the number of points by the member as it is presented in the table below:

<table>
<thead>
<tr>
<th>Number of family members</th>
<th>Monthly gross standard rate– number of points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family with two (2) members</td>
<td>50</td>
</tr>
<tr>
<td>Family with three (3) members</td>
<td>55</td>
</tr>
<tr>
<td>Family with four (4) members</td>
<td>60</td>
</tr>
<tr>
<td>Family with five (5) members</td>
<td>65</td>
</tr>
<tr>
<td>Family with six (6) members</td>
<td>70</td>
</tr>
<tr>
<td>Family with seven (7) members</td>
<td>75</td>
</tr>
</tbody>
</table>

As it can be seen, with this determination of the monthly standard rate, the state is failing to provide every child the right to adequate living standard. It is known that with this determined monthly amount, the children cannot exercise even their
elementary rights, and let alone to enjoy adequate living standards, that would ensure survival, development and social security. Therefore, the Government of Republic of Kosovo within available possibilities that it has, higher attention should be paid to the increase of supporting sources of social insurance, in order to make possible to every child an adequate living standards, especially regarding food, clothes and shelter.

d. Ways of children protection without parental care

Children without parental care enjoy special social protection by the state, the principles of preserving children without parental care are regulated with the Article 157, of LSFS. The fundamental forms of legal and family protection of the children without parental care, pursuant to this law are: custody, family shelter, residential shelter and adoption. These protective forms are offered by the Centre for Social Work in the whole territory of the Republic of Kosovo.

In all manners of the children protection is respected their human dignity, are obliged to offer as good as possible life and to integrate children in the society. Law on Family (Article 159) states that: “Protection of children without parental care, pursuant to the needs of these children, is implemented through providing conditions for such development of children, which will compensate in the best way the loss of parents or of parental care”.

Children without parental care according to the Law on Family (Article 156) is considered the child, whose parents are not alive; whose parents are unknown or have disappeared. In the same way, children without parental care are considered also those children, whose parents for whatever reasons, in a temporary or a permanent manner, do not finish their parental obligations or parental care.

The children are under the institutional protection, when they implement one of the alternative forms of protection. Dignity of children and keeping of secrecy are to children, when it is about discovery of data that might damage their psycho-physical development. In this way, e.g. for the adopted child are not given the data about the origin of his parents. For the cases of domestic violence, trafficking, sexual crimes etc., are also not given data for the public, while when we talk about media information, the same are banned to publish information and photos that will have negative impact on the children psycho-physical development.

According to local legislation that regulates family issues and alternative care of children, child attitudes in principle are guaranteed and taken into account. During provision of service and in every phase of the procedure of implementation of protective forms, the child opinion is taken into account to that extent that is evaluated to be useful and in the interest of the child. During the procedure for adoption is required the consent of the child only who is older than 14 years, while the child younger than 14 years and when a child is with disabilities to act, the consent shall be given only by his legal representative, respectively the custodian of the adopted child. When we talk about divorce and entrustment of a child, in case the child is older than ten years, the court shall consider the emotional situation of the child. (Law on Family, Article 144 and 168).

The Law on Family prohibits the disclosure and investigation of the procedure of child adoption and regulates the right of the adoptee to have access in all information regarding his adoption, and has as principle: “Information about the adoption and its circumstances shall not be disclosed or investigated without the consent of the
adopter and the child, unless special reasons of public interest require this; whereas, at full age the adoptee has the right of access to all information concerning his adoption and shall on request be provided with personal information about his biological parents.” (Article 194).

According to the Law on Family (Article 128), one of parental responsibilities is that they shall consider skills, inclinations and desires of their children. These responsibilities also are applied for the adopting parents, the Article 167 reads: “the adoption establishes between the adopting party and the adoptee the same rights and obligations that exist between parents and children.”. The Law on Social and Family Services, among the criteria for the protection of children, obliges the courts that in the case of reviewing the application for Custodian Order to pay special attention to “desires and verified feelings of children”.

According to the Law on Family, every child without parental care is placed under Custody by the Unit for Special Care and Protection that acts within the Ministry of Labour and Social Welfare. “The custodian of a minor has the obligation to take care in good faith for the minor’s personality, in particular for the minor’s health, education, upbringing and the development of the ability to lead an independent life.” (Article 216).

However, the competencies of the custodian are: to entrust the minor to an orphanage or another organization for children and minors for protection, education and upbringing, to entrust the minor to another person for education, upbringing and care or to place the minor under medical treatment for a long period at a health institution, to initiate a change of school, to decide on the selection of a profession or exercise of the minor’s profession; to undertake other important measures regarding personality and the interests of minor. The custodian cannot undertake the above-mentioned actions without the prior approval of the Custodian Body. Custody towards a minor terminates: upon reaching full age, upon marriage before reaching full age, upon adoption, upon re-acquisition of parental custody from his own parents. (Article 219 LF).

The custodian is especially obliged to take care in good faith of the personality and the rights and interests of the person under custody and to administer his property with care, as well as to inform the Custodian Body of the course of custody. The custodian is also obliged, with the assistance of the Custodian Body, to make use of all necessary means of social welfare in order to ensure the material requirements needed for the enforcement of custody measures. (Article 244 LF).

The custodians should complete procedures of registration of child, be that for the abandoned children after their birth, including new born babies that were left in hospital or children who were abandoned later. They are also obliged to submit application for registration of the child birth in the office for civil status registration. The orphans or the children whose parents are not known, are registered as children with unknown identity until necessary information regarding their identity are found. In this way, every child, before being accommodated in the centre for temporary shelter, are equipped with birth certificates. If the child is adopted/fostered, then the respective Centre for Social Work issues decision on updating the birth certificate and adopting parents are registered as biological parents.

Basic form of the protection of children without parental care, maltreated, abused and neglected children that due to one or another reasons cannot grow up and develop with their biological families is the family shelter. There are two types of family
shelter: Family Shelter inside the family, on which occasion the child is sheltered with the close family members and Family Shelter outside the family, on which occasion the child is sheltered in the family with which has no blood relationship.

As soon as the child is placed in the family shelter, Social Services Officer should visit him at least once every month, in order to ensure that she or he is being adequately cared by the foster parents. (Law on Social and Family Services, Article 11.15).

The family union is one of the ways of child protection, where are reflected all actions undertaken by the Centre for Social Work, with an aim of improvement of the disordered circumstances in the family, aiming at return of abandoned, mistreated, trafficked and abused children to a family and safe environment within the family. In case of impossibility of family union, the CSW is obliged to implement the best alternative for protection of a child.

When the family union or the family shelter of the child cannot be implemented in any way, the child is sheltered in residential shelter (institutional) which remains one of the alternatives of the forms of child protection. Children without parental care, mistreated, neglected, children who are victims of domestic violence, of trafficking, sexual crimes or the others, that for which ever reasons cannot live in their biological families, are offered residential shelter. This form is implemented in a temporary and short time period.

One of the forms of alternative care of children is adoption. The adoption of a child is permissible if it serves the child’s well-being and it is to be expected that a parent and child relationship will be created between the prospective adoptive parent and the child. (Article 163). Adoption remains a solution when the child cannot return to his biological family, adoption is permanent transfer of parental rights and responsibilities to the adopting parent. With adoption, the child is offered a new and permanent legal family, which is obliged to offer the child family environment, protection and wellbeing like in the biological family. Therefore, the adoption is implemented every time when the best interest of child is taken into account.

With the establishment of the adoption as the way of children protection without parental care between the adoptee and the adopting party are created family relations and that is between the adopting party and the persons in blood relationship on one side and between the adoptee and his successors on the other. This implies relationship with same rights and obligations as a child born in marriage. (Article 167).

The competent bodies conclude that the conditions for adoption set forth by the law have been met, the adoption shall be approved. In order to approve adoption, the presence of the adopting party is required together with the presence of his/her spouse, parents, respectively the custodian of the adoptee and the presence of the adoptee himself if he is over 10 years. (LF Article 186).

It is an obligation of the competent bodies to take into consideration the child attitudes during adoption. The consent of a child with incapacity to act or of less than fourteen years of age may only be given by his legal representative, otherwise the child may give the consent himself and his attitudes are given due weight (LF Article 168). The consent of the parents is required for the adoption of a new born child. The consent may not be given before the child is eight weeks old. (LF Article 169).
The court is the competent authority to make decision regarding the adoption, which every time should seek the opinion and advice from the Custodian Body in the CSW (LF Article 161).

Adoption shall not be pronounced until the adopter has been caring for the child for an appropriate period of time, specified by the court. The probation period cannot be longer than three months. The trial period shall be initiated and continuously supervised and evaluated by the Custodian Body, which provides a report to the court as necessary. (Article 166).

Adopted children are monitored and their cases are reviewed in a periodic way by the competent authorities. According to professional procedures which are integrated in the manual for implementation of the forms of children protection without parental care, is foreseen that the social services monitor implementation of children adoption at least one year after the rendering of the Ruling on Adoption. It is foreseen that three visits take place within a year. The civil servants also have legal rights to enter every building and to place children at a safe place, when they have reasons to believe that there is a serious risk to health, safety and wellbeing of a child. (Law on Social and Family Services, Article 10.4).

Local legislation, recognizes the same rights to the children with disabilities that are in a situation of a social need, and e.g. children with disabilities enjoy the right of alternative protection, such as: custody, family shelter, adoption, residential shelter. Children with diagnosed mental or physical impairments are eligible to special care, suitable conditions of life which guarantee their dignity and facilitate active participation in social life. (Law on Family, Article 125.3). The family in which a child with mental or physical impairments is placed, is chosen upon the proposal of a group of professionals, assigned by the Custodian Body, which shall be comprised of social workers, teachers, psychologists, doctors as well as other experts, chosen with regard to the reasons that made the placement necessary. (Law on Family, Article 206).

Adoption by a foreign citizen may be allowed if the child cannot be adopted or fostered in Kosovo or the child has special needs and requires specialized treatment not available in Kosovo. (Article 179).

In order that the children rights are protected, who may be the subject of the requests for international adoption, the provisions of the Law on Social and Family Services oblige the panel on placement and shelter the child to ensure that with international adoption is respected legislation in force and is taken into account the best interest of the child I, as well as: ensure that there is compliance with the requirements of the Hague Convention on Private Law, Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption, establish and maintain collaborative arrangements with the relevant adoption authorities in potential recipient countries, establish the criteria for Inter-Country Adoption to be applied, facilitate the legal procedures necessary to complete Inter-Country Adoption as defined under the Hague Convention. (LSFS Article 11.25).

Aiming at implementing the children protection in the best possible way, the Law on Social and Family Services (Article 8), foresees the support of non-governmental organizations that act in the state of Kosovo, which offer special social and family services. Due to this, the Ministry of Labour and Social Welfare allocates funds and
any other material assistance to the organizations that provide services to children, such as: shelter, accommodation, food, clothing, health services, education, reintegration services, etc.

**e. Prohibition of forced and compulsory work**

Based on the principles of child protection in the Law on Family (Article 125), it is a responsibility of parents to protect children from the economic use, exploitation, trafficking, sexual exploitation and from performing any work that presents a danger or that violates education and health of children. The Criminal Code sanctions every action of parents that force a child to work beyond his possibilities and which is not suitable for the age of child, to perform works that damage the child development and which are not for his/her age, or compel a child to beg for money for material gain (Article 211.3). Whoever fails to comply with the protective working measures for children, commits a crime that is punishable with fine or imprisonment. (Article 182).

Law on Labour mentions terms and requirements for the establishment of employment relationship. The Law specifies that only the age of 18 is minimal age for employment, a person between fifteen (15) and eighteen (18) years of age, who may be employed for easy labour that do not represent a risk to their health or development and if such a labour does not present obstacle for school attendance. No employer may conclude an employment contract with a person below fifteen (15) years of age. (Article 7). Systematization of easy and prohibited labour for children from the age of 15 to 18 are regulated with sub-legal acts, such as Administrative Instruction on prevention and elimination of more dangerous works for children in Kosovo. On this occasion, were identified more dangerous labour in general: Children under the age of 18 are not allowed to work more than 30 hours per week; night shifts, between 21:00 hours and 06:00, are prohibited; lifting and carrying heavy weight; work at height over 2m; work at depth; exposure to toxic material; work with dangerous biological substances. In listing of most dangerous sectors for children work, that harm physical and psychical health of children is: agriculture and forestry; work on street; waste collection for recycling and work in superficial mines.

Law on Labour in its provisions prohibits the overtime work for children under the age of 18, while it foresees the children right to daily break and stresses: if the child under 18 works at least four hours and thirty minutes, is entitled to daily break at a duration of thirty minutes. The employee under the age of 18 is entitled to weekly leave in duration of at least thirty six uninterrupted hours.

Since the child under the age of 18 cannot perform the works that may damage health, safety or the moral, the employer before employing the young person should make evaluation of risk of the work position. The employer is also obliged to adopt necessary measures for security and health of youth in the work process. (Law on Labour Article 45).

Within MLSW was established the Labour Inspectorate, which is very important mechanism to supervise the implementation of Law on Labour for Security, Health Protection of Employees and Work Environment with an aim of avoiding obstacles and difficulties that are in contradiction with legal provisions in force. This authority has legal obligation to supervise all work positions, regardless of which legal provisions are in force and that have to do with employment relationship, work conditions, safety
and protection at workplace and preserving health at work in general, (Law on Labour Inspectorate Article 2).

As it can be seen from the interpretation of legal provisions that protect the right to work, the Labour Inspectorate is mandated to punish the employer for non-implementation of legal provisions only when the children rights are violated from the age 15 until 18 years. In case that the Labour Inspectorate identifies the children at labour under the age of 15, it does not have a mandate to punish the employer as well as to remove the child from the work environment.

f. Protection of child from domestic violence

Aiming at preventing and punishing every kind of form of physical and psychical violence against children, during the time when the child is under the custody of parents, the institutions of the Republic of Kosovo have approved the Law on Protection from Domestic Violence.

With domestic violence, according to the legislation in force, are implied the actions or deliberate actions by a person to another person, that are in family relations, such as: the use of physical force, psychical pressure; every action that causes or threatens physical or psychical pain; causing fear, personal risk, violation of dignity; physical attack regardless of consequences; insult, swearing , calling with insulting names and other ways of cruel behaviour, continuous behaviour aiming at humiliating another person; putting another person in the position that he is scared for his physical, emotional and economic situation, but the legislation is not limited only to the above-mentioned offences.

The procedures of protection of the victim depend on the level of the case risk. The competent court with an aim of protecting the victim may issue the decision on: protection order, emergency protection order and temporary emergency protection order. The competent court imposes protection order or emergency protection order, in cases when it suspects that the perpetrator endangers inevitably security, health and welfare of the protected party, who are in family relation. The review of such a case happens within 24 hours after submission of the request (LPADV Articles 16-17). Outside working hours of courts, a petition for a temporary emergency protection order may be submitted to Kosovo Police. The Head of the Regional Kosovo Police Unit against Domestic Violence, may issue a temporary emergency protection order. This order is issued in case it is necessary and when there are grounds to believe that the perpetrator poses an immediate or imminent threat to the safety, health or well-being of the protected party (LPADV Article 22).

According to the provisions of the Law on Protection Against Domestic Violence, these protection measures are imposed against the perpetrator: psycho-social treatment, he is banned to get close to the victim; to stop with concern of persons that are exposed to violence; perpetrator is removed from the housing space; accompanying victim while taking personal things; the perpetrator of domestic violence under the influence of alcohol and psychotropic substances is imposed protection measure of medical treatment about the phenomena above; taking the things, protection of property. Protection measures aim at preventing domestic violence and the protection of a person that has been exposed to violence, by removing the circumstances that have impact or might have impact in committing other offences. (LPADV Article 3).
V. JUSTICE FOR CHILDREN

The administration of justice for children in the Republic of Kosovo is mainly implemented with the Juvenile Justice Code, Provisional Criminal Code of Kosovo, Provisional Criminal Procedure Code of Kosovo, the Law for Civil Aspects of International Abduction of Children, Law for Protection of Witnesses, Law on Police.

The institutions of the Republic of Kosovo are making maximal efforts to reform the justice system for minors, and in order this system is in full compliance with European and international standards for protection and respecting the children rights was drafted the Juvenile Justice Code.

According to local legislation which guarantees the children right to justice, the work towards the minors should be led according to principles, such as: ensuring welfare of the minor and ensuring that every reaction against minor perpetrators is in proportion with the circumstances of perpetrator and of criminal offence; Depriving of liberty to be imposed as the last remedy and will be limited to the shortest possible time limit; The minor who has not yet turned 16 years old, can be imposed only measures, while those who are over 16 years old, can be imposed punishments too; as necessary, the minor should be imposed the measure of diversity and educational measures; Fine, order for work for general benefit and imprisonment for minors are punishments that may be imposed on the minors that are in conflict with the law. The minor is entitled to immediate legal assistance as well as to reject the lawfulness of the deprivation of liberty in immediate legal procedure and in the independent and impartial court; Every minor, deprived of liberty should be treated with humanism, in that way that special needs based on age should be taken into account every time; to respect privacy of child on all phases of criminal procedure; During deprivation of freedom, the minor should be divided from adults, but if it is considered that it is in the interest of the minor, he should not be separated from adults. Except extraordinary circumstances, the minor is entitled to keep continuous contacts with family. With an aim of rehabilitation of minor, during the time of deprivation from freedom, he should be offered education, psychological assistance and medical help. In case of international child abduction, local legislation guarantees quick return of a child that are dismissed or kept without any right in the country of residence; it also ensure the respect of right of custody and of the contact with children, who are permanent residents of Kosovo or of a requesting state.

Furthermore, according to the legislation in force, the minor that is in conflict with the law, even after 18 years old are continued to be recognized some rights and privileges as a minor, regardless that he reached the age of majority. On this occasion, the age of 18 years is defined as minor adult, while the age of 21 years old is defined as young adult. The continuation of the exercising of rights even after the age of 18 year-old are stipulated in the Juvenile Justice Code.

The abovementioned principles and legal provisions foreseen in the Juvenile Justice Code, besides that they serve as a guideline for all persons that that work for offering justice for minors, they also reflect standards and minimal norms of justice for minors, as Minimal Rules of the UN for Administration of Justice for Minors (Beijing Rules - 1985), United Nations Instructions on Prevention of Delinquency of Minors (Riad Guide - 1990), United Nations Rules on Protection of Minors Deprived of Liberty– 1990.
As long as this legal framework provides full support for the minors in conflict with the law, its effectiveness depends on unavoidable manner on the level of implementation by relevant institutions and professionals.

Given that the Juvenile Code for Minors, determines and deals with implementation of the measures and various punishments also oblige the court to take into consideration the best interest of minor, before any measure or punishment is imposed against the minor. Other circumstances should be taken into consideration, such as: type and weight of offence; the age of minor; the level of psychological development; character and his/her affinities; the motives that incited the commission of criminal offence; education of the minor in that phase; environment and living circumstances; if earlier was imposed a measure or a punishment; as well as other circumstances that might have impact on imposition of measure or the punishment. (Article 8).

### a. Diversity measure

Diversity measure aim at preventing as much as possible the beginning of the court procedure towards minor perpetrator, to help positive rehabilitation and reintegration of the minor in his community with an aim of preventing recidivist behaviour (Article 16).

Its primary objective of the diversity measures towards the minor perpetrators is rehabilitation and not the punishment. In this way is made the promotion of the justice system for minors by preventing the beginning of criminal offences.

To impose the diversity measure should be fulfilled some conditions by minor, that are: the minor should accept responsibility for criminal offence; to be ready to agree with the injured party; is taken consent of minor and the parent to apply the diversity measure (Article 17).

There are several types of diversity measures, that may be imposed against the minor perpetrator, such as: the agreement between minor perpetrator and the injured party, including apology by the minor to the injured party; Agreement between the minor and his family; Compensation of damage to the injured party according to the mutual agreement between the injured, minor and his legal representative, in accordance with the financial situation of minor; Regular attendance at school; Recognition of employment or training in an adequate profession with skills and his abilities; The performance of work free of charges in compliance with ability of minor perpetrator for performance of such a work; Education in the traffic rules and psychological counselling (Article 18).

### b. Educational measures

The educational measures aim at contributing in rehabilitation and adequate development of the minor perpetrator. By offering protection, assistance and supervision as well as by offering education and vocational training, by developing his personal responsibility and in this way stopping his recidivist behaviour (JJC 19).

The types of educational measures that may be imposed against the minors are: Disciplinary measures, measures of intensive supervision and institutional measures (JJC Article 20).
The disciplinary measures are judicial admonition and the sending of minor to disciplinary centre. These measures are mainly imposed when the minor commits criminal offence due to immaturity of negligence, and when in his best interest is the imposition of short-term measure.

Measures of intensive supervision are intensive supervision by the parent, or by the others to whom is entrusted the child based on local legislation. These measures are imposed on a minor whose best interest does not require isolation from his or her previous environment and is served by a long-term measure which provides the minor with an opportunity for education, rehabilitation or treatment. The term of this measure may not be less than three months or more than two (2) years.

4) Institutional educational measures are sending a minor to an educational institution, sending of a minor to an educational-correctional institution and sending of a minor offender to a special care facility. These measures are imposed on a minor whose best interest is served by isolation from his or her previous environment and by a long-term measure which provides the minor with an opportunity for education, rehabilitation or treatment.

c. Punishment towards minor

The punishments that may be imposed on the minors that are in the conflict with law are: fine (Article 30), order for community work (Article 31) and imprisonment (Chapter VII).

Initially, before imposing the fine, the court shall consider the material situation of the minor and it shall not set the level of a fine above the means of the minor. The punishment of a fine may not be less than 25 euros or more than 5,000 EUR. If the minor is unwilling or unable to pay the fine, the court may, replace the fine with an order for community service work which will not interfere with his or her regular employment or school activities.

With consent of the minor, the fine, the imposed educational measure and the imprisonment of the minor may be compensated by other non-institutional measures, such as the order for the community work in general benefit. The punishment with order for community work, may be imposed against the minor to perform work from 30 up to 120 working hours for free, on which occasion the minor serves the community under the supervision of Probation Service.

The punishment with imprisonment is foreseen to contribute to the minor in rehabilitation, development, education, specialized education, professional training and necessary personal development. The imprisonment should also have positive impact on minor through protection, assistance and supervision with an aim of preventing recidivism.

The term of juvenile imprisonment may not be less than six months nor more than five years and shall be imposed in full years and months. If the minor has committed aggravate criminal offences and which are the subject of the long-term imprisonment, then the maximum of punishment is ten years.
d. Court procedures against the minor that is in conflict with the law

Juvenile Justice Code determines court procedures that have to do with the minor and determines the role of institutions and of professionals that deal with justice for minors; including judges, prosecutors, police and custodian body in the implementation of the important phases of the process of the justice for minors. At the same time obliges them to act quick and without unnecessary delays by the persons and institutions that participate and are required additional notifications during the court procedures for minors.

JJC requires that the procedures towards minors are conducted by the panel for minors, which is comprised of judges for minors, that at the same time is the presiding judge and by two lay judges. The lay judges are appointed from the lines of professors, teachers, social workers, psychologists and other persons that have direct experience in the education of minors. The court procedures cannot start for the child under the age of 14, treatment of criminal offences for children under the age of 14 is implemented according to the programs of the Law for Social and Family Services. The minor should be present during the court procedures and should be given an opportunity to express freely. The judge for minors should assign the protection for minors ex-officio and with public expenses, and by the end of court procedure the minor should have protection. The parents, adoptive parents or the custodian of the child are entitled to all court procedures, but in case their participation is not in the best interest of the minor, than the judge has the right to disqualify them from the court procedure. The public is excluded every time from the court procedures against minors, as well as all procedures are confidential.

When selecting any measure or punishment to be imposed on the minor offender, the court shall give primary consideration to the best interest of the minor, the age of the minor, the type and gravity of the criminal offence, the degree of psychological development, his or her character and aptitudes, the inciting motives that induced him or her to commit the criminal offence, his or her education at that stage, the environment and the circumstances of his or her life, whether any measure or punishment has been previously imposed and other circumstances that may affect the imposition of a measure or punishment. The Probation Service shall prepare a complete social inquiry on the minor upon the request of the public prosecutor, the juvenile judge or the court as provided for in the present Code. The social inquiry shall include information about the minor’s age and psychological development, family background, the background and circumstances in which the minor is living, school career, educational experiences, and any other relevant data. (JJC Article 8).

The provisional arrest, police detention or detention on remand of a minor shall be ordered only as a measure of last resort for the shortest time possible. (JJC Article 64). The provisional arrest or police detention of a minor cannot exceed a period of 24 hours, except the judge for minors orders detention on remand (Article 65), on this occasion the minor is transferred to the educational-correctional institutions, if this action is in his best interest (Article 67). A minor may be held in detention on remand on the initial ruling of a judge for a maximum of 30 days, but the detention on remand can be extended up to 60 days only by a decision of the panel on minors of the competent court (Article 66). Maximum period of the duration of detention on remand for the minor is 12 months (Article 68). While in detention on remand, the minor shall receive social, educational, vocational, psychological, medical and physical assistance.
**e. Execution of measures against minors**

Since the competent court imposes the diversity measure, or the educational measure, the Probation Service is obliged to supervise their execution.

The Juvenile Justice Code stresses that the educational measures can be executed with the sending of minor to disciplinary centre; educational institution; educational-correctional institution; institutions for special care; increase of intensive supervision by parents, adoptive parents or the custodian, placement of the minor in another family under intensive supervision; intensive supervision by the custodian body.

After the child is placed in the educational-correctional institutions, the competent court that imposed the educational measure, should review the execution of the measure each six months. Every six months, the director of the institution where educational measure is executed shall submit to the competent court and the competent Probation Service a report on the behaviour of the minor and the success in the execution of the measure. The juvenile judge, shall visit the minor accommodated in an institution every six months and, through direct contact with the minors and reviewing the records of the institution, establish whether the minors are treated correctly and whether the institutional educational measures have been successful. (JJC 127).

Regardless of which measure is imposed on the minor by the court, the persons involved in it, be them the family members or public officials, are obliged to respect with precision the decisions and orders of the competent bodies in compliance with the procedures and the principles of the Juvenile Justice Code for Minors, with an aim of protection of the rights and welfare of the minor.

During the execution of punishments should be taken into account the best interests of minors in a very careful way. Besides the other, the minors have access into educational activities and their free time, they are provided necessary vocational training that is based on their knowledge, skills, interests, depending on the possibilities of the correctional institution. The bases of the treatment are involvement in work that is educationally beneficial and with an appropriate remuneration, facilitating and encouraging contacts between the minor and the outside world through letters, telephone, receiving visits, going on home visits, sports activities and providing necessary conditions for religious practice. The professional staff of the service treating the minor shall have an adequate knowledge in the fields of pedagogy and psychology. The minor has the right to spend outside the premise at least three hours during the day and he is free to conduct different activities, such as the sport games. The minors are entitled to leave twice a year to visit their relatives. The leave may last until 30 days and is allowed only then when it does not impede the attendance of lessons. Isolation of the minor in cell is prohibited. (JJC Articles 131-139).

After the execution of the measures for institutional education or imprisonment of the minor, which means after the release of the minor, the Probation Service is obliged to offer assistance to the minor, as long as he needs it, but not longer than 12 months. If it is in his best interest and in order that children are reintegrated in the community, the Probation Service may ask for help or to cooperate with the Custodian Body. This body is responsible to offer special care to minors without parental care, and this care includes: shelter, providing food, clothing, medical treatment, training and employment, as well as regulation of family circumstances (JJC Article 142-143).
f. Trial of Adults for Criminal Offences Committed Against Children

Based on the provisions of local legislation, every person who has reached the age of 18 years old is considered adult.

The juvenile panel and juvenile judge shall try adults for the following criminal offences:

- committed against a child, as provided in the Provisional Criminal Code: rape; commission of sexual acts by threat to honour or reputation; sexual assault; degradation of sexual integrity; sexual abuse of persons with mental or emotional disorders or disabilities; sexual abuse of persons under the age of sixteen years; inciting sexual acts or sexual touching by persons under the age of sixteen years; sexual abuse by abusing position, authority or profession; facilitating prostitution; abuse of children in pornography; showing pornographic material to persons under the age of sixteen years; sexual relations within family units; cohabiting with persons under the age of sixteen years in extramarital community; changing the family status of a child; unlawful abduction of a child; mistreating or abandoning a child; violating family obligations; avoiding maintenance Support; prevention and non-execution of measures for protecting children; conscription or enlisting of persons between the age of fifteen and eighteen years in armed conflict; establishing slavery, slavery-like conditions and forced labour; trafficking in persons and withholding identity papers of victims of slavery or trafficking in persons (JJC 145).

Provisional Criminal Code of Kosovo, apart from stressing some of the ways of abuse, in which cases children are victims, it stipulates more severe punishments towards the perpetrators of these criminal offences. Such offences may be sentenced up to 20 years imprisonment, but in case the victim is dead, the perpetrator of the criminal offence is sentenced at least to 10 years of imprisonment, or with long-term imprisonment (Article 193).

Starting from the principle that the natural environment for development and welfare of child is family, Provisional Criminal Code of Kosovo, considers in its provisions as criminal offence and punishes all those that abuse of abandon child. “A parent, adoptive parent, guardian or another person exercising parental authority over a child who mistreats such child using physical or mental measures or breaches his or her obligation to care for and educate the child by gross negligence shall be punished by imprisonment of three months to three years. ”(Article 211). It penalizes separation of a child from the parent in these cases: “Whoever unlawfully substitutes one child for another or otherwise alters his or her family status shall be punished by imprisonment of three months to three years; whoever unlawfully keeps or abducts a child from a parent, an adoptive parent, a guardian, another person who exercises parental rights or from an institution to which the child has been entrusted or prevents the execution of a binding decision by a competent authority”. If the abovementioned offences are committed for material interest or for other base motives are punished with imprisonment from one to ten years. Substitution of one child for another or otherwise altering of his or her family status shall be punished by imprisonment of three months to three years. (Article 209). Illegal abduction of a child for material interest or for other base motives is punished to imprisonment from one to ten years. (Article 210). If it is concluded that the child or their family members are in danger, then the judge can order to apply the protective measures, such as: to order non-disclosure of the name of the child and of personal information,
permission of a child to testify behind the dark shield, setting the closed sessions and other forms that hide features, identity and physical description of a child (Article 169). With an aim of protecting the child interest, during the trial session, the hearings can be closed for public (Article 329).

Violation of family obligations is regulated with Article 212, which stresses: “Whoever seriously violates his or her legal family obligations leaving a family member who is incapable taking care of himself or herself in a situation of distress shall be punished by imprisonment of three months to three years”.

Provisional Criminal Code of Kosovo foresees procedures and protective measures of children from any kind of violence and stresses that the authorities that implement criminal procedure during the whole course of the criminal procedure, should take into account, apart from the other, reasonable needs of the injured, especially of children (Article 78). In the same way, should be taken into account the right of a child to participate in the procedure, to pose questions and make statements, to have legal representation and interpreters. The Unit for Protection of Victims within the Office of the State Chief Prosecutor is a mandated mechanism and is obliged to help children in protecting their rights.

The Law for Social and Family Services obliges every official that is involved in the process of teaching, nursery, medicine, dentistry, psychology, police or other professions which task is to take care of children, that is suspecting or have evidences that a child suffers from physical, sexual or psychological abuse by his parent or his/her custodian, to report the case in the CSW. In the similar way, the Provisional Criminal Code of Kosovo in Article 198.2 obliges social or health workers, teachers, supervisors or other persons that perform work in similar capacities, who learn or discover that there is a reasonable doubt that the child is a victim of criminal offence, especially criminal offences against sexual integrity, they should immediately report the case. The failure to act in this way by every abovementioned official, according to the Criminal Code of Kosovo (Article 156) is punished and is subject to criminal prosecution, even then when no help is offered to the person whose life is in direct danger, when this cannot do without risking himself and the other and when in a situation or circumstances without endangering himself and the other when and when in a situation or in circumstances of risk threat to life is left without any assistance.

g. International abduction of child

The Law for civil aspects of international abduction of the child aim at protecting Kosovan children or of a requesting country from abduction, by ensuring fast return of a child that is removed or kept without any right in the residence country, to provide and of the contact and custody with the child. The Law in its provisions foresees the procedures for: requests for contact and return of child; voluntary return; court.

Ministry of Justice is the central and responsible authority of Kosovo to cooperate with the authorities of other countries to ensure as quick as possible return of children to the country, as well as to undertake all necessary measures to discover the position of a child that was taken and kept without any right; to prevent and protect the children from harmful actions.

The Article 3 of the abovementioned law stresses that taking or keeping a child without any right is considered in these cases: consists in violation of the right to custody given to a person, institution or other body, according to the state, where the child was permanent resident before the departure or detention.
h. Freedom of expression

The legislation in the Republic of Kosovo in general protects and guarantees the right of a child to freedom of expression, that imply the freedom to seek, receive and convey information. But, the freedom of expression may be limited by the law in cases when such a thing is necessary for prevention of inducing and provoking violence and hostilities on the ground of racial, national, ethnic or religious hatred.

The freedom of expression is protected by the Provisional Criminal Code of Kosovo (Article 158), which foresees punishment up to five years for all those that interfere somebody’s right to violate the freedom of expression. Every person and action that discloses personal or family background, based on which can be damaged authority, honour and personal or family reputation is sanctioned and punished (Article 189). Violation of confidentiality of correspondence and the computer data, are also sanctioned and punished in case of entry in computer database without authorization, opens the letter, telegram, any other closed document or violated in another way the secrecy of such materials or destroys, uses or delivers to other person, (Article 168). Every person enjoys the right of protection of personal data. This right may be restricted only temporarily, according to a court decision, if it is necessary for the course of the criminal procedure or for the protection of a country, in the way foreseen by the law. The surveillance of correspondence, telephony or other communication is regulated by PCCK from Article 256 until Article 258.

i. Protection of children from exploitation and sexual abuse

The legislation in force of the Republic of Kosovo recognises the right of children to be protected from all forms of use and sexual abuse, sale, trafficking and abduction, and these rights are guaranteed to the children also with the Provisional Criminal Code of Kosovo, by sanctioning in a strict manner the perpetrators of such criminal offences. Local laws foresee the protection of all social categories in social need, especially of the children, victims of sexual abuse and use. According to children protective principles, stresses that it is initially the parental responsibility “protection of a child from the abuse and sexual rape” (LF Article 125).

This Code, defines the trafficking of persons as recruiting, transfer, shelter or admission of persons, through a threat or use of force or other ways or other forms of forcing, abuse, fraud, lies, abuse of power, or difficult position, or the content and receipt of the payment or other benefits to take the consent of the person that has the control over the other document, with an aim of use. Recruitment, transport, transfer, shelter or the admission of a child with an aim of use is considered “human trafficking ”, even if the violence, forcing, abduction or fraud is not used. If the trafficking takes place against the person under the age of 18, the punishment for the perpetrator is higher, from three to fifteen years of imprisonment. The use of sexual services of the person that is recognized as trafficking victim and hiding of identification documents of the trafficking victim, are crimes criminally punishable (Article 139, 140). Furthermore, according to PCCK with expression “pornography with children” is implied every pornographic material that visually presents a person under the age of 18 , by performing a clear sexual act, the person who seems to be under the age of 16 in performing a clear sexual act. The expression “prostitution” means the offering or giving the sexual services in exchange to money, goods or services (Article 192).
According to the Criminal Code, general age of the consent for sexual relations for both genders is the age of 16. The act or sexual induce when made by the agreement by both persons that have reached the age of 14, or have a difference in age for 2 years and there is no obvious difference at the level of maturity between two persons, does not constitute criminal offence. (Article 198).

In the provisions of the Criminal Code, is foreseen as criminal offence every sexual abuse of the persons under 16. The pressure to force a person with the age of 16, to commit a sexual act; touching a person under the age of sixteen years for a sexual purpose; inducing a person under the age of sixteen years to touch the perpetrator or third person for a sexual purpose; inducing a person under the age of sixteen years to expose private parts of his or her body, to masturbate or to commit another act which degrades his or her sexual integrity It is also prohibited and is punishable the display of pornographic material such as: pictures, audio-visual material and other actions with pornographic content, children under the age of 16 years. Abuse of persons under the age of 16 is considered criminal offence, when the perpetrator is: is a teacher, a health care professional, a person entrusted with person’s upbringing, education or care; adoptive parent, foster parent, step parent, grandparent, uncle, aunt or older sibling of the victim; These cases are severely sanctioned with PCCK, especially then when they were foreran or followed by tortures; inhuman treatment; grievous bodily injury; disorder of metal and physical health; the use of weapons and dangerous devices; deliberate drunkenness of a person with alcohol, drugs and other substances; the offence was committed together by more than one person.

It is considered a crime and punishable criminal offence, every person that is involved in: recruiting, organising, facilitating another person or if it rents a premise for a purpose of prostitution. The punishment is more severe if the criminal offence is committed at a distance smaller than 350 meters from the school and other environment that are used for children, (PC Article 201).

j. Protection of child from abuse of drugs

Republic of Kosovo has undertaken its legislative measures to protect children from illegal usage of narcotic drugs and psychotropic substances. The Law on Social and Family Services (Article 125), obliges adults to protect children from illegal usage of narcotic drugs and psychotropic substances and prohibits the children for illegal production and trafficking of these narcotic substances.

While the Criminal Code in its provisions foresees as criminal offence of those that possess, produce, sell, distribute, export or import every kind of narcotic drugs and psychotropic substances that are in contradiction with the law. Besides the other, the perpetrator is punished with criminal offence when the offence is committed by using he child or is to detriment of such a person; when the offence is committed against the person, especially sensitive as a result of age, illness, physical or meal ability, pregnancy, when it is known and obvious fact for the perpetrator (Article 229). Whoever cultivates, produces, processes, extracts or prepares substances which have been declared to be dangerous narcotic drugs or psychotropic substances shall be punished. (Article 230). A manager or owner of any premise who permits the use of narcotic drugs, psychotropic substances or dangerous substances in his premise or closed space used by the public, is punishable with criminal offence. (Article 231). Furthermore, the Code punishes all those that in hospitality premises or in stores where are sold alcoholic drinks, serve children under the age of 16 years with alcoholic drinks.
**k. Security and recruitment in armed forces**

With an aim of respecting and implementing the rules of the humanitarian international law in case of armed conflict, general provisions of Geneva Conventions of 12 August 1949 are included in local legislation, precisely in the Criminal Code, which in chapter XIV elaborates criminal offences against the international law.

According to the Criminal Code, whoever seriously violates laws and customs that are applied in international armed conflicts, within the determined framework of the international law, is severely punished, especially when the criminal offence is committed against children, such as: Forcible transfer of children of the group to another group (Article 116); recruitment or mobilization of children under eighteen years old in national armed forces, use of children to actively participate in hostilities (Article 119); recruitment or involvement of children under the age of fifteen years in armed forces (Article 121); and other offences determined with international instruments as crimes against mankind.

According to Law on Police (Article 10), general responsibilities and authorizations of the Police are: to protect the fundamental rights and freedoms of all persons; to protect life, security and property of all persons; to prevent danger towards citizens and to keep order and public security; to prevent and discover criminal offences; to investigate criminal offences; to offer supervision and control over the safety in the traffic; to offer supervision and control of borders; to offer assistance during natural disasters and in other emergent cases.

The Police of Kosovo offers assistance and makes necessary treatment by respecting, protecting, preventing re-victimization, as well as ensuring that all children that as a consequence of any illegal action are victims, to be treated in that way to offer the space to respect yourselves, to take into account their special needs, the highest interest and confidentiality.

In case the child is a victim of an incriminatory offence, Kosovo Police should immediately undertake some of the following measures: to notify mandated institutions for treatment of the case: Unit for Protection and Assistance of Victim; Centre for Social Work in the municipality where the child resides; Primary Investigator; To ensure complete location and to offer medical care to the child; to protect the child from the influence of other persons, especially by the person (persons), that might have negative impact on the child.

**I. HEALTH AND HEALTH SERVICES**

The right of child to enjoy as good as possible health and to benefit from healthy services in the Republic of Kosovo is addressed through the laws: Law on Health of Kosovo, Law on Incitement and Protection of Breastfeeding, Law on Reproductive Health, Law on Pregnancy Termination, Law on Rights and Responsibilities of Citizens in Health Care, Law on Narcotic Drugs, Psychotropic Substances, and Precursory, Law on Health Inspectorate.

Based on local legislation, health care aims and should be implemented led by the principles: Correct treatment of citizens based on law and full respect of human fundamental rights and freedoms, determined by international conventions; providing full access of health care at all levels and for all citizens, by ensuring for persons with disabilities an easy access of health care; fair distribution of health care resources by
being based on the economic and social situation of citizens; application of international standards in the process of organizing and developing the resources of health care at work, training and education, licensing, ethical instructions and in the protection of service users; honest and responsible use of public financial means as well as transparent exercise of competencies during application of health care; providing health care without any discrimination; prevention of financial danger for citizens during the use of health services and providing sustainable financing of health care.

In the Republic of Kosovo, the system of regulation, progress and improvement of health situation is defined with the Law on Health. The above-mentioned law, defines the care system, activity and health financing, starting from quality, equality, honesty, responsibility, comprehensiveness and non-discrimination. Ministry of Health is responsible for development and implementation of policies of health protection, in order that the health protection is accessible for all citizens without any difference.

The health care should be implemented being led by principles such as: Correct treatment of citizens and full respect of human fundamental rights and freedoms, defined by the international conventions; ensuring of health care at all levels and for citizens, by ensuring to persons with disabilities an easy physical access of health care; fair distribution of health care resources by being based on the economic and social situation of citizens; application of international standards in the process of organizing and developing the resources of health care at work, training and education, licensing, ethical instructions and in the protection of service users; honest and responsible use of public financial means as well as transparent exercise of competencies during application of health care; providing health care without any difference for all citizens, by fulfilling the standards during fulfilment of demands at all levels of health care as well as providing health care, without discrimination on the ground of gender, nation, race, colour, language, religion, politics, social situation, property status, degree of physical and mental abilities, family status and age. (Law on Health Article 12).

a. Provision of health care

Health care is applied at three levels: at primary level, secondary level and tertiary level (LH Article 3 and 7). Provision of primary health care for all citizens is in the responsibility of municipalities. In primary health care are offered these services: health education; prevention; immunization; diagnosis and initial treatment; promotion of oral care and dental care as well as dental basic care; mental health care, rehabilitation based on community, as well as providing food and qualitative water. Provision of these services is in the mandate of Family Medicine Centres, (LH Article 28). The health care of secondary level is offered in Regional Hospitals, that fulfil at the same time FMC and offer these services: diagnostic; therapeutic; rehabilitation; health education of patients (LH Article 30). Tertiary health care includes specialist services that offer in the health institutions authorized by the Ministry of Health, where the education university, research scientific work and specialist postgraduate education takes place (LH Article 31).

Free services in health public institutions are provided to special groups of population, including children and youngsters up to the age 15 years, as well as pupils and students until the end of regular education (LH Article 22). Defect of this law can be
considered, that regardless children are youngsters are not pupils or students, they should be entitled to the right to be offered free health services by health public institutions until the age of 18.

Provisions of Law on Health pay special importance to reproductive health and family planning, by guaranteeing reproductive health services, during pregnancy, maternity leave is provided for free by public institutions. These services are offered through promotion of health education in order to increase the awareness and civic culture on healthy way of life; monitoring of living conditions and their improvement; providing of conditions for healthy development of children, pregnant and maternal women.

Promotion of child health, youngsters and decrease of mortality of infants and mothers, as well as other issues, which exclusively tackle exercising of children health rights are guaranteed pursuant to the Law on Health (Article 25), and they are considered as key criteria in the daily activity of health of health system.

Whilst, Law on the Rights and Responsibilities of Citizens to Health Care, recognizes the right of everyone to be entitled to more accessible health standards; way of obtaining/providing of these rights and responsibilities; as well as guarantees equal rights to all for medical treatment without any kind of discrimination (Article 4). Law also addresses detailed issues in relation to access in qualitative health services and the rights patient to choose; human dignity; communication; removal from institution; to be well informed; access to health documents; keeping confidentiality and private aspect of all health data.

Law on Reproductive Health, protects the right of individual to be informed and to have access to appropriate educational and counselling services. A special chapter in law is dedicated to Family Planning, and in its provisions among other states that: "every individual has the right to be informed on risks, education and communication supported by evidence, free choice and to benefit from the use of means and safe methods, affordable and acceptable for family planning". Law, in 37 Articles and 11 chapters, regulates fields such as: reproductive rights; information, education, counselling from this field; safe motherhood; family planning; prevention and infertility treatment; safe termination of pregnancy; prevention and treatment of diseases sexually transmitted of HIV/AIDS too; as well as prevention, discovering, treatment of malign diseases of reproductive systems.

b. survival and development of child

Children’ s rights are related closely to each other, and almost all of them have the origin from the right to life, continuing with the right to survival and development of child, these are rights related directly to nutrition of child.

Wanting to pay appropriate importance to breastfeeding was approved the Law on Incitement and Protection of Breast-Feeding. Law in question, foresees provisions by which is protected and promoted the infants’ breastfeeding, as well as the way of support of health institutions with an aim to inform, communicate and application of promotion breastfeeding. In particular, should be supported the health employees that deal care of mother and infant.

Therefore, health institutions are obliged to inform well citizens on education and promotion of breastfeeding, while health citizens that deal with care of mother and infant are obliged to incite and protect the breastfeeding. All interested, particularly
pregnant women and mothers, should have easy access and guaranteed to information, materials, means and methods that promote breastfeeding (Article 3). Also, the law obliges that the labelling of substitutes of breastfeeding to be made in such a way as to stress out the advantages of breastfeeding and to discourage in no way the breastfeeding, (Article 6).

Wanting to protect the right of woman for breastfeeding, Law on Incitement and Protection with Breastfeeding, in the Article 12 among other stipulates “Every employee is obliged to make evaluation of riskiness of employed that breast feed, in case the evaluation concludes security risk or health of employed, then the employer should undertake all necessary measures to change working conditions and protective measures for health of employed that breastfeed. In case the employer is not able to undertake necessary measures, is obliged to change working positions to the employed that breastfeed inside the same enterprise without reflecting sensitive financial effects. In the case the change of working positions is not possible, the employer is obliged to provide paid leave to the employed, who breastfeed”.

The right of child to life is quite well addressed and guaranteed through local legislation. Law on Pregnancy Termination, the right to life and the rights of women elaborates and protects in its Chapter II, whilst in Article 3 specifically stipulates “This law guarantees the respect of life since the development of fetus”. Law on Family and the right to life addresses in the Article 125, guaranteeing that: “Every child has the undeniable right to live”. Whilst, Law on Reproductive Health (Articles 7 and 8), in order to strengthen the Right to Life, stipulates: “Every woman has the right to safe motherhood. So, all women before and during the pregnancy, during the birth delivery and in maternity leave benefit free of charge health services in health public institutions. Every woman is entitled to health protection during her pregnancy, for assistance during birth delivery and benefit application of methods and practices that minimize the risk for her health or health of fetus, the newborn and child”.

In relation to termination of pregnancy, the right to abort is regulated by “Law on Termination of Pregnancy”, which stipulates that decision on permission of pregnancy termination is made due to information and health reasons and removal of risk to life. The Law aims undertaking of all protective measures to keep away woman from the risk of morbidity and mortality as consequence of conducting illegal aborts.

By “abort” is meant the forced termination of pregnancy, whilst “effective termination of pregnancy” is meant termination pregnancy with the purpose and desire of woman, without medical reason. According to the Law on Termination of Pregnancy (Article 6-7), effective termination of pregnancy can be done until the end tenth (10) week calculating from the first day of the last period cycle. Every termination of pregnancy after this week is in contradiction with the law and should be made by professional health commission.

Further more, the law stipulates that all females over age 18 have the right to ask effective termination of pregnancy. Whilst, women have reached the adulthood of (16) years and have obtained the consent of parent and legal custodian have the right to ask termination of pregnancy. But, women who decide to have termination of pregnancy are obliged that at least three days prior to termination of pregnancy be consulted from a respective specialist, (Article 5).

Whilst, in relation to prevention and abuse with drugs, Law on Health (Article 23), stipulates that the health care and treatment should be provided through prevention and treatment of drug addiction and HIV infection among other ways. To children and
adolescents, until the age of 15, pupils and university students, as well as other categories are offered free treatment. While, Law on Social and Family Services, stipulates that people who are alcohol and drug addicted, should be defined as people in need, who regardless of their status and the place of origin, receive adequate social services, as well as counselling from specialists in CSW.

In order to increase the quality of medical services and care for citizens in medical institutions was established Health Inspectorate. This body has for its mandate the supervision of health law implementation, ethical norms, professional norms and approved standards from the Ministry of Health, from medical institutions. Also, exercises the external supervision of professional activity of health institutions regardless forms of their financing and property background. Supervision of health institution work means undertaking of all inspecting measures foreseen by Law on Health Inspectorate.

II. EDUCATION

a. Professional treatment and education administration


Law, which guarantee the right of child to education, mainly have an aim to regulate education, pre-university education and training from level 0 until 4 of ISCED including education and training of children and adults that obtain qualifications in these levels.

Based on criteria of legislation on education of children, state and community institution consider child as a human being that participates actively, progressively in compliance with his/her intellect, in organization of their course of life and environment that surrounds. As well as at the same time obliges the teachers that in their methodology of work during their teaching, put the students at centre during the classes and by all means to be respected and heard their opinion and word, regardless their skills.

Pre-university education and training aim to develop the personality, talent and mental and physical capability of student up to his/her full potential; advancement of basic and scientific knowledge building, communication skills, observance and analytical skills, creativity, independence and skills related to learning; development of respect of students towards human rights and freedoms, as well as principles determined by Card of United Nations, with respective Conventions and in Constitution of the Republic of Kosovo; development of respect of students for parents and teachers, for cultural identity, language and values of his/her community, for values of the Republic of Kosovo, for the state from which he/she can have the origin and for respecting of diversity; preparation of student for responsible life in the spirit of understanding, peace, tolerance and gender equality as well as in friendship with participants of all communities in the Republic of Kosovo, and wider; to develop at student the respect for environment.
As regards to pre-school education, the law has as an aim to guarantee institutional normative adjustment of pre-school education in pre-school institutions, through which is aimed: to encourage capability to be understood and accept yourself and the others; to encourage the capability for conversation, to be accepted the changes and participate in groups; to encourage capability to identify emotions and to be incited in expression and manifestation of emotional experiences; to encourage curiosity, researching spirit, intuition and imagination as well as to be developed independent opinion; to be encouraged bodily and psychic development; to encourage the independence of children in personal hygiene and in their health care;

Local laws, which guarantee the right to education, emphasize that the entire teaching process should adjust to skills, affinities and age of each student. They pay special importance to installment of good cooperation between students, parents, teachers, schools, establishing institutions and job positions; providing and improvement physical and mental wellbeing of all students; establishment of civic dignified values; restriction from religious teaching or other activities, which disseminate any certain religion.

All employed persons in established education institutions, or which act pursuant to this Law undertake necessary measures in order the students do not get hurt or become victims of words and insulting actions. Bodily injury and any other form of humiliating punishment are prohibited in all education institution regardless they get financed from public or private funds.

Through the Law on Final Exam and State Matura Exam is adjusted the way of organization, content, conditions, criteria and procedures of final exam and State Matura exam.

Whilst, the Law on Publishing School Textbooks, Educational Teaching Resources, Reading Materials and Pedagogical Documentation, mainly adjusts the issue on what kind of textbook and school materials is dedicated to conduct teaching process, in order to protect children from information and materials that are harmful on teaching process, in order to protect children from information and materials, which are harmful for their wellbeing. According to the law in question, concretely Article 3, school textbooks, educational teaching resources, reading materials and pedagogical documentation should fulfil these requirements: educational, scientific, pedagogical, psychological, artistic and technical in compliance with standards and objectives of plans as well as curricula. Every propaganda against Kosovo and violation of human rights, gender equality, incite of political, national and religious hatred, it is prohibited strictly to take place/be disseminated in pedagogical documentation.

Among others, Laws on Education in the Republic of Kosovo have as an aim that the Kosovan education system to be in compliance with the needs of economic and technological development, requirements of labor market and needs of individuals during transition towards market economy, by using in optimal way financial resources, human and infrastructure.

Based on the Law of Pre-university Education, the education is compulsory for all children from age 6 until 18 years old. If the absence of child in compulsory education is as a consequence of deliberate actions and parent’s negligence, then municipality proceeds the case in procedure for offence (Article 47).
System of education in Kosovo in compliance with the Law on Pre-school Education offers educational services for children from age 09 months up to 6 years in public and private institutions of pre-school education. Pre-school education is made also inside primary schools (pre-school grades), but with many difficulties due to budget constraints of municipal assemblies. Also in Kosovo is organized special education for children with disabilities both in special schools that now are considered as source centres, and in the classrooms attached within regular schools.

Starting from the principle that every child has the right to learn in his/her native language at school, Law on Pre-university Education (in the Article 9, 26 and 27), to all children is provided the right to education, which is exercised based on principles: education in the level 1, 2, 3 and 4 in public institutions be provided for free to all children. In order to exercise in the best possible dignified way the right for education, school textbooks are provided for free to children in first and second level, also the school textbooks in Serbian language and languages of communities are provided for free, for these levels.

Law on Pre-university Education, besides that regulates organizational structures of well-functioning of education institutions, in its provisions adjusts also organizational structures for representation of student’s interests, as it is increase of communication among students, promotion of democratic ideas, peaceful and non-discriminating, increase of educational spirit, moral and national, as well as Council of Students. Also foresees and adjusts the establishment and functioning of Steering Committee as well as Parents Council.

Law in question, more precisely in Article 17 foresees establishment Steering Committee in each education and training public institution. In this structure, is enabled the inclusion of parents, civil society as well as teachers in the level 2 and 3 of education in governance of school in composition of Council is included also one representative from students. This mechanism, among others is responsible to draft rules of school, decides on the use of funds, which are given to the school as a contribution of parents or donors and other incomes from public budget, as well as decide on additional activities within curricula.

Article 18 (Law on Pre-university Education) determines the way of establishment as well as the role of Council of Students. Each school that acts in the Republic of Kosovo should establish the Council of Students, a structure to which should be represented at least one student from each grade and which is elected every year through secret vote. The Council of Students is a structure that represents points of view of all students, work on improvement teaching environment, working conditions, and interests that have to do with students’ wellbeing, presentation of their problems and their points of view to governing bodies of the school through their representation to the Steering Committee.

Also, the laws which adjust education system, Law on Education in municipalities and Law on Pre-university education, in their provisions foresee rules of school that determine the rights, liabilities as well as disciplinary measures of students.

Law on Education in municipalities (Article 5), each municipality is obliged to draft and implement Employment Regulation for schools, including Code of Conduct for managerial staff, teachers, other personnel and students, as well as disciplinary measures in educational institutions. By school regulation mainly are determined the rights and obligations of students, such as: rules on behaviour and specification of procedures and measures that will be undertaken towards students that breach them.
Rules of school to be published and posted in an obvious place in every school and one copy to be given to each student when he/she is enrolled.

By legal infrastructure was sanctioned the violation in schools. Law on Pre-university Education (Article 4) prevents clearly physical punishment or any kind of form of humiliating punishment in all school institutions, being public or private ones. As well as requires to be undertaken reasonable steps to protect students from injury or any kind of insulting action.

Besides, Law on Pre-university Education the use of violation in schools is sanctioned also by other legal documents, such as: Law of Education Inspection; Ethical Code for Teachers; Code of Conduct and disciplinary measures for students of secondary schools; and Administrative Instruction “Prevention, termination and initiation of disciplinary procedure for educational personnel”.

Law on Pre-university Education, as leader law on adjustment of education system in the country, in its provisions foresees special education needs for children that have difficulties in learning (Article 39). Having been with special needs in education is considered every child who has more difficulties in learning than the majority of children of that age, or the child has a disability, which prevents or hinders him to use education resources of the type that are offered in general for children of his age. In these cases, the child in no way is considered to have difficulties in learning and in such cases the municipality is obliged to provide to the child efficient support in providing special education.

Therefore, “providing of special education for children, which means providing of education which is added or is distinct from education, which in general is made for children of his age in education and training institutions established in municipality. Providing of special education is not restricted only to children with difficulties in learning, but this is also implemented for children with special talents, which might request modification of ordinary progress model in the system of compulsory education, including the curricula”.

Also, the law in question (Article 40) determines principles of comprehensive education, stating that: “education and training institutions should accommodate all children, regardless their physical, intellectual, social and linguistic conditions or others and should promote integration and contact between children, also, respective support should be offered based on intellectual needs of students; and special education environment or special schools are justified only after expert evaluation comes out that it is not practical to be enrolled any child in the regular public school or in the training institution”.

Whilst, based on the Law in question, municipal institutions should undertake measures to support inclusion of children to municipal regular schools, including establishment of source rooms and classrooms adjusted to students with physical and sensuous disabilities. In municipalities should be established the professional evaluating team, which should be composed of education specialists, sociologists, psychologists and rehabilitation. This body has as an aim to evaluate the skills and needs of child, providing of recommendations on methods of teaching, teaching resources and on other necessary adjustments for learning and wellbeing of child as well as to define the needs for special equipments necessary for teaching.
In order that inclusiveness of children in education is higher, in legal provisions is foreseen to be as higher as possible, in legal provisions is foreseen to offer to children teaching in the language of signs and through the use of Braille alphabet. Also based on professional individual evaluations, municipality should provide free transport, safe and appropriate for children with disabilities or with difficulties in learning and who attend learning in school.

Children have the right to get educated without being discriminated and in different faiths, this right by the side of state is done through general principles of pre-university education and Law Against Discrimination.

As it can be noticed from the abovementioned data, the legal infrastructure on education in the Republic of Kosovo in its provisions in entirety has incorporated the criteria foreseen in Convention for Children’s Rights. But, based on different report on reflection of education in Kosovo, it still remains a challenge implementation in entirety of laws and education policies from education institutions. Among the most stressed difficulties in this direction are: insufficient number of pre-school education and low inclusion of children in pre-school education especially of children with special needs children from Roma, Ashkali and Egyptian community; under qualified personnel that works with pre-school children; absence of services for professional support in all education levels; insufficient number of qualified teachers; insufficient number of school premises that provide sufficient space to conduct qualitative teaching, especially in cities; insufficient budget for improvement of full access of children in education system and application of legal provisions in entirety.

III. LEISURE TIME AND CULTURAL ACTIVITIES

In the Republic of Kosovo there is a very good legal ground, which respects and recognizes the rights of children, such as: for participation of youngsters in decision-making process, full participation to cultural and artistic life; encouraging and providing appropriate and equal opportunities for leisure and cultural, artistic, entertaining and relaxing activities. Laws, also address responsibilities of youngsters, such as respect of principles of peace, equality, justice and understanding between people. All these rights and obligations are addressed and are provided through applicable laws such as: Law on Empowerment and Participation of Youth, Law on Public Gatherings, Law Cinematography, Law on Sports, Law on Libraries, Law on Theatres, Law on Publishing Activity, Law on Personal Name, Law on Independent Media Commission and Broadcasting, Law on Spatial Planning.

a. participation of child

Through the Law on Empowerment and Participation of Youth is strengthened youth sector by supporting and facilitating the access of youngsters to decision-making processes, as well as adjusts responsibilities of youngsters, governing central and local institutions towards the youth.

The primary aim of Law on Empowerment and Participation of Youth, is the advancement and continuous reaffirmation of participation of the youth in the process of decision-making, especially when it has to do with them. By alluding on
improvement of quality of life of youngsters, of their social status, and providing of space in order that the youngsters can express freely their points of view on any issue, (Article1).

In order that the youngsters participate in decision – making, in drafting of programs such as their voice is heard, it is foreseen the establishment of mechanisms at national level, such as Council of National Actions of Youth, as well as lower levels. The Council of Youth Actions, is assigned with the mandate to address the needs of the youth, and at the same time is a counselling formation on youth issues and represents interests of youth organizations to central and local state institutions as well as national youth mechanisms.

The Law foresees the right of self-organization and voluntarily work, and states that “the youngsters participate in all forms of social organization, including the right to vote and election in different bodies of youth representation. In exercising this right there will not by any interference, besides the cases when such a thing is foreseen by law”, (Article 4).

Also, the law based on its provisions encourage the youngsters to get self-organized in organizations or other formal and informal organizations in compliance with Constitution of the Republic of Kosovo.

The Law besides that it determines the rights of youngsters for self-organization, voluntarily works and responsibilities of youngsters, also determines the responsibilities of central and local state bodies. Central state bodies, in compliance with National Council of Youth Action, besides others are responsible for development, approval, application of documents and youth programs; development and increase of capacities in the youth sector; providing of information and regular counselling with the youth in relation with policies and youth programs in order to provide criteria/standards and procedures, which guarantee participation and providing of space to express freely their points of view.

The right to public gatherings, of freedom of expression in public gatherings, protests, public manifestation, time and way of notification, duties and responsibilities of organisers, is adjusted by Law on Public Gatherings. Among others, the law foresees also the restraints that can take place during exercise of these rights, such as: prohibition of public gatherings take place when they risk order, freedom, human rights, peace, public safety, moral and public health. While the right to participation and speech in public gatherings is prohibited when public gatherings serve to incite violation, interethnic and religious hate etc (Article 4). Pursuant to the Article 7, gatherings cannot be organized in the vicinity of kindergartens for children and primary schools during classes.

By freedom of association is meant the right of everyone to establish organization without having a need to provide permission, to be or not to be member of an organization, to participate actively in an organization to establish trade unions. By decision of the court can be punished organizations and gatherings only when their aim is to violate constitutional order, violation of freedom and human rights, inciting of racial hate, national, ethnic, religious are punished by court decision of competent court.
b. Leisure time, recreation and cultural activities

By the Law on Sport are determined the conditions and criteria for administration and registration of sport organization, as well as obliges competent institutions to draft programs on development of sport and physical education. Also, based on its general provisions, adjusts organization, conditions and principles of sport physical activities. State institutions are in charge to draft programs with an aim to develop of the sport of youth special groups, including those that are outside of school, illiterates, unemployed, returned refugees, drug users, children from families with one parent or separated parents, development of programs to identify and address the needs of young women. MYCS is responsible for coordination and cooperation with other organizations in order to promote policies, such as requalification and professional services, sport and recreation, programs of regional international exchange, health and education, rights of minors and promotion of youngsters and their rights. Programs for development of physical education and sport, should determine needs of physical education and sports of persons with disabilities in special way (Article 19). In order to increase participation of children with disabilities in sport activities, the law concretely stipulates that children with disabilities can establish their federations in certain sport branches (Article 32).

With an aim to establish a modern system of library that would enable users free and advanced access in gaining the knowledge and new information, as well as providing opportunities for all to gain knowledge, was drafted the Law on Libraries. Library is appreciated and is a cultural institution, educational and informing, which gathers, enriches, processes, maintains and saves its collections from different fields of creativity and intellectual activity, of experience and human opinion in order to make known and put into disposal of users to read them, research and study as well as to leave as heritage to next generations. The library serves to disseminate knowledge, culture, education, science and provides to users opportunity for education, information and personal development, cultural, professional, creative, communicative and civic. The Library enable the citizens the exercise of the right in free access to library, the right to request and obtain information and knowledge from library collections and other resources in any form, as well as incite the interest and habit of citizens to have a lifelong learning for continuous development of knowledge and spiritual knowledge. General provisions of the law incite active participation of children in socio-cultural life; incite the freedom of expression, by brainstorming information and ideas.

Law on Publishing Activity and Book, among others, aims to determine basic principles and norms for development of publishing activity as well as literary, artistic, scientific, professional and cultural creativity in Kosovo. Pursuant to the Law, MYCS is responsible to help purchasing of book for enrichment of funds of public libraries, in compliance with library needs; while MEST helps purchasing of the book for enrichment of funds of school libraries, in compliance with the needs of libraries. Law in question, among others incites the support of publishing of reading materials for children, reading material for deficiency genre and those addressed to people with disability, (Article 8.11).

With the purpose to increase the participation of children in cultural activities, Law on Theatre obliges National Theatre of Kosovo to have artistic ensemble and residential, composed of qualitative artists of all generations, including the children as well. Also,
it stipulates that theatre activity in Kosovo have the right to exercise all natural and legal persons, without any distinction.

Basic norms to exercise the performance of distribution and showing of movies as basic activity and additional activity, which are necessary for the progress of cinematography, including production, are determined by Law on Cinematography. Law in Article 10, envisages some limits on broadcasting of TV shows-movies, which divides in several categories: in Category “A” are included movies allowed to be broadcasted for all ages without restriction in the aspect of time of public projecting; Category “B” when the movie is allowed for all residents over age 14; Category “C” when the movie is allowed for all residents over age 18. Movies that contain obvious violation, horror, mistreatment of children scenes, and scenes of domestic violence, are allowed to be transmitted only after 10:00 pm. While movies that incite or support pornography, prostitution, use of drugs, ethnical, racial and religious hatred, terrorism and other criminal activities, are not allowed to be transmitted. Law on Cinematography (Article 12.2), stipulates that: “cinemas should be built and adjusted in compliance with respective standards as well as provide access for people with disabilities”.

Access of children to appropriate information is promoted pursuant to the Law on Independent Media Commission and Broadcasting. Policy of broadcasting should be in compliance with internationally recognized standards of broadcasting and human rights, by respecting fully the democracy and rule of law as well as protection of freedom of expression. Among others, “Policy of broadcasting should promote the local production, promote different qualitative services by including geographic coverage in the best possible way to serve all communities in Kosovo, to incite qualitative educational shows, to promote financial sustainability and technical quality of broadcasting in Kosovo, to promote use of new technology, as well as to react towards the right of public to know and inform through promotion of accurate and informative shows. Also, it should be promoted the broadcast of education local shows especially for youngsters. The shows will reflect requests for citizens and community equality, (Article 3).”

c. freedom of religion

Having into account the fact that the freedom to religion is one of fundamental human rights and one of principles and standards internationally recognized on freedom of expression, consciousness and religious determination, the Republic of Kosovo in order to provide these rights has passed the Law on Freedom of Religion. Pursuant to the Law in question (Article 1) every person is entitled to freedom of opinion, consciousness and religious faith. This right includes the right to have or not to have religion, to keep or to change religion or faith, freedom to manifest religion or faith, being as individual or in community with the others, publicly or privately, through adoration, preaching, practicum and ceremonies.

Exercise of religion is a private issue, this right includes freedom to keep it, change it, having or not having religion, freedom to manifest religion, being as individual or in community, through adoration, preaching, practicum and ceremonies, based on the Law. The Law grants to parents to choose Religious Education for their children, Article 9.4 and 9.5 stipulate: “Every person is entitled to choose or not to choose religious education according to personal conviction and faith. Parents and other legal custodians are urged to determine religious and ethical instructions for their children.
according to their conviction and faith. But, religious education and education of minors should not damage the development or their physical and mental health”.

Restriction of manifestation of religion in education is envisaged in the Law on Pre-university Education in the Article 3, which stipulate that “Education Public Institutions shall refrain from religious education or other activities, which propagandize any certain religion”. Whilst, pursuant to the Law on Freedom of Religion is restricted manifestation of religion when it gets abused by inciting the religion, harassment, provocation of intolerance and national, religious and racial hatred, which threaten the right to live, to physical and mental health, the rights of child and the right to respect private and family integrity, is risked public safety, premises and religious officials, all these actions are punishable by Provisional Criminal Code of Kosovo.

d. identity, nationality and rights of foreigners

By citizenship is meant the close legal relation between state of Republic of Kosovo and one person, from which result mutual rights and obligations. By the Law on Kosovo Citizenship adjusts and determines all issues that are interrelated with citizenship, such as: Multiple Citizenship; Protection of Citizenship; Way of Obtaining Citizenship; Obtaining of citizenship at birth based on the origin; Obtaining the citizenship by birth in the territory of Kosovo; Obtaining of citizenship by adoption; Obtaining of citizenship by naturalization; Loss of citizenship.

Citizenship of the Republic of Kosovo, pursuant to the Law is based in several ways, such as: by birth, by adoption, by naturalism (means obtaining of citizenship of the Republic of Kosovo based on the request of foreign person), based on international agreements. The citizenship is obtained by birth based on the origin and by giving birth to a child in the territory of the Republic of Kosovo. One child obtains citizenship of the Republic of Kosovo by birth if at the time of childbirth both parents are citizens of the Republic of Kosovo. But, even in the case when parents of child are unknown and the child is identified within territory of Kosovo, the child is recognized the right to obtain the citizenship of the Republic of Kosovo. The child born inside the territory of the Republic of Kosovo, whose parents have another citizenship, but who have valid residence permit in the Republic of Kosovo, can obtain citizenship of the Republic of Kosovo with the consent of two parents.

But, the child obtains citizenship by birth and in these cases: the child is born in the territory of the Republic of Kosovo; the child is born outside territory of the Republic of Kosovo and the other parent is with unknown citizenship or without citizenship; the child obtains the citizenship of the Republic of Kosovo even in the case when only one parent has citizenship of the Republic of Kosovo; the child is born outside the territory of the Republic of Kosovo and the other parent has another citizenship, but both parents agree in written for the child to obtain citizenship of the Republic of Kosovo, this provision should be exercised prior to the age fourteen of the child, (Article 6). The child can obtain the citizenship by adoption in case the adoptive parents are citizens of the Republic of Kosovo, and then the child is entitled to the rights of natural child (Article 8).

Local legislation recognizes the right of child to possess citizenship of both parents. And, among others stipulates that, the citizen of the Republic of Kosovo can be citizen of one or more other countries, obtaining and keeping of the other citizenship does not result with the loss of the citizenship of the Republic of Kosovo.
Law on citizenship, in its provisions foresees the right of all children, who are born in the Republic of Kosovo to be registered in the books of civil state regardless permanent residence of their parents.

Civil registers books are official books where the records on personal state are kept in relation to facts of all: births, marriages and deaths and the other data that derive from them. The civil register book of born people is the book where the records on facts of all born people are kept in the territory of origin or the municipality where the birth has taken place.

According to Law on civil register books, the fact of birth is registered in the territory of origin respectively in the Municipal Office of Civil Status in the municipality where the birth took place.

In the registration of fact of birth as basic records are inserted: name and last name of child; gender of child; day, month, time and place of birth; personal number; name and last name of parents; date of birth of parents and place of birth; residence and address of parents; citizenship (Article 16).

Health Institutions have as legal obligations to inform offices for registration in relation to childbirth in the period of 15 days from the day when the birth took place; and the fact of birth is registered in the civil register book 30 days from the day of birth (Article 16).

In case the birth takes place outside health institution, the law in question (Article 16) obliges the parent, person in whose house has taken place the birth, doctor, nurse or other person if they were present during the birth, in order that within 30 days of birth is presented the birth. In cases when birth is not presented within the period of 30 days, then registration is made by ruling of competent body on subsequent registration. But, the fact of birth is obliged to be presented by the person that has found the child and the Official of Civil Status, in such cases are recorded all data on the case of finding the child and the data of person that has found the child.

The right of child to the name and identity is adjusted by the Law on Personal Name. In general provisions of the law it is stated that the Personal Name guarantees to the citizen the identity, preserving the personality and dignity. The right to naming the personal name can be limited, if this is necessary to save the moral, the rights and freedoms of other people or the person himself. Initially, personal name of child is determined by agreement between two parents, the name is given by parents or person who is entrusted the care over the child with the consent of competent centre for social work; in the case of finding the child then the name and last name of child is given by the competent body of custody. Last name of child is given based on the last name of one or two parents; parents cannot give different surname to joint children (Law on Family, Article 130).

To the citizens of the minor age can be changed the personal name by request of legal representative. If the change of personal name is required by the custodian then the competent centre for social work should give its consent when during this procedure should be respected at most the interest of child. Change of personal name of the minor person of over 10 years old, can be done only by his consent, besides in cases when the child has psychical disabilities, (Article 19).

Procedures and setting of criteria on recognition and termination of the status of asylum-seekers; the help that it is offered to them by the side of state, as well as rights and obligations of asylum-seekers are envisaged by the Law on Asylum. The
Law foresees also the cases of refugees, to whom is allowed Additional Protection and Temporary Protection.

The Law recognizes the rights and obligations of asylum-seekers. The asylum-seekers have the right to live in the Republic of Kosovo waiting for completion of procedures for asylum determination; to have basic living conditions; primary health care; basic social assistance; free legal assistance; humanitarian aid; the right to education and the right to employment (Article 36). But, the asylum-seeker is obliged that during all the time act in compliance with the laws and measures undertaken by state bodies of the Republic of Kosovo.

Application for asylum submitted by an unaccompanied minor has priority in relation to other requests and should be solved at the shortest possible period. Whilst, the Government in cooperation with International Committee of Red Cross will make reasonable efforts to find parents or the other close relatives of minor. For the sake of re-union and protection of family integrity, asylum and additional protection allowed to indisputable members of the close family of asylum-seeker.

Law on Asylum obliges competent body that every time should have into consideration the age of minor as well as his/her mental skills before they evaluate and decide on the case. Whilst, the child who is not companied from his/her parents or legal custodian and who seeks for asylum in the Republic of Kosovo, firstly is assigned the legal custodian, then the child, before the Competent Body or any other body that reviews the application for asylum, should be able to present his/her point of views known to the possible extent (Article 20).

Ministry of Internal Affairs is in charge to build and manage the appropriate premises, which can be used by asylum-seekers for accommodation. The minors, women and asylum-seekers with special needs will be provided assistance and support depending on their needs (Article 38). This Law, among others states: asylum-seeker who has no assets and incomes is entitled to social assistance; basic shelter is provided to asylum-seeker to whom was allowed the Additional Protection; asylum-seekers are entitled to health care at the same level as Kosovo citizens; to the asylum seeker is provided equal treatment with Kosovo citizens in relation to the right for primary, secondary and high education.

Whilst, the Law on Foreigners adjusts the entrance, exit as well as movement and stay of foreigners in the Republic of Kosovo. The status of refugee in the Republic of Kosovo can obtain every person, who due to the fear from prosecution, race, religion, nationality, group social background, political conviction, is outside of the country and cannot be entitled to protection of that country; children who do not know to seek for asylum or are victims of trafficking; among others to provided safe accommodation based on international standards. With the entrance to Kosovo territory, protection of individual rights guaranteed by international standards of Human Rights and Convention of the year 1951 in relation to Refugee Status will comprise the minimum of protection standards, which are allowed to asylum-seeker (Article 8).
IV. INSTITUTIONAL MECHANISMS FOR CHILDREN RIGHTS

There is a high number of Governmental Institutions and Governmental Bodies that have mandate to undertake the appropriate actions towards drafting and implementation of state policies as well as more qualitative services towards execution of the Rights of Children in the Republic of Kosovo. Among the most mandated institutions that work in this direction are: Office of Prime Minister, Ministry of Labour and Social Welfare, Ministry of Justice, Ministry of Health, Ministry of Education, Science and Technology, Ministry of Internal Affairs, Ministry of Culture, Youth and Sport; Ministry of Administration and Local Governance.

1. Office of Prime Minister
One of the responsibilities of the Office of Prime Minister, in relation to respect and protection of children rights, is to coordinate the work in all ministries, to coordinate the relationships between Government and the Assembly as well as other constitutional bodies.

a. Office for Good Governance
Competences of the Office for good Governance are: Supervision and counselling of Ministers in the fields of good governance, in human rights, in equal opportunities as well as in gender issues; to create policy of action and issues directives in the sphere of good governance, in the sphere of human rights, in equal opportunities and in gender issues; Reviews draft-regulations prepared by branch of executive in compliance with standards of applicable human rights and practices of good governance in cooperation with the Office of Services for Legal Assistance and counsels and gives recommendations to Prime Minister and respective Ministries in compliance with circumstances; Reviews the policy of action of the executive Branch, procedures and practices of action in compliance with standards of applicable human rights, with practices of good Governance and equal opportunities as well as counsels and gives recommendations to Prime Minister and respective ministries in compliance with circumstances; helps in development and applications of public information campaigns and other promotion projects to increase the awareness of population on international standards and human rights, transparency of governance, gender equality, equal opportunities and other basic principles of democratic governance; Consults with representatives of community and based on the need establishes advisory bodies for review of good governance, for human rights, for equal opportunities and for gender issues. Helps development of policies and of gender equality and works on advancement woman’s status in cooperation with civil society; Monitors activities against fraud and corruption in executive Branch and increases awareness against fraud; Supports democratic decision-making and wide consulting inside the Government; Encourages participation of citizens in governance; Issues statements and recommendations to Prime Minister and other respective ministries and reviews, as necessary, files and documents of the Government, which are in the scope of functions and responsibilities of the Office, following the award of authorization from the Prime Minister.
Office for Good Governance in PMO, is institutional body that has mandate initiation, management and coordination as well as drafting of Strategies National Action Plans in the field of human rights. Also OGG manages and coordinates the process of implementation, monitoring and evaluation of strategic documents for human rights, at central and local level, approved by Government of the Republic of Kosovo.

OGG/PMO achieves to fulfil its mandate through officials such as: Senior Officer for Children Rights, Senior Officer for Human Rights, Senior Officer for Equal Opportunities and Minorities, Senior Officer for Equal Opportunities and Disabilities as well as Senior Officer for Good Governance.

Whilst, in the ministries of line and municipalities of the Republic of Kosovo, OGG exercises its mandate through Units for Human Rights at central level and Units for Human Rights at central level as well as Units for Human Rights at Municipal Level. Units, which are established and act in compliance with their mandate in all ministries of line, excluding Ministry of Foreign Affairs and Ministry of Diaspora, and in all municipalities, excluding Zveçan, Leposaviç, Zubin Potok, North of Mitrovica.

b. Units for Human Rights at Central and Local Level

The key role of UHR in each ministry and municipalities is to promote, advance and protect human rights in general, including also the rights of children in particular, as well as to be monitored implementation of legislation and other strategic documents approved by the Government and the Assembly of the Republic of Kosovo. Among others, UHRs have these responsibilities: to undertake all necessary measures in relation with protection and promotion of human rights; monitors compliance with respecting of standards for human rights in these fields: equal opportunities, anti-discrimination, gender equality, children rights, persons with disabilities, rights of communities, use of languages and anti-trafficking with human rights; advices on drafting and monitoring of application of policies, regulations and instructions issued by the Government, Assembly of the Republic of Kosovo and Municipal Assembly, in compliance with international standards for human rights and local legislation; monitors activities and at the same time offers recommendations and advices for institution that represents in relation to issues of human rights; drafts and develops action plans, identifies needs on increasing of capacities as well as plans the budget for implementation of activities of UHR; implements laws, plans and strategies approved by the Government and the Assembly of Kosovo; cooperates and coordinates activities with civil society, in the field of protection and promotion of human rights; cooperates with Ombudsperson Institution in Kosovo and supervises implementation of recommendations in the institution that represents; contribute in relationship and referring bodies of treaties in relation to international provisions for human rights that are applicable in Kosovo.

2. Ministry of labour and Social Welfare

Ministry of Labour and Social Welfare within the Government of the Republic of Kosovo has for a mandate, which is related with the respect and protection of children rights, establishes labour policies of social welfare as well as drafts and implements legislation having into account international applicable standards of labour; monitors the course of employment and social welfare as well as presents adequate passive
measures to fulfil the needs of social assistance for citizens in need; Supports policy action and practices of labour and social welfare for protection of children and minors; Establishes standards for security and protection at work of employees and supervises then their application; Manages and supervises public administrative institutions of employment as well as social care institutions, of persons in need and cooperates with municipalities and institutions involved in application of employment and social welfare policies; Convokes meetings of Social Economic Council (SEC), as higher advisory body of social partners for employment policies, of social welfare, and other economic policies, aiming prevention and resolution of social conflicts as well as represents Kosovo Government in this body; provides financial assistances from allocated funds for families and individuals in need; Manages the use and development of infrastructure, which is related to the work and social welfare in the responsibility of this ministry; provides financial and social support, urgent and permanent, through institutions or services raised for this purpose for citizens in need;

In order to exercise accurately its mandate and competences, which incorporate in itself complete exercise of children rights, within the MLSW act these mechanisms:

**a. Department of Social Welfare**

One of institutional Departments that play very important role in protection of children’s rights within Governmental institutions is the Department for Social Welfare. Department of Social Welfare, is composed of these divisions: Division of Budget Analysis and Poverty Evaluation; Division of Social Welfare; Division of Social Assistances; Division of Institutional Care. Whilst, monitors the accomplished work of these institutions: Centres for Social Work - CSW (35 CSW and 10 sub-office ) in municipalities; House of Elderly and without family care; Special Institute in Shtime;

One of primary purposes of DSW is softening of poverty, provision of different social services and institutional care for persons with disabilities and elderly, for all Kosovo citizens regardless their ethnic and religious background.

One of the aims of Department of Social Welfare is the development of new legislation and in compliance with international criteria; establishment of appropriate standards for services and social protection; wide and financially sustainable of groups in need.

Mission of DSW, among others is, exercising and development of social policies and protection of different categories of citizens in need. Aiming the development of social services in compliance with requests of different groups (abandoned children, trafficking of victims, victims of domestic violence, victims of children abuse, cases of sick people, women, elderly, disabled people, returnees, etc); modification of criteria for social assistance beneficiaries, in order that social assistance reaches the poor; development of social infrastructure and temporary sheltering for different damaged groups in urgent situations and network of houses on community basis for protection of children; provision of equal opportunities and without discrimination for all inhabitants of Kosovo, in social services, different payments through Centres for Social Works in municipalities.
b. Centres for Social Work
Each municipality in the Republic of Kosovo should have established Centre for Social Work, which should be completed with personnel composed of adequate professionals, including social service workers. CSW are obligated to make professional evaluations for each individual or family that live in its territory and that requests assistance from it or in another way is learnt or seen that there is a need for social and family services. It should be taken into account all relevant circumstances, including support of family, so if the person has a family and adequate resources in disposal, in order to provide services that it considers appropriate based on professional evaluation, where it is emphasized the one individual or one family has a need for social and family services. Also, CSWs are mandated to provide social and family services in the name of MLSW.

c. Institute for Social Policies
Institute is in charge for promotion and development of skills and professional standards in the field of social and family services. Based on this, it makes researches in the field of social and family services urges increase of professional capacities through training, providing of advices from experts for professionals and publication of respective manuals, reports on results of researches and promoting materials. Within ISP functions Unit for Prevention and Elimination of Child Labour, and which at the same time is contact point for all activities that address child labour within MLSW, at central and local level.

d. Department of Martyrs’ Families, War Invalids and Civil Victims Families (DFDIL)
The overall scope of DFDIL, among others is establishment and development of active policies for a better wellbeing towards martyrs’ families, including children, and other persons that have contributed in the recent war. In order that all martyrs’ families benefit and other persons that have contributed and who got victimized in the last war, from state services on increase of DFDIL wellbeing, coordinates actions also at local level.

e. Executive bodies of Labour Inspectorate
Labor Inspectors control in unified way all working positions that have to do with employment relationship, working conditions, protection at work and saving of workers’ health in general, determined based on legal provisions, which are applicable in the Republic of Kosovo, and which get applied in the field of work, employment, security at work, protection of workers’ health and work environment.

3. Ministry of Justice
Ministry of Justice, among others has a mandate, which corresponds to protection of children’s rights: develops the policy within its scope of responsibility, enables preparation and implementation of legislation in the field of justice; exercises executive supervision on the entire correctional service and probation service, in
Protect children on the move

relation to implementation of justice for minors; exercises responsibilities on issues that have to do with forensics; provides assistance for crime victims, particularly for victims of domestic violence and trafficking of human beings. One of the purposes of Ministry of Justice is providing an efficient prosecutorial and judicial system, efficient, independent, unbiased, in front of which all citizens will be safe and equal, as well as the most professional training in compliance with international standards of detained, convicted, violation of victims, trafficking victims as well as protected witnesses.

In order to facilitate and enable exercising of mandate, which corresponds with children’s rights in MJ act these departments

a. Correctional Service of Kosovo

Kosovo Correctional Service in compliance with applicable laws in the Republic of Kosovo, aims to correct and re-socialize the prisoners by respecting their fundamental rights for all without any distinction, as well as providing of a safe environment for all, including the prisoners and society. CSK is in charge of administration of imprisoned minors, detained, convicted, in compliance with local legislation and European Conventions. To contribute on reduction of the level of recidivism by providing programs for rehabilitation and successful reintegration of prisoners. Establishment of conditions for compulsory primary education, as well as providing of adequate programs for vocational training. Under the responsibility of CSK is management of institutions of different levels of security, including the Correctional Centre of Lipjan and Detention Centres.

b. Probation Service of Kosovo

Probation Service of Kosovo, respectively the Service for Execution of Alternative Punishments and social reintegration of convicted people, is in charge of execution of punishments and alternative measures, supervision, re-socialization, reintegration, and rehabilitation of all persons that have committed criminal offences punishable according to the applicable laws in the Republic of Kosovo. Within PSK act two divisions: Division for release on parole and Division for Execution of Measures and Alternative Punishments.

Except fulfilment of legal obligations as well as scope of MJ by offering justice for children and their protection, it mainly has mandate: Preparation of social survey as well as pre-punishable reports for perpetrators of criminal offences; Execution of measures and alternative punishment for minors; Drafting of plans and individual programs of supervision for re-socialization and reintegration in the society of minor persons; Supervision and assistance of minors punished by diversity measures, educational and alternative punishments; convicted during alternative punishment; and perpetrators addicted in drugs or alcohol, who are subject to compulsory rehabilitating treatment, which is conducted in freedom. In this way is aimed the easier re-socialization and reintegration in society, of the minors who are in contradiction with the law.
4. Ministry of Health

Ministry of Health of the Government of the Republic of Kosovo, besides the implementation of local legislation in the sphere of health in the context with implementation of children’s rights, has for its mandate drafting and implementation of non-discriminating and corresponding policies of health care. Also, this institution by respecting important international standards, decides on the norms and criteria in the sector of health; supervises implementation of these standards, by including also the inspection and other services as necessary; follows the health situation and implements adequate measures to prevent and control problems in the field of health; supports participation, initiatives and development of community activities related to health; participates in the development and implementation of the field for public information and promotional projects to increase public awareness and compliance with health standards; encourages development of health education to increase the knowledge and competences in the field of health.

Types of health public institutions are organized in primary, secondary and tertiary level institutions of health care. Institutions of primary level of health care are: Main centre of family medicine; Centre of family medicine; Health ambulance; Centre of emergent medicine, in municipalities with more than 150.000 inhabitants; pharmacy; Centre of Rehabilitation. Institutions of secondary level are of health care are: Hospital; Therapeutic- diagnostic Centre; Centre of oral health and dental care; Centre of mental health; House for integration in community; Special Rehabilitation Centre. Whilst, in institutions of tertiary of health care are included specialist services that are provided in health institutions authorized by Ministry of Health, where it is conducted university learning process, research work and post-graduation specialist education.

a. National Institute of Public Health

Is Health Institution that prepares and implements strategy of public health (Sanitary – hygiene measures, prophylactic-anti-epidemic measures, social-medical measures, promotion of health, health education, water quality check, air quality check, food quality check, EIP (enlarged immunisation program), health policy and health economy as well as health information) in the entire territory of Kosovo. Institute is education basis of Faculty of Medicine, which at the same time conducts research work and organizes professional perfection of health employees. Within NIPH work these departments, such as: Epidemiology, Human Ecology, Social Medicine Microbiology, System of Health Information and Kosovan Schools of Public Health. National Institute of Public Health, at the same time the highest health, professional and scientific institution of Kosovo.

b. Department of Health Services

Coordinates activities in the sector of health to promote coherent development of health policy, as well as drafting and monitoring them in compliance with international norms and standards. DHS monitors health situation of population and undertakes measures to advance health of population by supporting development of infrastructure for Health Institutions, which are under supervision of MH;
c. Office for Health of Mother and Child with Reproductive Health

This office is an organizational unit within Department of Health Services that has for a mandate, among others, the improvement of concerns in relation to the health of mother and child, their high level of disease and mortality, development of qualitative health services for mother and child. Also works in drafting, implementation and monitoring of policies and activities, which in direct way impact on improvement of indicators of health state of mother and child with reproductive health with the purpose of starting healthy life of Kosovan citizens.

5. Ministry of Education, Science and Technology

MEST works and supports the development of a non-discriminatory education system, where it is respected the right of each person for education and has opportunities for qualitative learning, and these are in disposal of all, including children. Besides drafting and implementation of legislation and education policies and in order to create an environment for full implementation of children’s rights, has these competences as well: drafting, implementation and supervision of the right and efficient forms of school management; improves quality, relation with efficiency of education in all levels; helps development of and qualitative improvement of education system as well as distribution of education services; supports research in relation to social, economic, scientific, technological and cultural development of Kosovo; offers informal education; builds a comprehensive library system, which will include special libraries and the schools ones; supports a comprehensive policy for integration of children with disabilities in education system; supports participation of parents and municipalities in education activities and in respective forms of co-participation school – community at local level.

a. Department of Pre-University Education Administration

Department of Pre-university Education Administration, has mainly as mandate the management of pre-university education policies, by: Following exercising of education reforms by proposing new approaches for its implementation; Drafts school network for all levels of pre-university education; Prepares establishment of education institutions in compliance with applicable laws and school network; Identifies the legal infrastructure needs for education institutions; Decides on school documentation based on the law and education curricula; Reviews and determines the equivalent and validation of documentation taken from abroad; Sets calendar for school year; Follows execution of equal rights, for education, for all communities for qualitative learning in native language; creates conditions for education of students of general education, vocational and education of students with special needs; Makes promotion of health in schools. DPAEA achieves to exercise its mandate through its divisions, and which are: of general education, vocational education and communities.

b. Division of general education

Deals with pedagogic aspects of general education as of pre-school education up to high school (particularly with grammar schools- gymnasium), then with special
education for children with special needs, with promotional schools of health, with issues of general administration, etc.

Pre-school education; sector for primary education; sector for middle low education, Sector for high – middle education; Sector for education with special needs.

Sector of pre-school education has for its mandate finishing the pre-school education with respective documentation, such as: Law on pre-school education, pre-school curricula, General standards of education, Standards of learning and development of early childhood 0-6 years etc. As well as aims the increase of children’s inclusion to pre-school education and increase of quality of education activity in this level.

Primary education sector (1-5), has for its mandate the increase of education at the first level of education (grade 1-5), as well as new practices, the best one, for teaching and for work in schools. Activity of this sector is focused on change of concept for education in Kosovo, by trying to be in line with new developments created in the country, in compliance with European standards.

Sector of low middle education (6-9), aims to include in compulsory education all Kosovan children. They have for its mandate to assure the school offer qualitative teaching, to be safer and more functional.

Sector of high middle education, has as purpose to improve the level of quality of secondary schools, which will then be accompanied with textbooks and professional material, as well as other didactic means according to standards. To assure that all schools have access to electronic network as well as close relation with country economic development.

Sector of special education is to impact on improvement of education of children with special needs in the Republic of Kosovo. For this Ministry follows the comprehensive policy and is focused towards adjustment of school for the needs of all, in order to provide necessary conditions to develop quality in teaching and learning, in an environment, which needs to be changed more and more in order to make adjustments based on individual needs.

c. Division of vocational education

Vocational education is part of vocational education and training, which enables to the students who have finished compulsory education, involvement to a democratic society as active and competent citizens, as well as to get engaged successfully in the labour market always changing. Division of vocational education represents administrative and professional component of high middle education or level 3. The main work of the sector is to manage with all administrative works such as: planning and preparation of proposal regulations for functioning of vocational schools, in compliance with the law of middle education, Law on vocational education and training, identification of needs, gathering of data for schools and proposal of different measures for advancement of professional education.
d. Division for communities

This division deals with education issues of all communities, which live in Kosovo, including: Roma, Ashkali, Egyptians, Gorani, Bosniacs, Turks, Serbs. The purpose of the sector is to be provided qualitative education in all levels in native languages of communities. Education of communities aims comprehensiveness and integration of students in all education levels.

e. Unit of coordination parents – teachers

This unit aims building of a school-family partnership, including parents to the school issues.

Unit of Cooperation Parents – Teachers is integral part of sector Coordination with Municipalities, aims establishment of the School Council of Parents, in every school in order to provide opportunity that in the best democratic way are represented the interests of students, parents and teachers, to work together to improve quality in education. Council of Parents has for its mandate the establishment of the most friendly schools for children and more attractive for learning. The function of PTC is to represent interests of parents, to convey in MEST the opinions of parents for every aspect of primary and secondary school of Kosovo as well as main channel of communication between MEST and parents.

6. Ministry of Internal Affairs

MIA is an institution that has for mandate, coordinates activities within the Government of the Republic of Kosovo by aiming the provision of public safety for all citizens, MIA has these competences: controls and supervises state borders, in compliance with applicable legislation; drafts and supervises the implementation of policy and legislation in the filed of weapons and explosive devices for civil use, as well as services of private safety; administers and maintains civil central registry and database, issuing of all personal documents of civil status, civil registration; exercising of asylum-seekers rights; works to prevent, react, manage and improves consequences of emergency cases; through Kosovo Police Inspectorate, supervises the work of the police officers. Ministry of Internal Affairs, which through the Sector Against Trafficking with Human Beings, works on prevention of crimes of trafficking, protection of victims of trafficking and prosecution of crime perpetrators and filing of facts in Prosecution’s Office.

a. Department for Public Safety

Department for Public Safety mainly has for mandate to exercise all necessary actions to provide public order and internal safety. It exercises its mandate by monitoring situation in strategic aspect, providing of recommendations to respective institutions, conducting of regular researches on threats towards public security and evaluates public opinion over reliability towards safety threats. Department for Public Safety exercises this mandate through these Divisions: Weapons and Explosive devices; Safety of Civil Aviation; Private Companies of Security and Safety in Community.
b. Department for Citizenship, Asylum and Migration

In relation to provision of protection of children's rights DCAM mainly has these responsibilities: gathers all data, being statistical, information or course of information for Citizenship, Asylum and Migration. Also reviews and decides for applications for asylum; supervises and manages the sheltering of asylum-seekers; as well as drafts policies, strategies, plans of action and provides close coordination with institutions and other respective organizations.

For exercising its mandate, within DCAM act these divisions: for Citizenship, Asylum, Foreigners, Visas and Residence Permit, Re-admission, Planning, Strategy and Statistics, Centers for Asylum-seekers and Center of Receipt of Foreigners.

c. Agency for Civil Registration

Agency for Civil Registration, besides that it acts in compliance with applicable legislation and policies within MIA, aims at providing as more qualitative and professional services as possible for citizens in the field of civil status. Agency for Civil Registration (ACR), which will act in compliance with MIA mission, its strategic documents and clear vision for building, saving, increase of overall security and providing as more qualitative professional and advanced services as possible based on standards and democratic values for impartiality and professionalism. In relation with the rights of children has for the mandate providing of all services for citizens and residents, who apply for identity cards, passports, citizenship, documents of civil status. Within ACR acts also the department for registration and civil status as well as department for production of documents.

7. Ministry of Culture, Youth and Sports

Ministry of Culture, Youth and Sports under its competence has protection, saving and promotion of cultural heritage. Also supports the sector of youth, youth policy, organizations, clubs, centers and organization of representation, by including development of programs for review of the needs of youngsters and their support, as well as in particular identification and support of endangered specific groups; creates programs for increasing the quality of products and cultural, youth and sports services as well as helps in establishing contacts, exchanging information and best experiences; Drafts policies in order to increase the level of cultural communication and coexistence between cultures of all ethnic, religious and linguistic communities in the country, by including the cultural promotion and cooperation in the field of culture, youth and sports outside the country.

a. Department of Youth

Department of Youth has as an aim to help the youngsters in promotion of their talent and values at national and international level as well as in strengthening Youth Non-Governmental Organizations in Kosovo. Department of Youth aims at strengthening of youngsters and establishing of a supportive environment for their social and personal development, establishing opportunities for promotion, development and participation of youngsters in active social life as well as in providing equal services for the young
ones, which enable the development of living skills and social values, by respecting individual features among the youngsters. Among others, the Department of Youth has for mandate identification of certain groups, including outside school youth, illiterate youth, unemployed youth, returned refugee youth, drug addicted youth, youth of families with one parent, youth of families with single parent, youth with few access to sanitary and health premises or risk to get a disease and youth of minorities, as well as conducts programs to deal with their needs. Also, coordinates and cooperates with all key stakeholders, in order to advance the development and coherent and efficient implementation of policies and youth resources that have to do with: training for job positions and for craft services, sport and recreation sport and activity, programs of regional and international exchange, health and education, justice for minors, groups and youth associations throughout Kosovo and in the region as well as supervises the rights of youth and human being. Also, incites establishment of clubs, groups and youth associations throughout Kosovo and in the region as well as supervises their development by encouraging democratic decision – making as well as by increasing democratic decision-making and participation as well as wide consultation in all levels, such as clubs, groups and associations.

b. Department of Culture
The Department of Culture within its mandate drafts and implements developing policies in the field of cultural heritage, scenic-music art, visual arts, publication and library in compliance with European criteria, by aiming at reaffirmation of cultural identity of the Republic of Kosovo in international places. Among others, incites and motivates artistic creativity of new generation, in order to include them in Kosovo cultural-artistic life and wider. Within Department of Culture act these divisions: scenic-music, visual and promotion arts.

c. Department of Sports
This department, mainly has as a mandate the drafting of sport policies and their implementation, which consist in preparation, evaluation and approval of program policies of sport, which have to with massiveness of sport and its qualitative development. Supports functioning of activities and infrastructure in sport, by including programs for support of sportsmen, sport specialists, clubs and federation on increase of involvement, quality and active participation as well as sport competition inside the country and the international ones.

d. Department of Heritage
Creates cultural policy and action plans as well implements legislation to support the sector of culture, by including the programs for protection, preserving and promotion of cultural heritage, advancement of cultural connections and inter-cultural exchanges of artists, cultural associations and institutions of culture.

8. Ministry of Administration and Local Power
In line with exercising of children’s rights, MALP, among others, is responsible to contribute to respect and promotion of human rights and coordinates the work in this direction with all municipalities of the Republic of Kosovo.
V. GOVERNMENTAL BODIES THAT WORK IN EXERCISING OF CHILDREN’S RIGHTS

By “Governmental body” is meant the mechanism established by the Government to review or place the issues, which Government places under the competence of Governmental bodies. The Government, also determines the composition and mandate of a Governmental body by decision to establish that body.

In the aspect of establishment of Governmental Bodies, and which mainly have a mandate to work in exercising completely the children’s rights, some very significant advancements have taken place, by making in this way possible the establishment of several such mechanisms, such as:

a. Inter-ministerial Committee for Children’s Rights

In the light and with the purpose to protect and incite the children’s rights in Kosovo, as well as to put the child in the focus of efforts of the Government, the Government of the Republic of Kosovo in the meeting held on 03.12.2008 made the Decision no. 07/46 to establish Inter-ministerial Committee for Children’s Rights. This committee, is also the highest governmental body within the Government of the Republic of Kosovo in relation to exercising of children’s rights in Kosovo. Inter-ministerial Committee for Children’s Rights, is chaired by the Prime Minister of the Republic of Kosovo and in its composition is represented at the level of Ministers, from the most relevant ministries. Also, the Head of UNICEF Office in Kosovo and representatives of civil society are integral part of Committee. The Office of Prime Minister / The Office for Good Governance, serves as Secretariat of Committee. Whilst, the Committee is foreseen to meet twice a year.

Responsibilities of Inter-ministerial Committee for Children’s Rights are: to analyze and keeps informed members of existing activities, regulations, laws, programs of ministries and other bodies in relation to the issue of children’s rights in Kosovo; to share the data, reports and other relevant documents in the field of children’s rights in Kosovo; maintains contacts and cooperates closely with organizations that represent children and with other relevant factors in the field of children’s rights in Kosovo; analyzes regularly the issues that have to do with development of children and their rights; drafts annual report on situation of children’s rights in Kosovo; defines priorities and necessary measures that need to be undertaken to improve the current situation in relation to children’s rights in each Ministry; facilitates and monitors implementation of policies, programs and other approved measures that have to do with children’s rights; establishes necessary working groups for the issue of children’s rights; helps on development and implementation of public information campaigns and other efforts and promotional projects to increase the awareness on standards of children’s rights. Also are responsible for communication and sharing of information within the ministries and to be provided that advices, recommendations and other measures stemming from Inter-ministerial Committee, have come to Ministry or respective office.
a. Committee for Prevention and Elimination of Hard and Dangerous Works of Children

To establish policies and program priorities for protection of children from dangerous forms of work, to monitor situation of children’s labor in the country, as well as to coordinate all necessary agreements, the Government of the Republic of Kosovo on 12 September 2005 by Decision no.5/166 has established Committee of Kosovo on Prevention and Elimination Child Labor. Whilst, by Decision 04/37, dated 15.09.2011 the Government of the Republic of Kosovo determines, the scope, composition and functioning of the Committee. This Governmental Body is run by the Minister of MLSW and in its composition has representatives of the most relevant governmental and non-governmental institutions, which are represented at the level of Directors or Heads of Divisions. Whilst, the Labor Unit within ISP in MLSW, plays the role of Committee Secretariat. This decision-making body is foreseen to meet at least four times a year..

Main functions of the Committee are: to give instructions on policies and programs that aim elimination of child labor and to determine the fields with highest priority for direct programs which aim the immediate withdrawal of children involved in the most dangerous forms of labor and prevention of involvement of children at risk; to monitor situation of child labor in the country and coordinates action against it; to make proposals to modify and complete the legislation on elimination of dangerous forms of child labor; to ask for necessary support from international institutions in Kosovo, particularly from International Program of ILO on Elimination of Child Labor and to provide integration of successful intervention in governmental engagements for combating of child labor; to support the Government of Kosovo and other institutions in charge for fulfilling the objectives and targets determined by standards and conventions of EU and ILO in the field of child labor.

b. National Council for Persons for Disabled People

In order to represent interests of disabled people and providing their space to be active part in the process of drafting the policies that impact on improvement and increasing of life quality of disabled people, the Government of the Republic of Kosovo in the meeting held on 07.09.20011 issued a Decision nr. 04/36 for establishment of Council for Disabled People. This Governmental Body is run by Deputy Prime Minister of the Republic of Kosovo and in its composition has Deputy Ministers of five most relevant ministries. An important role in Council composition have also eight representatives of civil society, who in active way work on exercising completely of disabled people rights. Whilst OGG/PMO serves as Secretariat of Council.

This governmental body has a mandate to work on providing equal opportunities, full participation and social integration of disabled people. To assure that needs and interests of disabled people are taken always into consideration when the Government issues decisions on something that impacts situation of disabled people. Recommendations of National Council on Disability, will be in compliance with Standard Rules of United Nations on Equalization of Opportunities for Disabled People and other international instruments on human rights.

c. Council for Protection and Justice for Children

The Government of the Republic of Kosovo, in order to define priorities and necessary measures that should be undertaken for improvement of current situation in relation
to Protection and Justice of Children, on 25 August 2011 made the Decision (no.09/34) to establish “Council for Protection and Justice of Children”. The Council in compliance with the Decision on establishment is composed of: Chairman, two Vice Chairmen, eighteen (18) members; In the capacity of members Foreign Consultants are two members that come from UNICEF Office in Kosovo, while in the capacity of members as Observers are four members that represent independent institutions of the Republic of Kosovo, as it is Ombudsperson and NGOs as coalition of NGOs for protection of Children and Terres des Homes. OGG/PMO serves as Council Secretariat, to coordinate, monitor, develop and maintain the necessary activities for the work of Council.

Mandate and responsibilities of Council are as follows: Definition of priorities and necessary measures that should be undertaken to improve current situation in relation to protection and justice of children; Facilitation and monitoring of implementation of policies, programs and other measures approved that have to do with protection and justice of children at central and local level; Analysing and Evaluation of implementation of developing policies and legislation that have to do with improvement of situation of protection and justice for children.

d. Kosovan Committee for Health of Mother and Child

Based on high indicators of mortality for mothers and children, as well as starting from many dissatisfaction in the field of health of mothers and children in Kosovo, the Minister of Health on 15.05.2003 issues Decision on establishment of Kosovan Committee for the Heal of Mother and Child. This governmental multidisciplinary body, is composed of experts of relevant fields in the field of health. Also in its composition has representatives of WHO, UNICEF and UNFPA. The coordination of efforts and relevant, professional, and scientific resources in order to improve and decrease the mortality at that category of that population, as well as increase of health quality towards children and mothers.

e. National Coordinator Against Trafficking with Human Beings – Working Group

Deputy Minister of Internal Affairs by Decision of Prime Minister (no 029) dated 10.04.2008 was appointed National Coordinator Against Trafficking with Human Beings. The mandate of Coordinator is to coordinate, monitor and report on implementation of policies against trafficking with human beings, as well as chair meetings with inter-ministerial working groups. Whilst, Working Group, is composed of representatives of most relevant institutions and mainly have mandate to coordinate implantation of policies, monitor and report on the achievements, in institutions that represent.

f. Local Committees of Action for Monitoring of Child Labour

In all municipalities of the Republic of Kosovo are established Local Committee of Action. Committees are composed of senior officials of local authorities, representatives of Kosovo independent trade unions as well as local NGO representatives that work for protection of children. This institutional body is run by Director of Directorate for Health and Social Welfare in respective municipalities. The mandate of Committees is to implement directly policies and program priorities for
protection of children from dangerous labour forms, to monitor situation of child labour, as well as to offer recommendations for improvement of policies that have to do with Elimination of Child Labour.

**g. Governmental Working Groups**

In institutions of the Republic of Kosovo are established different “Working Groups” which deal with facilitation of exercising of children’s rights, such as: Working Group on Monitoring the Implementation of the Strategy and National Plan of Action for Children’s Rights; Working Group on drafting of State Report on Implementation of Convention for Children's Rights in the Republic of Kosovo and fulfilling of obligations, which are addressed from the Committee for Children’s Rights in UN; Working Group on treatment of School Dropout from Students; Working Group for Monitoring and reporting on implementation of Strategy and Action Plan; Working Group on reviewing the list on Dangerous Forms of Child Labour; Advisory Group on pre-school education.
VI. CONCLUSION

Based on analysing of local legislation and other sub-legal acts that provide guarantee to respect and protect Kosovan Children’s Rights, we can freely conclude that a very considerable part of legal ground has in it the principles and provisions of Convention for Children’s Rights as well as Convention 182 of ILO on the Worst Forms of Child Labour. Whilst, as regards to institutional mechanisms that deal with exercising of children’s rights, in this direction as well the Government of the Republic of Kosovo has made significant advancements, by enabling the establishment of a number of mechanisms that have as a main mandate the facilitation of fulfilment of all state obligations towards fulfilment of children’s rights.

War and occupation of Kosovo from Serbia until June 1999, apart essential political, economic and social damages caused in the country, also has contributed to the destruction of children protection system. As a result of occupation and main aim of Serb regime, has denied continuously and in severe way the right of Albanian citizens to get educated and the right to get employed. Consequences that have impacted to paralyze and not to develop the academic level in the country and since then are noticed their symptoms at population in general.

Having known that the Republic of Kosovo has a good applicable legal ground, as well as appropriate mechanisms established for children’s rights, what leaves to be desired a lot and which at the same time is still a challenge of Government, is undertaking appropriate measures to fully implement legal ground in practice, as well as functionalising and empowering of governmental bodies. Measures that need to include the increase of institutional officer capacities, at central and local level, and of coordinating and advisory mechanisms, which are responsible for drafting and implementation of policies and governmental bodies, by providing in this way as much qualitative and high extent execution of children’s rights.

Efficient implementation of legal ground would lead to increase of quality of supporting services for children, establishment of an advanced social environment, where the respect of values and human dignity above all will be considered a principle and necessity. This would contribute also to well-growing of children in a sound environment by providing necessary space for development of their potential, as well as prevention of all negative phenomena. In this way children might enjoy maximal protection, which is in their disposal according to the law.
VII. Recommendations

1. To be made an overall national study on evaluation and implementation of existing legal ground, where it will be reflected the level of legislation implementation, identification of difficulties faced in relation to implementation of legal provisions and providing of recommendations on undertaking necessary measures to facilitate implementation of legal ground in the country towards children’s rights and their compliance with relevant international instruments;

2. Strengthening and continuous increase of capacities of mechanisms, at central and local level, that deal with children’s rights;

3. To be determined the limit of minimal age of child on general issues on when they can express their points of view and then they to be considered with full importance;

4. To be drafted a document (law or AI) which specifies legally as what it is meant by the highest interest of the child;

5. Law on Labour Inspectorate, in its provisions foresees that Labour Inspectors to have a mandate in order to remove immediately from the labour environment the children up to the age 18, particularly from the work environment, which is dangerous for the health physical, mental, soul, moral and social development of children;

6. Law on Social Scheme in its provisions includes the social assistance provision and for that category of children, who are over age 5, and the families have no member employed and who are not in good economic change to be provided necessary conditions for a good life for full development of their human potential. This right to be provided to children at least up to the age 18;

7. Laws that regulate health care of citizens in the Republic of Kosovo that address the right of child to express their opinions in medical treatment and receiving of reliable counselling from medical staff and without consent and approval of their parents;

8. Law on Health, in its provisions foresees providing of health services for free to all children up to the age 18, without any previous condition;

9. Law for Material Support to Families of Disabled Children in its provisions foresees the right to benefit from this social assistance and deaf children;

10. Law for Protection of Domestic Violence to have a special chapter, which is dedicated to protection of children where are foreseen the mechanisms, procedures of referring, reintegration of children victims, protective measures for children in risk from violence and clearly to be introduced applicable procedures in providing assistance to children;
11. To abrogate all legal provisions, which foresee procedures on adoption of children to be unified and to be foreseen only by Law on Family;

12. JJC states that probation service offers assistance to the minor as much as it is necessary, but not longer than 12 months. In order to have a full rehabilitation of the minor and his integration into society often is requested more than 12 months, therefore JJC should foresee provision of assistance for more than 12 months;

13. Legislation on Family and Social Services adjust and specify the provisions and standards in relation to a number of issues for children victims, such as: Determination of priorities in development of procedures detailed for Courts and Panel for Placing and Sheltering of Child; Standards for supporting of family services provided by CSW and NGOs; Standards and procedures for monitoring of children in all forms of alternative care; Form or procedure where children who are under alternative care to be able to complain. (e.g. system of complaints for children such as help telephone line); Defining an specifying of standards for types and quality of supporting services, which are provided to children victims and their families; Determination at national level of necessary scale of professional personnel qualifications in all institutions for the children that investigate and evaluate the mistreatment towards children, safety and health, etc. Detailed instructions or concrete procedures on punishment of parents, who voluntarily withdraw from their parental responsibilities determined by law;

14. Law on Protection of Witnesses should foresee instructions or detailed procedures for judicial process where are included children as victims or witnesses of criminal offence. In every undertaken action to be foreseen as prevailing consideration the highest interest of child, as well as the rights that child to be treated with dignity and compassion; to be protected from discrimination; to be informed; to be heard and to express points of views and concerns; for effective assistance; for secrecy of information; to be protected from difficulties during judicial process; for safety; for special and preventive measures; for compensation; and at the same time to take into consideration the rights of accused persons and of perpetrators convicted for criminal offences.
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Decision no.04/37 dated 15.09.2011 on the Scope, Composition and Functioning of Kosovo Committee for Prevention and Elimination of Child Labour
Decision no. 04/36 dated 07.09.2011 on establishment of Council for Persons with Disabilities;
Decision No.09/34 dated. 25.08. 2011 on establishment of Council for Child Protection and Justice for Children;
Decision dated . 15.05.2003 on Establishment of Kosovan Committee for Health of Mother and Child;

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Protect children on the move

JOINT ACTION TO PROTECT CHILDREN FROM EXPLOITATION IN EUROPE