

# CHILD RIGHTS SITUATION ANALYSIS KOSOVO

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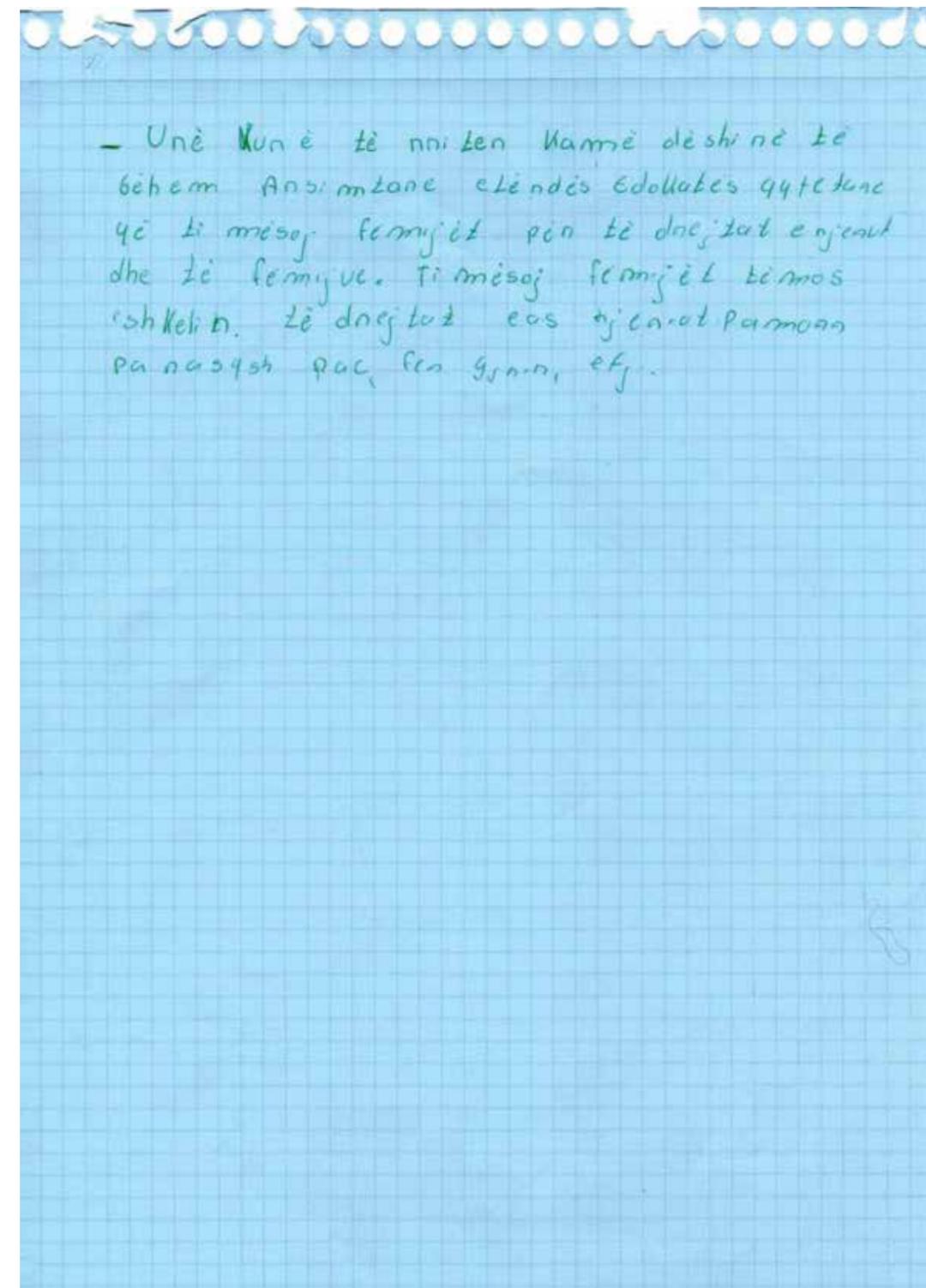
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When I grow up, I want to become a teacher of civic education, so that I can teach children human and children's rights. I want to teach children not to breach the rights of others, no matter their race, religion, gender, etc.

11 year old Roma girl

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CR	Child Rights
CRPK	Civil Rights Program Kosovo
CRSA	Child Rights Situation Analysis
CWD	Children with Disabilities
CSO	Civil Society Organization
CSW	Center for Social Work
CYACK	Central Youth Action Council of Kosovo
DPT	Diphtheria, Pertussis (Whooping Cough), Tetanus
EC	European Commission
ECCD	Early Childhood Care and Development
EMA	Emergency Management Agency
EU	European Union
ILO	International Labour Organization
ISCED	International Standard Classification of Education
KEC	Kosovo Education Center
KYC	Kosovo Youth Council
LAC	Local Action Committee
MED	Municipal Education Directorate
MEST	Ministry of Education, Science and Technology
MLSW	Ministry of Labour and Social Welfare
MMR	Measles, Mumps, Rubella
NIPHK	National Institute of Public Health of Kosovo
NGO	Non-governmental Organization
NSAP	National Strategy and Action Plan for Children
OGG	Office for Good Governance
OI	Ombudsperson Institution
SAA	Stabilization and Association Agreement
SPRA	Structures for Protection, Rescue and Aid
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

## EXECUTIVE SUMMARY

This situation analysis provides a comprehensive overview of the situation of boys and girls in Kosovo and the extent to which their rights, as defined by the United Nations Convention on the Rights of the Child (UNCRC), have been realized. It identifies the capacity of duty-bearers, including local and central government, parents, civil society, education, health and social welfare professionals, the private sector and the international community.

It sets out the methodology by which information was gathered, from desk review and fieldwork, all the way to interview, workshops and focus groups.

It also gives an overview of the Kosovo context, from the point of view of the general political status, demographics, economics, rule of law, condition of civil society, and patterns of social exclusion that can impact the situation of children in the country. It also sets out the specific context for child rights (CR), including the legal framework, government mechanisms to protect CR and the allocation of resources for CR, and what this means for CR in practice.

The Child Rights Situation Analysis (CRSA) goes on to look at specific areas of CR, beginning with the right to education, protection, and the social services system for children in need. An analysis of the background, legal framework and existing systems are done before identifying the issues arising from these rights seen in practice. A similar approach is taken on the right to health, where the existing legal framework is set out, alongside the healthcare system for children in practice. Likewise, youth participation is considered both, from the point of view of the legal framework and what the situation is in practice. The final element considered on children's rights is in the context of disaster risk reduction, viewed both in terms of the legal framework and what the right to protection against disaster is in everyday practice.

The CRSA concludes with recommendations for ensuring that children's rights are known, understood and protected for all children in Kosovo.

## CHAPTER 1. INTRODUCTION: WHAT IS THE CRSA AND ITS PURPOSE

The CRSA aims to provide a comprehensive overview of the situation of boys and girls in Kosovo and the extent to which their rights (as defined by the UNCRC and other key international HR instruments) have been realized. It identifies particular areas of non-fulfilment of Child Rights (CR) in Kosovo and examines the immediate, underlying and root causes of any CR violations, on the basis of available statistical data and previous analysis, as well as wide-ranging consultations carried out for this study.

The CRSA focuses in particular on Save the Children in Kosovo's programmatic priorities in Child Rights Governance/Civil Society, Protection, Education, Health and Disaster Risk Reduction. The purpose of the CRSA is to provide input in guiding Save the Children how to address the rapidly-changing progress towards achieving CR. The CRSA is an external analysis which provides an opportunity to map the roles and assess the capacities of those responsible for CR - parents, duty-bearers (state), civil society, the private sector and/or international actors.

The CRSA will support Save the Children in Kosovo Country Program in the development of strategic planning and inform the program on future thematic priorities in the country.

Beyond this, the thematic parts of the CRSA provide a detailed analysis of specific issues or a sub-group of rights as part of a sectorial program strategy.

The CRSA's purpose is also to be a source of information to support decisions on program design during implementation for Save the Children's stakeholders, representing a valuable opportunity for all involved – staff, partners, collaborators, children and parents - to expand their knowledge about the current situation of CR in Kosovo.

## CHAPTER 2. METHODOLOGY

The initial phase for the Kosovo CRSA was a comprehensive desk review of the existing legal and strategic documents, published data and other information pertaining to CR in Kosovo.

The purpose of the desk review was to examine the current state, gaps and potential implementation challenges of the legal framework governing the issue of protection and promotion of CR. It also served to identify a set of issues to be discussed with government officials, both at central and local levels, about the in-practice implementation of the legal framework. The desk review also offered a good opportunity to identify key stakeholders engaged in this area.

An initial workshop originally planned with key stakeholder organizations in CR was substituted by a half-day workshop with Save the Children staff in Kosovo, where discussed was the scope of Save the Children's work in Kosovo, and the desired/anticipated outcomes from the situation analysis.

The fieldwork began with the purpose of surveying the implementation of the legal framework and the institutional mechanisms at different levels. All government officials, both at the local and central level, were interviewed through a semi-structured, in-depth interview schedule, specifically designed for each official. Non-governmental stakeholders were interviewed in a similar way. The aim of the interviews was to obtain information about the official perspective of the respondents being interviewed, and to focus the inquiry on the most significant gaps in the current legal framework or institutional capacity.

A series of focus group discussions with parents, teachers and children was carried out. The situation analysis was designed with a participatory approach of children, where they contributed information about their perception, experience and knowledge of CR. Parents were able to offer their perspective on the challenges they face in accessing services and safeguarding CR. The mechanisms available to address complaints and concerns about violations of CR were also discussed. Participation in the focus group discussions was mainly made up by children and parents from the marginalized groups, with the locations selected in co-ordination with Save the Children in Kosovo. The municipalities visited were selected based on the location of projects that are being implemented by Save the Children's local NGO partners. The implementing partners assisted in organizing of the focus group discussions, as well as the identification and recruitment of the participants. Focus group discussions were held either in school premises, with prior announcement and approval of the school management, or in the premises of Save the Children's local implementing partners. Consent forms were obtained for all children participating in the focus group discussions. Parents also provided signed consent forms, agreeing that the information discussed in the focus groups can be used for the purpose of the CRSA.

In total, 17 focus groups were organized, with a total of 119 participants, out of which 48 were children. The focus groups' composition was diverse, but predominantly consisted of participants coming from social groups who may have had lower opportunities for access to services or who have been underserved. There was a gender balance in each group, but the groups were homogenous in relation to other factors for exclusion – e.g. made up of parents of children with disabilities or of members of single ethnic groups. There were five focus groups with children (two with Roma, Ashkali or Egyptian participants), seven focus groups with parents (four with ethnic minorities and two with parents of children with disabilities), and six with teachers, from kindergarten to primary school.

Information from school management was obtained through in-depth interviews.

## CHALLENGES AND LIMITATIONS

Data quality remains one of the key challenges reflected throughout the process of collecting and analysing data to compile this situation analysis. Furthermore, data collection and presentation remains a fragile aspect, creating difficulties in developing key indicators for baseline and impact measurements. Consistency in procedures for data collection and presentation is sometimes compromised due to changes in public administration or governing policies, and only recently has there been an increase in the number of indicators being reported at the national level.

Difficulties in scheduling meetings with government stakeholders caused a delay in completing the initial round of interviews. The availability of government stakeholders to arrange interviews at the onset of the situation analysis was somewhat limited, primarily due to the vacation period during the summer which is usually associated with low-intensity work of government officials. The pre-election campaign at the local level also had an impact on scheduling meetings with local government officials.

Focus groups with parents and children were predominantly concentrated in municipalities and settings where Save the Children has a history of project implementation. Selecting other locations, particularly in rural areas, would offer a more comprehensive situation analysis, as would conducting a quantitative survey with children, parents and teachers. Due to the limitations of the schedule, it was not possible to consider either of these options in the present analysis.

The CRSA considered the legal documents related to the laws promulgated by the Kosovo parliament, as well as practices enforced either by the Kosovo institutions or the non-governmental sector registered with the Kosovo authorities. Serb-majority municipalities in the North of Kosovo are governed by Serbian laws, whereas those in the south have a significant degree of inclusion with the Kosovo institutions. Consequently, children in the North, and to some extent in the Serb-majority municipalities in the South, are subject to health services, an education system, the right to protection and participation based on the Serbian legal framework and activities undertaken by the Government of Serbia. A few ethnic Serbs from the North have participated in focus group discussions and an interview was held the local NGO in Gračanica/Graçanicë, an implementing partner of Save the Children. However, the laws and work of Serbian institutions in the North were not subject to this analysis, and no references were made to the situation in the North with regards to the rights of children.

## CHAPTER 3: COUNTRY CONTEXT

### 3a) Political status

On 10 June 1999, United Nations Security Council Resolution (UNSCR) 1244 authorized the United Nations Secretary General to establish an interim civilian administration led by the UN in the war ravaged province of Kosovo, under which its people could progressively enjoy substantial autonomy, pending a final settlement of its status. In Kosovo, the UN then embarked on the comprehensive task of stabilizing and rebuilding the territory – a task unprecedented both in terms of its scope and structural complexity.

Kosovo is now Europe's youngest state, having declared independence on 17 February 2008. Since then, the international presence in Kosovo has continued, but with limited scope.

Kosovo's new constitution, passed by the parliament, took effect on 15 June 2008. The constitution defines the governing political system as a parliamentary republic, and states that elected members of the parliament have the ultimate authority to pass laws. Kosovo is a multi-party democracy and a free market. The separation of powers and checks and balances in the political system, guarantees for fundamental rights and protection of minorities, and a meaningful role for civil society is in place, which are largely in line with international and European standards. All Kosovo's ethnic groups (Albanians, Ashkali, Bosniaks, Egyptians, Gorani, Roma, Serbs and Turks) are granted civil and political rights by the Kosovo Constitution.

To date, Kosovo has been recognized by 105<sup>1</sup> UN country member states. The EU is putting pressure on the government of Kosovo and Serbia to normalize their relations. At the beginning of 2012, Belgrade and Pristina reached an agreement facilitated by the EU, enabling the direct participation of Kosovo in a regional co-operation. Furthermore, on 19 April 2013, the EU-facilitated dialogue between Kosovo and Serbia reached an important agreement to move forward both paths to Europe. As a result of this agreement and following positive developments in the field, the EC and the High Representative of the EU for Foreign Affairs and Security Policy issued a joint report that positively assessed progress in meeting the short-term priorities identified in the Feasibility Study and significant steps towards improvement of relations with Serbia. On this basis, the EC recommended to the Council to authorize the opening of negotiations on a SAA between the EU and Kosovo.

<sup>1</sup> Retrieved from [<http://www.kosovothanksyou.com/>]

However, Kosovo still faces political ambiguity with UNSCR 1244 as well as with the European Union (EU) rule of law, 'EULEX' mission, whose mandate has been extended into 2014, still involved in Kosovo's rule of law and judiciary related to war crimes and organized crime.

### 3b) Demographics

According to the most recent census (mid-2011), Kosovo's population is 1.73 million people living in 295,070 households. Approximately two out of three households consist of five or more people.

Kosovo is a comparatively densely populated country with 175 people per square kilometer. About 92% of Kosovo's population is Albanian. Living mostly in separate communities, Serbs comprise about 5.3% of the population. Other important ethnic minorities are Roma (1.1%), Turks (0.4%), as well as Ashkali, Egyptians, Gorani, Bosniaks and other small groups (1.2%). The Serbian proportion of the population has decreased constantly since the 1950s, when it was 24%.<sup>2</sup>

Table 1: Profile<sup>3</sup>

Age structure	<p><b>0-14 years:</b> 26.9% (male 256,700/female 236,975)</p> <p><b>15-24 years:</b> 19.2% (male 185,655/female 166,973)</p> <p><b>25-54 years:</b> 40.4% (male 391,526/female 351,282)</p> <p><b>55-64 years:</b> 6.7% (male 59,623/female 63,474)</p> <p><b>65 years and over:</b> 6.8% (male 52,357/female 71,964) (2012 est.)</p>
Median age	<p><b>total:</b> 27.1 years</p> <p><b>male:</b> 26.7 years</p> <p><b>female:</b> 27.5 years (2012 est.)</p>

<sup>2</sup> SOK (2008): *Demographic changes of the Kosovo population 1948-2006*. Statistical Office of Kosovo (SOK), Prishtinë / Priština, February 2008

<sup>3</sup> [http://www.indexmundi.com/kosovo/demographics\\_profile.html](http://www.indexmundi.com/kosovo/demographics_profile.html)

Sex ratio	<p><b>at birth:</b> 1.08 male(s)/female</p> <p><b>under 15 years:</b> 1.08 male(s)/female</p> <p><b>15-64 years:</b> 1.1 male(s)/female</p> <p><b>total population:</b> 1.06 male(s)/female (2011 est.)</p>
Religions	Muslim, Serbian Orthodox, Roman Catholic
Languages	Albanian (official), Serbian (official), Turkish, Bosnian, Roma (according to the Kosovo Constitution, Turkish, Bosnian and Roma languages have the status of official languages at the municipal level or 'will be in official use at all levels as provided by law')
Literacy	<p><b>definition:</b> age 15 and over can read/write</p> <p><b>total population:</b> 91.9%</p> <p><b>male:</b> 96.6%</p> <p><b>female:</b> 87.5% (2007 Census)</p>

### 3c) Economy

Historically, Kosovo was one of the most neglected provinces in former Yugoslavia. Even today, Kosovo struggles to keep up with the economic indicators of countries in the region. Kosovo's GDP per capita was \$4,210 in 2012 with growth average of 5% in the last years. Kosovo statistics indicate a worrying economic position for a remarkable portion of the population: 35% of population lives below the poverty line on 1.55 Euro per day, and 12% living in extreme poverty with 1.02 Euro per day. Forty percent (40%) of those in poverty are under 20 years old.<sup>4</sup>

Remittances have a significant role in supporting not only the poor families but also overall boosting the country's economy and representing a basic income for many essential services. Eleven percent (11%) of the GDP is estimated to be contributed by remittances of over 0.8 million Kosovars living abroad.

Official unemployment figures are considered at 45%, with 75% of the unemployed being less than 25 years old. Every year, between twenty-five thousand and thirty thousand young people enter the labour market.

<sup>4</sup> World Bank, 'Consumption Poverty in the Republic of Kosovo in 2009', 2011

Kosovo's weaknesses, which are common throughout the Western Balkans, include a weak rule of law, a relatively low capacity of public administration, especially at the local level, and a difficult business environment.<sup>5</sup> As estimated by the World Bank, Kosovo's overall public spending is very low compared with the countries in the region.

### 3d) Rule of Law

Kosovo has undergone major legal reforms in recent years adapting to the International and EU standards and legislation. Institutional safeguards are in place to ensure the rule of law, free trial and freedom from arbitrary arrest or detention. Access to justice and the rule of law in the north of Kosovo is limited, with parallel structures still present. This is currently a focus of the negotiation process between Kosovo and Serbia.

Despite some improvement in anti-corruption policies and actions, Kosovo still has high levels of corruption. According to the 2012 Transparency International Corruption Perception Index (CPI), Kosovo had a score of 3.4, which places it 105<sup>th</sup> out of 176 countries.

### 3e) Civil society

In Kosovo, civil society is mainly associated with non-governmental organizations (NGO). The role of civil society in supporting the government in reforms, awareness raising, research, and advocating for child rights has been increasingly progressive in the recent past. NGOs and civil society are taking a more active role in initiating and amending laws, including the Law on Education and the Law on Labor.<sup>6</sup>

The Government of Kosovo has shown willingness to include the civil society in policy-making and strategic interventions. Approval of the Strategy and Action Plan for Co-operation with Civil Society 2013-2017 is a step towards acknowledging the importance of civil society, as well as providing a structure that will enable civil society co-operation with the government structures. Participation of civil society members in various Inter-Institutional Steering Committees<sup>7</sup> is another indicator that the government is becoming aware of the need to include competent partners outside the government that will assist in improving the welfare of the Kosovan citizens.

Nevertheless, establishing a State Fund for Civil Society remains to be addressed. Only 8% of funds for civil society come from the Kosovo budget. Civil society organizations are highly dependent on international donor funds, with 80% of funds coming from this source. Extreme dependence on donor funds and a lack of strategic planning puts NGOs at high risk in terms of sustainability. With the trend of a decreasing presence of international donor organizations, NGOs need to diversify their funding sources and concentrate more on internal revenue generation abilities.

Organizational capacities remain a significant challenge for NGOs who fail to attract highly skilled people. Instead, operating with less qualified and passionate staff, NGOs are rather a steppingstone for young people who are not committed to becoming professionals in providing social services. The interview

<sup>5</sup> Document of the European Bank for Reconstruction and Development 'Strategy for Kosovo' - 2013

<sup>6</sup> USAID. Bureau for Europe and Eurasia. The 2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia. Retrieved from [<http://program.counterpart.org/Armenia/wp-content/uploads/2011/02/USAID-NGOSustainability-Index-PDF.pdf>]

<sup>7</sup> Inter-Institutional Steering Committee as a political body for monitoring the implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009 – 2015. It comprises three members of civil society (Roma, Ashkali and Egyptian Communities' NGOs) out of 11 members; Inter-Ministerial Committee for Children's Rights includes members of civil society. <sup>8</sup> USAID, 2011 "2010 NGO Sustainability Index"

with the manager of Hope and Homes for Children's shelter highlights the lack of financial stability as one of the key factors that hinders the long-term planning and resource management in these entities. Most complain about covering only basic operational costs. "We only have the rent paid for the next two months. We have asked for donations from various donor organizations but the process is too long and we don't have an answer yet," said the Project Coordinator of the Kosovar Youth Council, an NGO with a special focus on promoting youth participation and serving as an advocacy group, whose mission is to "promote an environment favorable to personal and educational development."<sup>8</sup>

There are some 7,000 NGOs registered but only about 200 are functional with a clear profile of activity.

### 3f) Social Exclusion

The National Human Development Report for Kosovo 2010, conducted by the United Nations Development Programme (UNDP), identifies five social groups feeling the impact of exclusion more than others. These groups risk becoming Kosovo's invisible population unless they are moved quickly up the policy prioritization ladder and are made the primary focus of Kosovo's development agenda<sup>9</sup>:

1. The long-term unemployed, accounting for 82% of Kosovo's unemployment, face critical challenges in meeting the basic costs of healthy living and are more likely to pass on to their children the challenges in social participation and education;
2. Disadvantaged children and youth, particularly Kosovo's 18% of children living in extreme poverty, girls from rural places and children of ethnic minorities, are far less likely to have access to school either because of financial costs, travel distance or family decisions, and are therefore unprepared for future participation in the workforce;
3. Women in Kosovo account for only six per cent of business owners, a fraction are elected to the public office compared to men, a quarter or 23% are anemic and many are victims of violence in the home. Women from rural places account for less than a quarter of participation in the labour market and an unacceptably high proportion are functionally illiterate;
4. Kosovo's Roma, Ashkali and Egyptian communities are the poorest and the most excluded of all European communities. Access to health, education and economic participation are lower than for any other ethnic group in Kosovo;
5. People with disabilities, many of whom cannot physically access health and education facilities they desperately need (only 10% of children with disabilities are in mainstream education), are stretched to fund costly medicines, unable to source appropriate treatment to improve their life opportunities and are largely shut out of the labour market without any social alliance to improve their wellbeing.

### 3g) The legal framework for the rights of the child in Kosovo

Kosovo is not a member of the United Nations or the Council of Europe, and has therefore not been able to be a signatory to a range of human rights treaties, including the UNCRC. The voluntary state report prepared by the Government of Kosovo in response to the rights stated as being protected

<sup>8</sup> <http://www.kyc-ks.org/about.php>

<sup>9</sup> UNDP, Kosovo Human Development Report 2010 – Social Exclusion

in the UNCRC and analysing the situation of children's rights in Kosovo has been left unconsidered.<sup>10</sup> However, through the Constitution, a range of human rights instruments, including the UNCRC<sup>11</sup> are directly applicable in Kosovo and prevail over national legislation.<sup>12</sup> The Government of Kosovo has undertaken to respect, protect and fulfil children's rights through various measures including general measures of implementation.<sup>13</sup> In addition to creating a general obligation on the State and for the Government of Kosovo to promote, protect, and implement CR, the Constitution, under article 50, also emphasizes specific obligations, amongst others, with regard to the protection and necessary care for the wellbeing of children, equal rights for all children, whether born out of wedlock or born in marriage, protection from violence, maltreatment and exploitation.<sup>14</sup> Additionally, all actions taken by public or private authorities shall be in the best interest of the child, and that each child enjoys the right to regular personal relations and direct contact with the parents, unless this is determined not to be in the best interest of the child.

The Government of Kosovo has also committed to ensuring that all legislation is compatible with the UNCRC and that there is a systematic process for assessing new laws, policies and programs in order to assess the impact on children's rights. Following the armed conflict in Kosovo, there has been a continuous process of consolidating legislation in Kosovo, whilst taking into account children's rights. In 2012, the MARIO project published a study of the most important areas of legislation to children and their rights. The study found that, in general, Kosovo's legal framework comprises the majority of laws necessary for the implementation of the UNCRC, but that key pieces of legislation in areas such as domestic violence, social assistance to families, health care, testifying in judicial processes, and labour regulations, required further, more specific and strengthened measures to protect and implement CR.<sup>15</sup>

### 3h) Government mechanisms to protect child rights

Kosovo has formally established a set of closely-related structures for promoting the implementation of CR in all areas of government action. These are intended to coordinate central policy making across relevant ministries and national executive bodies, and to connect the oversight and monitoring by dedicated implementation officers at the level of the municipality, with central policy making and organs of legal enforcement. In accordance with international best practice, provision is also made for parliamentary scrutiny and independent monitoring by means of a national ombudsperson and government performance with regard to the implementation of CR.

The child rights governance system has been evolving in a relatively piecemeal way over the last ten years, with efforts being made towards increasing capacity development of staff and general system coordination.

<sup>10</sup> Report prepared and presented in Geneva in 2011 by OGG.

<sup>11</sup> Constitution, Article 22. The other agreements and instruments are: UDHR; European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; International Covenant on Civil and Political Rights and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination; CEDAW; and Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

<sup>12</sup> Article 22 (7), Constitution of the Republic of Kosovo

<sup>13</sup> Committee on the Rights of the Child, General Comment No. 5 (2003), General Measures of Implementation of the Convention on the Rights of the Child, 27 November 2003

<sup>14</sup> Ibid, Article 50

<sup>15</sup> MARIO, 'Summary of Laws that Protect Children's Rights in the Republic of Kosovo', 2012, p. 63. The MARIO project

The highest level of government body for CR is the **Inter-ministerial Committee for Children's Rights**, which was officially constituted in 2008.<sup>16</sup> The Committee, chaired by the Prime Minister, brings together all relevant ministries and also includes representation from UNICEF and three members of the national NGO network, the Forum for Children's Rights. With a broad remit covering co-ordination, policy-making and monitoring, the Committee's overall purpose is to place CR at the center of government plans and actions. Its full mandate includes coordinating communication between ministries regarding legal frameworks, policies, and strategies governing CR, maintaining communication with all bodies, governmental and nongovernmental, working in the field of CR, identifying policy priorities to be incorporated into ministerial policy and plans on the basis of CR situation analyses and CR assessments, and monitoring the overall implementation of CR policies. According to its terms of reference, the Committee should meet regularly, at least twice a year.<sup>17</sup> However, it appears that the Committee's existence has to date been no more than nominal, for it was only on 1 June 2013 that it held its first official meeting, to coincide with the annual celebration of the International Children's Day.

In addition to the Committee, Kosovo has instituted a number of other national policy-making and co-ordination bodies, including a **Council for Protection and Justice for Children; a Committee for the Prevention and Elimination of Child Labour; a Council for Pre-School Education; a Committee on the Health of the Mother and Child**; as well as other more specifically focused working groups. All these bodies are required to present a report to the Secretariat of the Inter-Ministerial Committee on CR, which currently functions within the Office of Good Governance (OGG).<sup>18</sup> Other mechanisms which may have an impact on CR include the National Council for Disabled Persons<sup>19</sup> with the OGG serving as its secretariat, as well as the National Coordinator against Trafficking in Human Beings.

The Council for Protection and Justice for Children was established in 2011 and is similar to the Inter-ministerial Committee for Children's Rights in being an inter-ministerial body and in having a mixed mandate comprising co-ordination, policy making and monitoring, but with a specific focus on child protection and the rights of children in conflict with the law. Its specific duties include identifying practical measures of priority for improving child protection and justice for children; monitoring the application of policies and the implementation of duties deriving from the UNCRC at both local and central levels; and generally promoting the implementation of policy at all levels regarding child protection and justice for children. This last it does by providing feedback and analysis to local and central government implementing structures, as well as to relevant civil society organizations and independent agencies.

Reports issued by the OGG<sup>20</sup> indicate that the Council is functional and has contributed to the promotion of CR by means of the development of, amongst other: 1) a set of 20 'Juvenile Justice Indicators' that measure progress towards child protection objectives, and monitor the number of children that are in conflict with the law in comparison with data provided from neighbouring countries and from the broader international context, and 2) a 'Protocol for Prevention and Referral of Violence in Pre-University Institutions.'

<sup>16</sup> Decision 07/46 (03 December 2008)

<sup>17</sup> Strategy and National Action Plan for Children 2009-2013

<sup>18</sup> Speech by Prime Minister Hashim Thaci at meeting of Inter-ministerial Committee for Children's Rights, 1 June 2013: <http://kryeministri-ks.net/?page=2,9,3557>.

<sup>19</sup> Decision No. 04/36, 07 September 2011

<sup>20</sup> Office for Good Governance, The work of the Council for Protection and Justice for Children, 6 month report, June

2013

The OGG, a technical and regulatory body situated in the Office of the Prime Minister, is an administration composed of eight persons, which acts as the secretariat for both the Inter-ministerial Committee for Children's Rights and the Council for Protection and Justice for Children. In doing so, the OGG acts as a clearing-house for policy-related information and CR monitoring data between the Prime Minister and ministries, and other central government offices, principally through the person of its Senior Officer for Child Rights.<sup>21</sup> At the same time, the OGG has wide-ranging powers and authority with regard to CR policy making, coordination and monitoring of CR policy, as well as ensuring the alignment of all new legislation with the UNCRC. These powers appear to overlap with certain features of the terms of reference of both the Inter-ministerial Committee and the Council for Protection and Justice.

The OGG's duties regarding CR derive directly from and are consistent with its extensive duties more generally concerning the promotion of human rights and good governance in Kosovo, including:

- Advising the Prime Minister and his Office on human rights;
- Overseeing and advising all ministries on the above issues;
- Drawing up policies in the areas of human rights;
- Reviewing action plans and draft legislation prepared by government bodies to ensure compliance with human rights standards;
- Assisting in the development and implementation of public awareness campaigns on international standards for human rights;
- Consulting with interest groups on specific human rights, coordinating with and promoting the inclusion of civil society in policy-making, and strengthening government-civil society partnerships for drafting and implementing public policy.<sup>22</sup>

The powers accorded to the OGG should ensure that CR are at the heart of government policy. It appears to work by directly delegating specific tasks to relevant government officials elsewhere in government structures and seeking input from non-governmental actors. It was on this principle that the OGG took overall responsibility for compiling the National Strategy and Action Plan for Children (NSAP) 2009-2013.

Additionally, the OGG has the mandate to co-ordinate the work of other units on a range of issues, including CR through its Senior Officer on the Rights of the Child.<sup>23</sup> Each ministry has a Human Rights Unit, employing three to seven employees, including an Officer for the Rights of the Child,<sup>24</sup> and the units have the remit to advise, consult, and coordinate ministerial and civil society actors on issues relating to human rights. This includes advising the minister directly, by providing input to action plans and policies, ensuring that these and primary legislation and/or bylaws are aligned with human rights,

<sup>21</sup> Regulation No. 16/2013 On the Organizational Structure of the Office of the Prime Minister, entered into force on 17 June 2013

<sup>22</sup> Adapted from webpage of the Office for Good Governance: <http://www.kryeministri-ks.net/?page=2,51>

<sup>23</sup> Regulation No. 16/2013 On the Organizational Structure of the Office of the Prime Minister, entered into force on 17 June 2013

<sup>24</sup> Administrative Instruction of Prime Minister No. 8/2005 On Terms of Reference for Human Rights Units, Administrative Instruction No. 04/2007 for Human Rights Units in the Government of Kosovo

raising awareness within the ministry and among the general public of human rights, as well as consulting with the community and civil society representatives on policy.<sup>25</sup>

The efforts of the Government of Kosovo through these various mechanisms is scrutinized by the Kosovo Assembly through the cross-party Commission on Human Rights, Gender Equality, Missing Persons and Petitions. The mandate of the commission is to monitor the implementation of the law (and its translation into effective policy) and to propose corrective action in cases where it rules that government performance is needed. To do so, it may summon relevant ministers or government officials to give testimony or clarify any issues. If its recommendations are not acted upon, the Commission can then present the issue for debate and further action at a full session of the Kosovo Assembly. While the Assembly's role overall in ensuring effective scrutiny of government policies has been limited due to lack of capacity, the Progress Report by the European Commission for 2013 notes some improvements.

At the municipal level, responsibility for promoting CR and monitoring the implementation of CR falls under the Human Rights Units, which there is a statutory obligation for municipalities to establish. These units are mandated to monitor compliance with human rights within the municipality of legislation, policies and activities specifically concerning discrimination, gender equality, children, disabled persons, the rights of ethnic communities, the use of languages and human trafficking.<sup>26</sup> They also advise the Administration Directorate on human rights issues, and assist in identifying capacity building needs and developing the municipal budget for the implementation of human rights activities.

According to the principles of the on-going process of decentralization, municipal Human Rights Units report in the first instance within the municipality – to the Municipal Administration Directorate. At the same time, Human Rights Units are also required to report to central structures, principally to the Division for Human Rights at the Ministry of Local Government Administration. They are also required to maintain contact with the OGG and respond to requests for monitoring data against indicators in national documents such as the NSAP 2009-2013. This NSAP sets out in detail Kosovo's policy regarding CR and was compiled by the OGG. It is based firmly on the UNCRC and the Constitution of the Republic of Kosovo, and is coordinated with Kosovo's more general commitments to human rights contained in the Strategy and Action Plan on Human Rights 2009-2013, and the conditions of its Action Plan for its European Partnership with the EU. As a strategy, the NSAP 2009-2013 converts policy into sets of concrete, time-limited actions to achieve objectives within seven priority areas: governance; budget; education; health; social well-being; justice for minors and prevention of delinquency among minors; and important inter-sectorial issues. It is a highly ambitious document, covering over 230 specific areas of action and addressing all areas of CR. Its focus is firmly on institutional capacity building, in particular developing the mechanisms and structures necessary for creating more effective CR legislation, data collection for the monitoring of CR and further planning, the delivery of child-oriented services (health, education, child protection), more effective budget allocation to CR, and inter-ministerial co-operation on implementing CR. At the same time, it proposes significant inputs into the capacity development of service providers working with children and awareness raising activities with the general public on specific CR issues.

As a policy document, the NSAP 2009-2013 is clear about the overall commitment of the Kosovo government to address CR and priorities areas. As a strategy and an action plan, it suffers from being overly ambitious and often vague as to which stakeholder has the overall responsibility for any given intervention that demands combined efforts from different government agencies and civil society. The

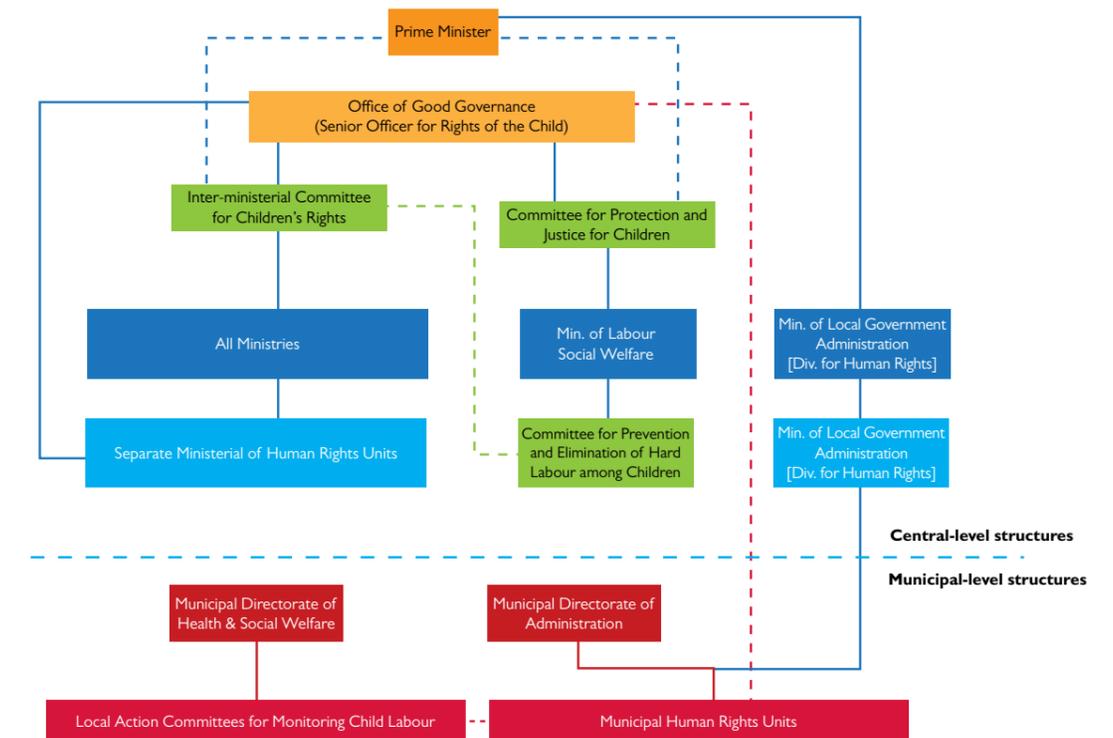
<sup>25</sup> Administrative Instruction 2005/08 on Establishment of Units for Human Rights

<sup>26</sup> Administrative Instruction No. 2011/04 – MALG on Amending and Supplementing the Administrative Instruction on the Establishment of Human Rights Units in the Municipalities

scale of the plan would appear to have left many actions under-budgeted and many other actions were not calculated and budgetary resources not identified. No full evaluation has yet been undertaken of the NSAP 2009-2013 (upon which a revised version is expected to be developed for the period starting 2014), but cursory observation would indicate that while the NSAP 2009-2013 has stimulated considerable progress towards orienting government activities in Kosovo around CR, many parts of the NSAP 2009-2013 were not implemented and progress towards the achievement of the objectives is partial.

It is important to note, however, that the NSAP 2009-2013, compiled by the OGG has been developed alongside a growing body of rights-based government policy and strategy, to which it contributes and from which it benefits. This includes, amongst others, the Strategy for Integration of the Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009 - 2015, the National Strategy for the Rights of Persons with Disabilities in the Republic of Kosovo 2013 - 2021, and the Kosovo Youth Strategy and Action Plan 2010 - 2012 and 2013 - 2017.

## INSTITUTIONAL SYSTEM FOR IMPLEMENTING CHILD RIGHTS IN KOSOVO



Responsibility for identifying, investigating and reporting on individual violations of human rights, mediating and otherwise seeking resolution of individual cases, as well as providing independent monitoring of human rights in general is carried by the Ombudsperson of Kosovo, an independent, but state-supported watchdog that reports directly to the Kosovo Assembly.

The Ombudsperson Institution of Kosovo has a specific unit that deals with CR.<sup>27</sup>

In addition to its headquarters in Prishtinë / Priština, the Ombudsperson is present in Kosovo's seven principal towns. At the Ombudsperson headquarters, there is only one officer who deals specifically with CR, with the assistance of a legal officer who deals with submitted legal cases related to children. Child rights are reported on to the Assembly every year within the Ombudsperson's Annual Report.

### 3i) Allocation of resources for child rights

The current system of government budgeting, both at the central and municipal level, does not allow for the targeting of children and CR or the disaggregation of financial data to show what has been spent on promoting and implementing CR, whether under recurrent spending or specific projects. No analysis of budgetary allocations for children's rights took place during 2009 – 2013.

<sup>27</sup> Organogram of the Ombudsperson Institution in Kosovo

Government spending in 2012 on areas of importance to children, including social protection, education, healthcare and justice, increased by over 9% from the previous year, or from €33.4 million to €36 million.<sup>28</sup> At face value this suggests considerable progress, as overall government spending from the same period only increased by approximately 5%. However, it is unclear what is included under the expenditure assumed to be spent on children. Firstly, €36 million represents only 2.4% of the total government expenditure of €1,508 million in 2012.<sup>29</sup> This suggests that all recurrent spending of relevance, such as salaries of teachers, healthcare and social workers, and related services are excluded from this figure. As we cannot be sure how and on whom (children or adults, and which children or adults etc.) this money was spent, we cannot make any firm conclusions about increased financial commitment or otherwise on the part of the Government towards CR.

Within the on-going process of the decentralization of services, including social services, education and health care, greater responsibility falls to municipalities to budget appropriately for children and CR. Municipalities have yet to establish an integrated interdepartmental approach to planning services that takes account of the demands of CR (or the rights-based demands of any other social group such as the elderly, or persons with disabilities).

To a large extent, budgeting continues to be one of insufficient financial capacity and the challenge municipalities face. Although municipalities have the authority to raise revenue locally, principally by means of the tax on property, rents on the use of municipal premises and facilities, and fees for municipal services, they remain largely dependent on grants from central government for education, health, and general purposes. The size of these three grants is determined by a combination of formulas using criteria such as, the number of inhabitants for the general grant, the number of children attending school for the education grant, the proportions of male to female inhabitants, the number of elderly, and the number of people requesting special care for the health grant. The use of the education and health grants continue to be limited largely to existing recurrent expenditure, precluding special measures to target the most vulnerable or excluded children. The general grant is relatively unrestricted, but is insufficient in size to cover adequately the increased responsibilities imposed on municipalities as a result of decentralization, with regard not only to children, but towards all local inhabitants.

### 3j) Child rights in practice

- With its general orientation towards human rights, the OGG is tasked with reviewing all new laws and social policies to ensure that they are aligned with the UNCRC. Our findings suggest that this process is not happening, and that there is no record as to what recommendations have been submitted by stakeholders during the law preparation phase, even though the OGG continues to approve submissions of new legislation to the Kosovo Assembly for consideration.
- It was originally intended that CR would be given specific and special consideration within each ministerial Human Rights Unit through a dedicated Child Rights Officer. Even though the NSAP 2009-2013 identified special action towards realizing this intention to be taken in 2011, a job description for the CR officer has never been drawn up, and in their treatment by the Human Rights Units, CR are not distinguished from all other human rights. It appears that CR officers have not been instituted in ministerial Human Rights Units and there are currently no members of ministerial human rights units employed as CR officers.

<sup>28</sup> Kosovo children progress report, volume III, 2012

<sup>29</sup> Budget of Republic of Kosovo, 2011 and 2012, available at: <http://mf.rks-gov.net/enus/ministriaefinancave/buxhetiirepublikesekosoves/buxhetiquirendrore.aspx>

- In practice, municipal human rights officers have quite limited powers, and their influence largely depends on the capacities of each unit's members and their willingness to work. Since their mandate is both quite complex and vaguely defined, their impact on municipal structures and activities is often marginal. It is common for the Human Rights Units to concentrate primarily on monitoring formal observance of human rights (such as measuring simple indicators as gender ratios) within municipal structures rather than on the implementation and enjoyment of human rights in the community. As these human rights units do not have officers dedicated solely to children, CR are not actively prioritized and very often are of secondary importance to more politically contentious issues, such as minority rights, or even gender equality.
- In general, municipal human rights units demonstrate little ability or willingness for proactive action towards promotion of human rights. In interviews for this study, it was said that their role as a 'watchdog' was incompatible with their status as paid employees of the municipality, and that this was a limiting factor when carrying out their duties.
- Their system of dual reporting blurs the lines of responsibility, creates bureaucracy and duplicates work, further limiting the time available to Human Rights Units to carry out their duties in their municipalities.
- The NSAP 2009-2013 identified a lack of data collection and monitoring mechanisms within the government structures, in assessing progress in the implementation and identification of gaps in the realization of CR.
- In its Evaluation Report for Children, the OGG has monitored key areas covered by the strategy, which include education, healthcare, social welfare, juvenile justice, governance and budget. It presents a range of nuanced and frank findings that provide a good overview of the continuing institutional challenges to implement CR in Kosovo. Through monitoring, the OGG has found that on average 90% of the 611 indicators from all sectors have been reported on.<sup>30</sup>

Key findings include:

- During 2012, the Inter-Ministerial Committee for the Rights of the Child did not manage to meet at all;
- The position within human rights units at central and local level, in particular the institutionalization of these units and the CR Officer did not show any changes/improvements from 2012;
- The law has a unique procedure where projects have to be planned for the medium term. The capacity of employees, however needs to be strengthened in order to effectively utilize the procedure in place and lobby for higher budgetary allocations for CR, disaggregated by sectors or issues.<sup>31</sup>

It is important to note that in most cases monitoring continues to center on the delivery of outputs in terms of capacity development, structures and services, and not on outcomes regarding CR. As far as it can be accurately assessed, there continues to be a complete absence of regular qualitative and quantitative data collection on the situation of children that identifies, in particular, rights violations, cases of social exclusion and discrimination.

<sup>30</sup> Office for Good Governance, 'Evaluation Report for Children – Volume III'

<sup>31</sup> Office for Good Governance, 'Evaluation Report for Children – Volume III', p. 8 - 9

- It is not clear to what extent the Assembly's cross-party Commission for Human Rights, Gender Equality, Missing Persons and Petitions is applying scrutiny to the implementation of CR in Kosovo, but an interview with the head of the Commission for this CRSA suggested that while the Commission was concerned that the situation of children in Kosovo is far from satisfactory, it was also aware that given the limited human, structural and financial capacity of the Government, seeking significant improvement in the shorter term was not a realistic ambition.
- Municipal officials interviewed did not report any strategic planning for raising awareness on CR, although there is some evidence of planning for activities at the level of the Human Rights Unit.<sup>32</sup> Consistently, raising awareness of CR is not evident, and this is a challenge as children and the wider population need to know their rights in order to enforce them.
- The NSAP 2009-2013 established the following objectives for strengthening budgetary provision for CR, in line with obligations deriving from the UNCRC:
  - Conduct an analysis of budgetary needs for the realisation of CR;
  - Increase funds allocated for children corresponding with the needs;
  - Create procedures in order to easily facilitate the approval of projects that have direct impact on children's lives.
- The analysis of budgetary needs for the realisation of CR, however has not been conducted, and the lack of a budgetary code for children in the government financial planning system has made it difficult not only to track budgetary allocations and assess the total amount allocated to children, but also to actively target children when budgeting for services and projects.<sup>33</sup>

## CHAPTER 4: THE RIGHT TO PROTECTION

### 4a) The legal framework

Kosovo lacks a holistic national child protection system that can respond to and prevent all forms of abuse and violence, as well as exploitation and neglect of children. Nevertheless, the Kosovo Constitution affirms the right to protection by stating that children enjoy the right to protection and necessary care for their wellbeing, including protection from violence, maltreatment and exploitation.<sup>34</sup> However, such obligations are not easily found in primary legislation as one single law does not encompass these; rather this obligation is scattered through various laws.

A recently drafted Law on Protection on Children's Rights has, however, been agreed upon by the government and civil society stakeholders, and is awaiting promulgation by the Assembly of Kosovo, upon which it will enter into force. The Law will also strengthen the provisions against discrimination found elsewhere in Kosovo legislation, but which are considered often too general or too weak to combat continuing exclusion and discriminatory treatment of significant groups of children in Kosovo, including in particular children with disabilities, children from ethnic minorities, especially Roma, Ashkali and Egyptian, children in rural and isolated areas, and girls in general.<sup>35</sup>

<sup>32</sup> Interview with Human Rights Co-ordinator in Mitrovicë/Mitrovica.

<sup>33</sup> Office for Good Governance, 'Evaluation Report for Children – Volume III',

<sup>34</sup> Article 50.1 and 50.3, Kosovo Constitution

<sup>35</sup> Strategy and Action Plan on Human Rights in the Republic of Kosovo

Prior to the drafting process for this law, it was envisaged that an assessment would be conducted in order to determine whether such piece of legislation would in fact be necessary and contribute to the right of protection. However, it is understood that this did not take place for unknown reasons, which has impacted upon the relevant stakeholders who are not fully supportive of this initiative. The Government of Kosovo's plan to introduce the law for discussion to the Kosovo Assembly by the end of September 2013<sup>36</sup> has not been fulfilled.

### 4b) The child protection system

In the framework of the implementation of child protection policies and laws in Kosovo, measures have been taken to build structures responsible for child protection. The Ministry of Labour and Social Welfare (MLSW) has the overall responsibility for the organisation and provision of social and family services. Within the MLSW, the relevant department in practice fulfils the duties of the ministry, which include conducting inspections of family services, establishing and coordinating the Children's Placement Panel for fostering and adoption, and giving direction with respect to court applications for Guardianship Orders. The department also has residual powers which can be exercised in exceptional circumstances, such as direct supervision of social and family service cases.<sup>37</sup> At local level, the Center for Social Work (CSW) in each municipality is mandated to provide services to families and children in need, as well as to intervene when the rights of the child are not being secured or children are being harmed.<sup>38</sup>

### Birth Registration

Registration of births should be carried out where the birth takes place, and in cases of abandoned children, registration should take place at the civil status office where the child was found. Additionally, all health care entities (public and private) that have the right to verify delivery are under an obligation to notify the civil status registry office of all births that have taken place within their institution on a weekly basis.<sup>39</sup> Declaration of a birth to civil status officials has to be submitted by parents, a close family member, a legal representative or a guardian. For a child that is found (parents unknown), the declaration has to be made by the municipal authorities or police in whose jurisdiction the child was found.

The request to register a child's birth must be made within 15 days of the birth or in exceptional circumstances not later than 30 days.<sup>40</sup> In cases where the registration of the child does not occur within 30 days, a decision regarding the registration is reached by the Civil Status Office.<sup>41</sup> Failure to register the birth of a child can result in fines being imposed, between 20 and 50 Euros. Similarly, officials or institutions who fail to fulfil reciprocal reporting can also be fined, the former between 50 and 100 Euros and the latter between 100 and 200 Euros.<sup>42</sup>

In order to improve access to civil registration and in line with the Action Plan for the implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, the Ministry of Local Government Administration declared April as the month of free registration for these communities.

<sup>36</sup> Government of Kosovo. Legislative Program 2013. Retrieved from [[http://www.kryeministriks.net/repository/docs/PROGRAMI\\_LEGJISLATIV\\_PER\\_VITIN\\_2013\\_-\\_LEGISLATIV\\_PROGRAM\\_2013\\_ZAKONODAVNI\\_PROGRAM\\_2013\\_mars.pdf](http://www.kryeministriks.net/repository/docs/PROGRAMI_LEGJISLATIV_PER_VITIN_2013_-_LEGISLATIV_PROGRAM_2013_ZAKONODAVNI_PROGRAM_2013_mars.pdf)]

<sup>37</sup> Article 3, *Ibid*

<sup>38</sup> Article 7, *Ibid*

<sup>39</sup> Article 34, Law on Civil Status, Law No. 04/L-003, entered into force 06 August 2011

<sup>40</sup> Article 35, *Ibid*

<sup>41</sup> Article 54, *Ibid*

<sup>42</sup> Article 63, *Ibid*

Additionally, the Civil Rights Program Kosovo (CRPK) has for a long time supported the Roma, Ashkali and Egyptian communities in the process of obtaining civil status documents including birth registration. The CRPK has also signed a memorandum of understanding with a number of municipalities in order to raise awareness about the needs of Roma, Ashkali and Egyptian communities and to ensure user-friendly procedures.

Finally, as a result of a number of legislative changes, a new civil status system became functional in February 2013, which should enable easier access to civil status documents for all, regardless where the birth registration took place.

### Social services for children in need

The Kosovo legislation provides that persons in various forms of need qualify for social services, and among those are children without parental care. In this regard, a child in need is defined by the law as a child without appropriate care (the term children without parental care is defined in the Law on Family). Additionally, a child may be in need due to other problems including antisocial behaviour,<sup>43</sup> juvenile delinquency,<sup>44</sup> 'disordered family relationships,' physical or mental illness/disability, vulnerability to exploitation/abuse, being at risk of or a survivor of domestic violence, addiction to alcohol or drugs, human trafficking and natural disasters/emergencies among others.<sup>45</sup>

Each municipality bears the duty to ensure provision of social and family services within its territory through the CSW.<sup>46</sup> As such, the law does state that children without appropriate care or parental care will be provided with social care and/or counselling by the CSW. It is recognized that the child's best interest is met when their physical and psychological developmental needs are fulfilled within the context of his natural family. As such, all entities should make every effort to promote the welfare of the child within their biological families through the provision of social care, protection, counselling and material assistance in cases of emergency.<sup>47</sup> Additionally, in exceptional circumstances when the child's needs indicate that s/he would benefit from being provided with social care or counselling, this too can be offered. However, there are pre-conditions, which include the parent or caregiver making an application for this and the child being consulted, with his/her wishes being taken into account.<sup>48</sup>

The CSW is obliged to apply the following criteria when identifying families in need: a child without appropriate care,<sup>49</sup> a child with physical or mental illness/disability, a child with behavioural difficulties, a 'delinquent' / child in conflict with the law, a child suffering due to a family conflict or due to another social problem rendering them in need<sup>50</sup> (escaping from school, escaping from home, drug use, alcohol user, petty theft, street fight involvement, quarrel in the family, committed criminal deed - children younger than 14 years old cannot be criminally prosecuted, and unspecified category).

43 The Centers for Social Work code the types of "antisocial behaviour" as follows:

44 This is the term used in the official English translation of the law. A more appropriate term might be 'children in conflict with the law'

45 Article 1 (e), Law on Social and Family Services, Law No. 02/L-17

46 Article 6 (1) and 7 (1) Ibid

47 Article 10 (1) Ibid (as amended)

48 Article 11 (4) Ibid

49 When the parents have difficulty providing adequate levels of care or supervision because of lifestyle, physical or mental illness/disability, psychosocial problems, addiction or other reason

50 Article 9 (3), Law on Social and Family Services

Additionally, the CSW maintains a database of families/children who are in need and conduct regular visits in order to ensure the safety and wellbeing of the child or provide the child with services that may be necessary.<sup>51</sup>

The Family Law<sup>52</sup> defines children without parental care as children whose parents are either not alive, unknown or have disappeared, as well as those children whose parents for any reason permanently or temporarily do not fulfil obligations of parental custody.<sup>53</sup> The protection provided for children without parental care includes custody, family shelter, residential shelter and adoption.<sup>54</sup>

### Child labour

The Committee for Prevention and Elimination of Hard and Dangerous Work for Children, situated in the Ministry of Labour and Social Welfare, brings together senior civil servants from other relevant ministries and representatives from NGOs to monitor and propose policies, actions or legislative changes to eliminate and protect children from hard and dangerous work, in accordance with international labour standards such as the International Labour Organisation Convention No. 182. The Committee was originally established in 2005,<sup>55</sup> but the full competencies, composition and functioning of the Committee were not adopted until 2011.<sup>56</sup> Its authority and powers are not entirely clear, as it appears to be situated under the Council for Protection and Justice for Children, and reports directly to both the Inter-ministerial Committee for Children's Rights and the Office for Good Governance.

Municipal Human Rights Units are also required to coordinate actions with the Local Action Committees (LACs) for Monitoring Child Labour, which have been established in all municipalities as the focal points of a Child Labour Monitoring System. LACs, under the authority of municipal Directorates for Health and Social Welfare, have a mandate to implement policies targeting the elimination of child labour, monitoring the situation and offering recommendations.<sup>57</sup> They are composed of senior local civil servants, representatives of Kosovo independent trade unions, as well as representatives of local NGOs working for the protection of children.

These issues are also coordinated in the Strategy and Action Plan for the Prevention and Elimination of Child Labour 2011-2016.

### Domestic violence

In domestic violence cases, the victim is able to apply for protection measures such as, prohibition of the perpetrator to approach the victim,<sup>58</sup> prohibition of harassment,<sup>59</sup> removal of the perpetrator from home/living quarters,<sup>60</sup> as well as protection order or an emergency protection order.<sup>61</sup> Petitions for protection orders should be reviewed within 15 days,<sup>62</sup> whereas those for emergency protection orders

51 Article 9 (3 and 4), Ibid

52 Law No. 2004/32

53 Article 156, Family Law of Kosovo

54 Article 157, Ibid

55 Decision No. 5/166, 12 September 2005

56 Decision No. 04/37, 15 September 2011

57 MARIO, 'Summary of Laws that Protect Children's Rights in the Republic of Kosovo', 2012, p. 60

58 Article 5, Ibid

59 Article 6, Ibid

60 Article 7, Ibid

61 Article 13, Ibid

62 Article 15, Ibid

within 24 hours. However, outside of working hours of the courts, a petition can also be submitted for a temporary emergency protection order to the Kosovo police.<sup>63</sup>

Due to the effect that domestic violence can have on children, a number of special provisions are included in the law. For example, if the petitioner for a protection order is under the age of 18 or a child resides in a household where the victim has petitioned for a protection order, a representative from the CSW can appear before the court during the review.<sup>64</sup> Similarly, the Kosovo Police is under an obligation to inform the CSW of instances where the victim of domestic violence is under the age of 18, or that the violence is so grave that it affects the safety and security of the child.<sup>65</sup> In these cases, the child should be temporarily entrusted to the victim of domestic violence and temporarily removed from the perpetrator.<sup>66</sup> The CSW has an additional important role, as its representatives may also petition for a temporary protection order on behalf of the protected where that party permanently or temporarily resides.<sup>67</sup>

In 2011, the Government of Kosovo adopted the national strategy 'Kosovo's Program against Domestic Violence and Action Plan 2011-2014'.<sup>68</sup> The strategy/action plan has three specific objectives: prevention of domestic violence and inclusion, protection through effective mechanisms, and provision of services for rehabilitation and integration of victims.

During 2011, the Kosovo Police received reports of 1,046 domestic violence incidents, of which 804 were reported by women and 242 by men.<sup>69</sup>

The majority of the cases related to violence were between spouses (588 cases), although there were cases between parents and children, with 132 cases involving a father and son and 37 cases between a father and daughter. Similarly, there were cases involving a mother and son and a mother and daughter, 60 and 9 respectively.<sup>70</sup> It is also important to point out that as a result of the domestic violence experienced, a number of individuals, including children, sought temporary protection by residing in shelters.<sup>71</sup>

### Corporal punishment

Within the family, the Law on Family does not specifically outline that parents are prohibited from using corporal punishment when disciplining their children.<sup>72</sup> However, according to the Kosovo Criminal Code, mistreating a child is a criminal offence punishable with imprisonment of 6 months to

63 Article 22, *Ibid*

64 Article 15 (2), *Ibid*

65 Article 24 (5), *Ibid*

66 Article 6 (2), *Ibid*

67 Article 22 (1.4), *Law on Protection against Domestic Violence*

68 Approved in August 2011

69 *Civil Society's Monitoring Report on Kosovo's Program and Action Plan against Domestic Violence 2011-2014, National Strategy and Action Plan against Trafficking in Human Beings 2011-2014 and Law on Protection against Domestic Violence*, December 2012, p.32

70 *Ibid*, p. 37

71 These figures are not broken down in all cases in order to indicate whether the children suffered violence firsthand or whether they witnessed the violence on another member of their family. As such it is not clear whether they personally requested to be sent to a shelter or accompanied a member of their family (mother, father or sibling) to a particular shelter

72 Article 125 and 128, *Law on Family*

3 years.<sup>73</sup> This provision regulates conduct within the domestic context as a parent, adoptive parent, guardian or another person exercising parental authority. Similarly, the Kosovo Criminal Code regulates maltreatment during the exercise of official duty, by specifying that an official in abusing his position mistreats, intimidates or gravely insults another person will be punished, with the punishment more severe if the victim is a child.

### Social welfare payments

The decentralized social protection system was introduced in 2008 with very limited municipal ownership for the process. The capacity of municipalities to enforce the rule of law, to generate own-source revenues, and to provide enabling economic framework conditions, as well as affordable and reliable services to all citizens is still underdeveloped. Social protection is based on limited social assistance scheme, mainly targeting poverty alleviation,<sup>74</sup> providing an average of 52 Euro per family. Programs and interventions offered to families as part of the social assistance are almost non-existent.<sup>75</sup> The MLSW has the highest budget allocation of all ministries, however, this public spending is below standard given the number of households and individuals under the assistance scheme.

The social assistance scheme in Kosovo applies a strict criteria to support families in poverty. Applications within this scheme are not on an individual basis, rather, the non-financial criteria is applied to families falling into particular categories. An application under Category I can be made by a family where all family members are dependents and such dependents are not working. Families under this category can receive social assistance for 12 months, following which time they need to reapply.<sup>76</sup> Those applying under Category 2 must have a family member able to work, and where there is at least one child under the age of five and/or an orphan under the permanent care of the family under the age of 15.<sup>77</sup> Families in this category are provided with support for six months, with the condition of finding employment for jobseekers in the family.<sup>78</sup> For those families who are supported, the rates of support are too low to live a dignified life, with the rate for a family of one being 40 Euros and a maximum of 80 Euros for a family of seven persons or more.

### 4c) Child protection in practice

A study commissioned by UNICEF shows that 8.3% of Kosovo households have failed to register the births of some of their children.<sup>79</sup> Lack of registration is more common in rural areas, with a 9.3% of non-registration for children up to 5 years compared to 5.3% in urban areas. Additionally, female children are more likely not to be registered, with 9.1% of non-registered female children up to 5 years compared to 4.8% of male children.<sup>80</sup> However, the lack of registration is highest among the Roma, Ashkali and Egyptian communities as 14.7% of the age group 0-6 were not found in birth registers.<sup>81</sup>

73 Article 250, *Kosovo Criminal Code, Code No. 04/L-082, entered into force 01 January 2013* 78 Article 198, *Ibid*

74 There are two categories of recipients: Category I where no one is capable of work, and/or where the only adult capable of work is looking after an incapable person over 65; and Category II with unemployed adults with a child under 5 or providing full-time care to an orphan. Amounts of benefit have remained unchanged from December

75 and are €35 for a 1 person household; €50 for a 2 person household, rising by another €5 for each additional household member to a maximum of €75 for households with 7 or more persons.

76 Article 7 (1), *Law on Amending and Supplementing The Law No. 2003/14 On Social Assistance Scheme in Kosovo*

77 Section 4, *Law on Social Assistance Scheme in Kosovo, Law No. 2003/15, Law on Amending and Supplementing the Law No. 2003/15 on Social Assistance Scheme in Kosovo, Law No. 04/L-096*

78 Article 7 (2), *Law on Amending and Supplementing The Law No. 2003/14 On Social Assistance Scheme in Kosovo*

79 UNICEF, 'Every Child Counts: Birth registration in Kosovo', 2009, p. 9

80 *Ibid*

81 KFOS, 'The Position of Ashkali and Egyptian Communities in Kosovo', 2009, p. 12

Accurate and up-to-date disaggregated statistics on birth registration are missing, and this is a key challenge for a range of stakeholders in planning to fulfil their obligations.

Problems have been reported for children without appropriate care as a result of the length of court proceedings over the question of removal from the biological family, which results in children being placed in foster care for over two years. This situation is reported to arise in cases when the child has been initially removed from the biological family due to the lack of appropriate care and placed in foster care. However, in these cases even when reunification with the biological family is not possible, the biological parents retain their parental rights regarding procedural issues in court proceedings. This leaves the children in a legal lacuna, as there isn't a way to determine their status for adoption.<sup>82</sup>

**Table 2. Types of beneficiaries provided with social services**

Type of client	2010	2011	2012
Abused children	46	40	48
Orphaned children	34	29	28
Abandoned children	115	103	88
Juvenile in conflict with law	983	845	637
Under age marriage	119	87	91
Children with anti-social behaviour	117	143	120
Children of parents whose parental rights have been revoked	69	35	42
Dangerous child labour <sup>83</sup>	55	15	17
Request for international adoption (adult clients)	1	5	1
Request for domestic adoption (adult clients)	84	66	43
Clients that request children for foster care (adult clients)	8	5	3
Victims of trafficking (adults and children)	7	7	10
Users of narcotic substances (adults and children)	3	5	3

The statistics above show that juveniles in conflict with the law account for almost 60% of the total number of reported clients.<sup>84</sup> Of course the data will be skewed by lack of mechanisms to identify children in each group, or poor referral rates. There is a need for better quality data, starting from the social worker who enters the data into the system up to the department of social services that collects and analyses the data from all CSWs.

<sup>82</sup> Amici de Bambini, 'The Protection System of Children without Appropriate Care in Kosovo', p. 11

<sup>83</sup> Based on the interview with the ILO official, this category implies ILO definition.

<sup>84</sup> The types of clients that include adults or are applicable to adults have are not included in this calculation.

- The best interests of the child do not prevail in custody cases, where there is often no access to the child for the parent who does not have custody due to obstruction by one parent and lack of adequate facilitation by duty bearers;
- Children without parental care who are placed in fostering, without the possibility of being returned to their biological family, are not easily placed for adoption and this impacts their right to a family life;
- Potential issues over making decisions on foster care or adoption in the best interests of the child when the Kosovo social welfare system identifies potential adopters/ foster carers as their 'clients';
- Human Rights Units have been established in all municipalities of Kosovo as a mechanism for promoting and protecting human rights.<sup>85</sup> However, only five municipalities (Podujevë / Podujevo, Mitrovicë/Mitrovica, Gjilan/Gnjilane, Istog/k, and Klinë / Klina) have appointed the officials for CR without any additional tasks; in the majority of municipalities (29), the coordinators for CR have other tasks that prevent them from focusing on implementation of strategies and standard policies for children.
- The autonomy of local government bodies in spending funds, as provided for in the current legal framework, poses a challenge for some municipalities who have weak capacity for allocating funds appropriately to address child protection and prioritizing social welfare. While there is a specific grant for education and health, social services are not on the top of the duty-bearers' agendas. There is lack of awareness among the public about the importance of social services. As such, during election campaigns, improving social welfare is rarely mentioned as a significant concern. Finding the right model or formula that defines the financing of social protection and monitors the allocation of funds at the local level for child protection, presents a challenge for the duty-bearers.
- Improving the practice of outsourcing social services to local NGOs is a promising solution because it strengthens capacities for dealing with the full range of social services and of the financial viability of such approach. The benefits of this model were also put forward by the government officials during interviews. Although there is a lack of standards for licensing NGOs whose scope of work include social and family services, the authorities of MLSW have confirmed that they are currently working on putting in place licensing procedures for NGOs and an administrative instruction has been drafted, currently being discussed among key stakeholders.

**RECOMMENDATION:** A feasibility study on the outsourcing of social services to local NGOs.

"The directorates for health and social welfare do not have sufficient capacity to support CSWs, and professional support from MLSW is lagging behind due to decentralization and an altered role," - International Labour Organization representative during interview

- Empowerment of the local level as part of financial and administrative decentralization has left social services in the same directorate with health services. However, in most (31) municipalities, the heads of directorates for health and social welfare are health professionals who lack professional experience for managing an entity that deals with the complexity of social services. The heads of directorates for health and social welfare are political positions that do not align the responsibilities with the academic and work experience of the selected directors. The social service

<sup>85</sup> Ministry of Local Government Administration, 2013 "Promotion of Human Rights in Municipalities of the Republic of Kosovo" 90 Ibid. Page 14.

workers are left with leaders who do not understand the complexity of social services but rather deal with the issues on a day-to-day basis. Having more competences than capacity as a result of decentralization, has left municipalities facing multifaceted challenges, particularly centers for social welfare.

- The small number of social workers is problematic when analyzing the situation of social services. Some social workers have up to 500 open cases.<sup>86</sup> Although there are no widely-accepted standards on caseload per social worker, the above-mentioned data suggests that social workers are overloaded and they are unable to provide high quality services and provide attention required for the people in need. It is important to understand that the right model for dealing with fluctuating number of cases per social worker depends not on the number of cases per se but rather on the nature of cases.

**RECOMMENDATION:** The focus should not only be on decreasing the workload per social worker, but establishing routines for dialog and discussion among social workers and managers of CSWs in assigning the cases to workers that are more specialized in certain types of work.

“Often when we work with CSWs, they complain that they don’t have cars and money for fuel to go and visit children.”  
Amici dei Bambini

- Inadequate infrastructure, such as lack of vehicles, poor maintenance of existing fleet, lack of space, lack of budget for fuel, and a lack of human resources are some of the factors that hinder CSWs in fulfilling their responsibilities.
- There are no undergraduate programs for social services, and capacity building for social workers is a challenge. The interviews with stakeholders such as Terre des Homes, Amici dei Bambini, and CSW reflected the difficulties that CSWs deal with in providing social services.

**RECOMMENDATION:** Feasibility study for starting undergraduate program for social services.

- The dual responsibility of CSW to the Directorate of Health and Social Welfare as well as to the Department of Social Welfare in the MLSW creates ambiguities.
- Children and women are subjected to trafficking and forced labour as Kosovo is both a source and destination country for victims of trafficking.
- Begging is a serious problem that Kosovo authorities have not managed to address properly. In an interview with a representative from the Directorate of Community and Prevention, we were told that efforts to prohibit such begging are often thwarted by children and families who are – or claim to be – from Albania, and return to begging even after police intervention.<sup>87</sup>
- The government is working to eliminate trafficking, but it has not been able to comply with minimum standards,<sup>88</sup> despite making efforts to introduce a number of initiatives such as, increasing punishment for trafficking offenders, criminalization of using services of victims of trafficking, including forced begging as a trafficking offence, and funding shelters for victims. According to

<sup>86</sup> Interview with Blerta Shehu, Program Manager at SOS Kinderdorf  
<sup>87</sup> Interview with Clirim Hajdini, Directorate of Community and Prevention  
<sup>88</sup> <http://www.refworld.org/docid/51c2f3af4d.html>

the officer for the protection of trafficking victims in MLSW, “the average age of trafficking victims is decreasing, and it is troublesome the fact that some of the victims of trafficking are becoming traffickers.<sup>89</sup>” This indicates that re-integration interventions are not being implemented satisfactorily. Poverty, lack of education, lack of a prosperous future, lack of marketable skills, and a lack of awareness in society about supporting these victims in rebuilding their lives, are some of the factors that are contributing to victims becoming traffickers themselves.

“The statistical data is scarce, but child labour in Kosovo is visibly widespread.”  
International Labour Organization, 2011

- The International Labour Organization (ILO) runs programs to prevent children engaging in heavy labour. In two of its projects, the ILO has managed to prevent 1,000 children from engaging in heavy labour and withdraw around 300 who were already engaged in heavy labour. Nevertheless, a lack of ongoing services such as reintegration and formal meetings with parents, sheltering, and community services for children who have been engaged in heavy labour make it impossible to offer full support to these children.<sup>90</sup> High poverty rates, and low levels of awareness among parents and society that child labour is harmful, pose long-term challenges for governmental and non-governmental authorities in eliminating the worst forms of child labour.

**RECOMMENDATION:** Establish services for children who have been engaged in heavy labour, including reintegration, formal meetings with parents, and sheltering.

- During the interview with the head of the Human Rights Unit within the Ministry of Health, it was noted that in the current health information system there is no way for doctors to flag cases that are victims of trafficking or children engaged in heavy labour. It is unclear among health professionals whether child abuse and trafficking should be reported to child protection authorities.<sup>91</sup>

**RECOMMENDATION:** Protocols to be established and staff to be trained in procedures and responsibilities when dealing with victims of trafficking or children involved in heavy labour.

- The database in the Department of Social Welfare has been in use without any significant improvement for the last ten years.<sup>92</sup> There is a lack of any comprehensive, central database that would enable all relevant institutions such as the courts, police, CSW, Probation Services in the Ministry of Justice, and so forth to gather, analyze and ensure high quality data on child protection and vulnerable groups. Poor data-sharing and availability among key stakeholders hampers coordination and cooperation between the above-mentioned institutions.

**RECOMMENDATION:** Improve systems for data capture (incorporating appropriate data protection measures) and data-sharing between relevant institutions on child protection.

<sup>89</sup> Interview with Adile Basha, High Officer for Protection of Victims of Trafficking, Ministry of Labour and Social Welfare  
<sup>90</sup> Interview with Lindita Boshtrakaj, National Program Manager, ILO-IPEC  
<sup>91</sup> Interview with Sanije Kicmari, Head of Human Rights Unit in the Ministry of Health  
<sup>92</sup> Interview with Sokol Krasniqi, Database Administrator in the Department of Social Services in the Ministry of Labour and Social Welfare

Another consequence of this data deficiency is the inability to measure the effectiveness of programs and initiatives. There is a lack of evidence for successful programs targeted at the protection and realization of CR. Fragmented data enable some stakeholders to avoid accountability.

\*Research in 2008 found that domestic violence in Kosovo is predominately a form of gender-based violence, where the men are violent towards women and girls.<sup>93</sup> Reporting such violence is not very common as 82% of those surveyed admitted that they consider domestic violence to be shameful, which should not be talked about outside the home. Similarly, 40% of those who experienced domestic violence stated that they had not told anyone about their case. Additionally, the research found that women living in rural areas are more inclined to experience domestic violence. Almost half of the respondents (women more than men) believed that 'sometimes a child needs to be smacked'.<sup>94</sup>

- Kosovo spends the highest amount on social assistance of all countries in the region,<sup>95</sup> which is thought to be due to the high incidence of poverty and the lack of structural forms of social assistance, i.e. the lack of a child benefit system.<sup>96</sup> During 2011, a total of 34,867 families (151,676 individuals) received social assistance in Kosovo.<sup>97</sup>
- Despite changes being made to the Law on Social Assistance Scheme in Kosovo, it has been argued that the social assistance scheme remains unsuitable since it does not contribute towards alleviating poverty in general and that of children in particular. The monthly amount provided is too small to meet the basic needs of a family, and the requirement of having a child under the age of five has been viewed as discriminatory, especially since it is at this age that children start attending school and need this support.<sup>98</sup> Evidently, the economic conditions present a challenge for Kosovo institutions to fulfil their obligations towards the most vulnerable in Kosovan society, but it is estimated that a universal child benefit scheme of €25 per child per month would halve child poverty rates in Kosovo.<sup>99</sup>

93 Kosovo Women's Network, 'Security Begins at Home' (Research to Inform the First National Strategy and Action Plan against Domestic Violence in Kosovo' 2008)

94 Kosovo Women's Network, 'Security Begins at Home' (Research to Inform the First National Strategy and Action Plan against Domestic Violence in Kosovo' 2008, p. 28)

95 Albania, Macedonia, Bosnia and Herzegovina, Montenegro and Serbia

96 UNICEF, 'Joined Hands, Better Childhood', 31st August 2011, p. 25

97 Kosovo Statistics Agency, Number of Families Receiving Social Assistance Benefits by Region, available at <http://esk.rks-gov.net/ENG/social-welfare-and-literacy/tables>

98 KOMF, Coalition of NGOs for Protection of Children, 'Who speaks for me?' January 2013, p. 15-16

99 UNICEF Child Poverty in Kosovo, Policy Options Paper & Synthesis Report

## CHAPTER 5 – THE RIGHT TO EDUCATION

### 5a) The legal framework

The Kosovo Constitution establishes that 'every person enjoys the right to free basic education' (up to grade 10) and that it is the duty of public institutions to ensure equal opportunities to education according to specific abilities and needs.<sup>100</sup> The Constitution also makes the UNCRC directly applicable and in cases of conflict between the two, the latter has priority over laws and other acts of public institutions.<sup>101</sup> The Law on Pre-University Education in regulating pre-university education and training aims among others, to 'develop pupils' personalities, talents, mental and physical abilities to their fullest potential.'<sup>102</sup> Whilst education is prescribed as a joint responsibility shared between parents and institutions, the general duty remains with the MEST, municipalities and other bodies to provide an efficient, effective, flexible, inclusive and professional service, which provides equal opportunities and promotes educational and social development.<sup>103</sup>

According to the Law on Pre-University Education, compulsory schooling begins at the start of the school year following the date on which a child attains the age of six, which is the minimum compulsory school age, and ends upon the completion of ISCED (International Standard Classification of Education) Level 2, usually at the age of sixteen.<sup>104</sup> Additionally, such compulsory schooling is provided free of charge,<sup>105</sup> including textbooks for Levels 1 and 2 in Albanian, Serbian and other community languages.<sup>106</sup> The Law on Pre-University Education incorporates pre-primary into the national framework under Level 0, which covers ages 0 to 6.<sup>107</sup> However, pre-schooling remains voluntary and it is only foreseen that it will be compulsory during the 'school year 2015/16 if the financial conditions are created, and after an exact assessment of the financial cost of the following period.'<sup>108</sup>

Furthermore, the Law on Pre-University Education intends that there should be inclusive education in accordance with international standards, meaning that institutions should accommodate all children regardless of physical, intellectual, social, linguistic or other conditions, and should promote integration and contact between children.<sup>109</sup> In this regard, municipalities have the duty to take measures to support the inclusion of children, including transportation and adapting classes for pupils with physical or sensory disabilities, where this is deemed necessary. Nevertheless, separate or special schools are permitted, as this is justified following expert assessment where it is considered impractical to enroll a child in a regular school.<sup>110</sup> With regard to such schools, as well as resource centers, it is the MEST that bears the duty to establish and maintain them, as well as to license teaching professionals and provide transportation for those that attend such schools or resource centers.

Additionally, education throughout all levels should be ensured without any discrimination on real or presumed grounds such as sex, race, sexual orientation, physical, intellectual or other disability, marital

100 Article 47, Constitution of the Republic of Kosovo

101 Article 22, Ibid

102 Article 1 (2.1), Law on Pre-University Education in the Republic of Kosovo, Law No.04/L-032, entered into force 01 October 2011

103 Article 3 (2) and (3), Ibid

104 Article 9 (2) and (1.3), Ibid

105 Article 9 (4), Ibid

106 Article 26 (4) and 27, Ibid

107 Article 9 (1.1.1), Law on Pre-University Education | 14 Article 9 (3), Ibid

108 Article 49 (2)

109 Article 40 (2.1), Law on Pre-University Education

110 Article 40 (2.2 – 4), Ibid | 18 Article 3 (6), Ibid

status, colour, language, religion, political or other opinion, national ethnic or social origin, association with a community, property, birth or other status of the pupil or the pupil's family. Regarding the prohibition of discrimination, the MEST is responsible for promoting a non-discriminatory education system by ensuring that each person's right to education is respected with equal opportunities for all, whereas the municipalities must ensure that registration and admission of students are conducted in accordance with non-discrimination principles.<sup>111</sup> Nevertheless, in practice this is not consistently secured with instances of segregation being reported on the basis of ethnicity, where pupils from Roma, Ashkali and Egyptian communities have been segregated from their Albanian counterparts.

The Kosovo law identifies the quality of the education being offered as an important aspect of realising the right to education, in order to develop the child's personality, talents, and mental and physical abilities to their fullest potential, whilst respecting their rights and preparing them for a responsible life in a free society.<sup>112</sup>

Within Kosovo's legal framework, the Law on Inspection of Education in Kosovo<sup>113</sup> establishes the Department of Inspection within MEST, whose responsibility is to inspect all levels of education in the public and private sector,<sup>114</sup> in order to ensure that the legislation in force is being implemented, the curricula followed, and to consider pupil and student evaluation among others.<sup>115</sup> The existence of such a department is important, although transparency regarding the inspection it conducts would provide useful indicators for individual institutions and their efforts to secure the right to education. However, the fact that it is placed within MEST is also an issue that should be considered further, as this may affect its independence in fulfilling its many functions and ultimately, in ensuring that the right to education is being secured. Pre-university education is further regulated by the Law on the Inspection of Education No. 2004/37, the Law on Vocational Education and Training No. 04/L-138, the Law on Pre-school Education No. 02/L-52, the Law on Publishing School Textbooks, Educational Teaching Resources, Reading Materials and Pedagogical Documentation No. 02/L-67, the Law on Education in Municipalities No. 03/L-068, the Law on Final and State Matura Exam No. 03/L-018, and the Law on National Qualifications No. 03/L-060.

The MEST has modified and aligned with country policy the 'Protocol for prevention and referral of violence in pre-university institutions,' as well as creating related working groups and initiatives with a multi-disciplinary and multi-institutional approach.

The Law on Pre-University Education defines corporal punishment as any striking or other non-accidental physical contact by a teacher or other member of staff with a pupil, other than an obligatory intervention, where a pupil imperils the safety of other pupils or staff.<sup>116</sup> All those employed within education institutions are under an obligation to take reasonable steps to ensure that pupils and staff are not injured, exposed to offensive words or actions, and corporal punishment or other humiliating punishments are prohibited in all educational and training institutions (public or private).

In general, the **Kosovo education system reforms** offer a promising path toward inclusive and progressive education. Now in the second half of its implementation, the Strategy for Development of Pre-University Education in Kosovo 2007-2017 aims for Kosovo to become an informed society,

<sup>111</sup> Article 3 (a) and 5 (b), Law on Education in the Municipalities of the Republic of Kosovo, Law No. 03/L-068, entered into force 15 June 2008

<sup>112</sup> Article 1 (a), (b) and (d), CRC

<sup>113</sup> Law No. 2004/37, 17 December 2004

<sup>114</sup> Article 2, Law on Inspection of Education

<sup>115</sup> Article 4, *Ibid*

<sup>116</sup> Article 1 (1.1), Law on Pre-University Education

integrated in European trends and offering equal opportunities for personal development to all its individual members, who in return contribute to sustainable economic and social development. Furthermore, the Strategy's mission is to build an inclusive education system that offers conditions for quality education and training for all individuals by promoting lifelong learning habits and values of democratic citizenship. The four basic principles of the UNCRC<sup>117</sup> are incorporated into the Kosovo legislation that regulates the education system, and has been able to increase integration of children in both primary and secondary level of education, and - with less success - in pre-school education.

The Government of Kosovo, as one of its four priorities, has committed itself to achieving progress in the education programs with 'quality all-inclusive education, reinforcing the capacities of early childhood development of the child.' The MEST has introduced inclusion as a crosscutting theme in all its interventions, and has developed several programs in co-operation with international organizations and local resources. Despite political will and concrete steps taken for inclusive programs at different levels, statistics from 2011 to 2012 indicate very little progress in overall inclusive measures. "At pre-school level, the number of pupils went up from 5,232 to 5,389, and for children with disabilities from 1,179 to 1,221 children".<sup>118</sup> This represents a significant challenge to the intention of integrating all children in any form of pre-school program by 2015, as the MEST's strategic objective and one of EU's requirements.

There is no significant gender disparity at either level of education. It is particularly positive to note that the number and percentage of girls in high school (grades 10 -13) has been steadily improving, and stands at 44% in the academic year 2007-8.<sup>119</sup> However, the suggestion is that these non-discriminatory components of quality and access to education for all, needs to be closely monitored in the future since push factors (mainly of a socio-economic nature) for girls' school dropout are still sporadically present. This has been an issue in the past, particularly in the final years of lower secondary grade 6 to 9 and drop-out and/ or a lower level of enrolment of girls in higher secondary from grade 10.

The MEST, supported by a World Bank Grant, has developed an '**Education Management Information System**,' EMIS, for pre-school, primary and secondary education (including special schools) in the public and private sectors. The EMIS report for 2012-2013 is structured in accordance with the International Classification Standards of Education. The publication provides information for local institutions of education policy, and local and international partners involved in the field of education, creating the possibility of comparing Kosovo's educational statistical information with other countries.

In 2007, the MEST sponsored the development of the 'Strategy for integration of Roma, Ashkali and Egyptian communities in Kosovo,' Education component 2007-2017, with a mission focused on 'Building of an inclusive and high quality system of education, based on justice, equity and respect of diversity, contributing to the full integration of Roma, Ashkali, and Egyptian communities in society.'<sup>120</sup>

There is a progressive increase in the enrolment of children with disabilities (CWD) in the education system in Kosovo. Solid policy measures and a set of specific administrative instructions have influenced the overall inclusion of CWD. Key Administrative Instructions from MEST (26/2012; 07/2012 and 12/2012) specify the qualification requirements for teaching staff of CWD; professional evaluation/ categorization of CWD and special educational needs; criteria for selection of assistants and instructors in inclusive education and their role. There are also promising initiatives in setting up standards for the

<sup>117</sup> <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>118</sup> ZKM 'Raporti I Vleresimit per Femije' vellimi III (Janar-Dhjetor 2012)

<sup>119</sup> Treguesit dhe te dhenat statistikore ne arsim 2004 - 2007. MASHT 2008. [http://www.mashtgov.net/advCms/documents/Raporti%20statistikor\\_shqip.pdf](http://www.mashtgov.net/advCms/documents/Raporti%20statistikor_shqip.pdf)

<sup>120</sup> [http://www.kec-ks.org/botimet\\_files/Rae\\_English.pdf](http://www.kec-ks.org/botimet_files/Rae_English.pdf)

education of CWD according to international standards, as well as establishing resource centers and individual teaching plans.

A significant number of new teachers have been employed in recent years, particularly at pre-school and primary level. There are eight pre-school and eight primary schools which have incorporated inclusive education and began implementing the 'Index for Inclusion,' and there are 17 inclusive education teachers/educators trained and integrated into schools. A Finnish project supporting the development of education sector in Kosovo, Save the Children, and other organizations have significantly supported the MEST in developing various educational programs for CWD. These include training of teachers, establishing four model schools and four control schools, and introducing programs on Individual Teaching Plans, Effective Schools (TESFA) and programs in reading and writing to school staff. Six out of seven schools have been transformed into resource centers that also work with CWD with severe impairment, and support regular local schools as requested in inclusive efforts of CWD in the regular education system.

One of the most significant undertakings by the MEST and the Government of Kosovo is subsidizing free textbooks for all children up to grade 9. All of the 288,378 children enrolled in formal education have been equipped with free textbooks for all subjects. The MEST has spent 8,277,543 Euro on the development and printing of textbooks which has had multiple effects: standardizing the use of textbooks in schools, increasing the overall quality of content and teaching methodology, increasing inclusion and the support to children from poor families; as well as enabling the building of coherence and chronology between different levels of education. In addition, for informal education in the VET sector, children coming from households that receive social assistance are exempted from paying their course.

### 5b) Education in practice

A report prepared by SCIENTER and the Center for Education Policy with the assistance of the Kosovo Education Center<sup>121</sup> notes that 'there are discrepancies between: policy and practice in teacher education and training; legal provisions and their implementation in teacher education institutions; and the content of teacher training programs and their implementation in schools.'

For decades, the war-damaged and underfinanced education sector in Kosovo has hindered development and progress toward regional and European standards of education achievements. A primary challenge for the country was the rebuilding of the education infrastructure, significantly supported by international funding mechanisms, still offering funding and support. Despite significant progress in rebuilding existing schools, and the construction of many new and modern school buildings, equipped with modern inventory in compliance with the engineering and pedagogic standards set by MEST, there is still a lack of space per pupil. The standard required for classrooms is 1.8 square meters per pupil, and five square meters per pupil for school area. Although there is a lack of data to show the situation in Kosovo, discussions with school directors reveal the lack of space as one of the issues that hinder the teaching and learning process. Some of the schools worked in three shifts and although, as of last academic year, there are no three-shift schools, there are now overcrowded classrooms with 35-45 and sometimes even more pupils per classroom. Due to the high internal migration of population from rural to urban areas, this situation is particularly critical in the main cities. Overcrowded classrooms are one of the factors that impede the work of teachers with CWD and children with special educational needs.

<sup>121</sup> [http://www.etf.europa.eu/webatt.nsf/0/C12578310056925BC125772E002C487E/\\$file/NOTE85SBG9.pdf](http://www.etf.europa.eu/webatt.nsf/0/C12578310056925BC125772E002C487E/$file/NOTE85SBG9.pdf)

One of the main challenges for pupils in rural and suburban areas is the long distance, and unsafe routes for walking to school, along busy highways and/or mountainous or forest paths. Traffic accidents cause a significant number of fatalities, especially among children and pedestrians.<sup>122</sup> The strategy for road safety and action plans are not approved yet due to costs associated with it. Analysis from the Kosovo Agency of Statistics shows that 52% of accidents occur on roads or railways.<sup>123</sup> In addition, a local news portal reports that "road accidents are the number one cause of accidental deaths in Kosovo and the trend is increasing," which highlights the permanent risk that children are exposed to on their way to school.<sup>124</sup>

"I would like to have our schools without broken windows, without broken doors, to be clean and have all the things a school needs to have – everything to be fixed and in a working condition"  
- Focus group with pupils, Mitrovicë/Mitrovica

When children, who participated in focus group discussions were asked about their hopes for the future, most of them mentioned "classrooms without broken windows or leaking roofs, clean toilets, nice desks and sufficient chairs." It was clear that in children's minds, physical infrastructure plays an important role in the way they experience formal schooling and education. During the focus groups, they complained about being exposed to danger because of unstable roof and broken windows. "The schoolyard is too small and cannot be used for any activities, and there are dangerous equipment where children can get hurt" said one of the teachers in the Mitrovicë/Mitrovica focus group. The gym is not pleasant as it is too cold, hence children do not enjoy physical education. They don't have musical instruments, labs, or maps. They don't have lockers and their bags are too heavy - some children's school books, combined with notebook and other school materials, adds to a weight of 15 kilos per school bag.

This was also one of the complaints that came up during focus groups with parents. Heavy books are affecting children's posture and some complained that it causes back pains. The lack of hygienic facilities in schools is a concern shared both by parents and children. Some children confirmed that they try not to use school toilets because they are unhygienic. It is interesting to observe the similarities among parents and children about "the ideal community and the future." When parents were asked about the ideal community and what they were hoping for the future, "cleanliness, schoolyards where many activities can take place, a gym, and a canteen," were the main attributes of an "ideal place."

Moreover, one of the main concerns commonly shared among parents is lack of safety. "Children are exposed to bullying by their peers from other schools and they are totally unprotected," said one parent, who voluntarily monitors the entrance of the school whenever he has free time. "Having funds for a security guard who would ensure safety and monitor the school premises is a priority for us" said a school director during an interview. Parents would like their children to spend longer in school premises as they feel that this is one of the ways that they can prevent their children from being exposed to substance abuse and other dangers. Moreover, parents would like to have trainings/awareness raising sessions on the topic of drugs, as they fear that peer-pressure diminishes the impact that parents have at home.

<sup>122</sup> EU, 2013 "Kosovo 2013 Progress Report"

<sup>123</sup> Kosovo Agency of Statistics, 2012 "Causes of Deaths in Kosovo 2010-2011", p.32, Table 18

<sup>124</sup> Gazeta Express, 2012 "Aksidentet ne komunikacion, shkakdari me i madh i vdekjeve ne Kosove", <http://gazetaexpress.com/?cid=1,15,79665>

**RECOMMENDATION:** Offer drugs awareness training to parents as a way of supporting them to protect their children from this risk.

Another worrying fact that brings into perspective the physical conditions of school buildings is lack of access to tapped water and sanitation in some of the schools. Both children and parents who participated in focus groups have mentioned this unfortunate fact. During the interview with head of the inspection department in MEST, it was confirmed that there are schools in Kosovo where children do not have access to tapped water and sanitation facilities.<sup>125</sup> The recommendation from the head of inspection was to dig wells in order to supply the school with tapped water.

In 2012, only 50 Roma, Ashkali Egyptian children were enrolled in pre-school institutions.

The level of enrolment of Roma, Ashkali and Egyptian children in the education system in Kosovo remains low. The Kosovo census indicates that 2% of the population belong to the Roma, Ashkali and Egyptian communities, and when compared with the overall number of Roma, Ashkali and Egyptian children enrolled in the education system, it is evident that more efforts should be made by the MEST and other institutions to achieve inclusion. In 2012, there were only 59 Roma, Ashkali and Egyptian children in pre-primary classes (1.16% of the total pre-primary population, compared with Roma, Ashkali and Egyptians making up 2% of the general population of the country), 6,485 in grades 1-9 (2.19% of the total) and 526 in grades 10-13 (0.49% of the total).<sup>126</sup>

Children from these communities, especially girls, have poor levels of education and high dropout rates.<sup>127</sup> Data from the MEST for the school year 2012/13 show that the number of pupils from these communities is 7,260; dropout rates from these communities are not available. The right to attend school, granted by the Law on Primary and Secondary Education, is not being fully respected, although a total of 1,588 children from Roma, Ashkali and Egyptian communities have been integrated in non-formal education models set up by the MEST.

“The children do not have shoes that are waterproof, therefore as soon as the weather worsens with rain and snow and there is a drop in temperature, then children cannot attend school.” - Focus group in Mitrovicë / Mitrovica, Mother of a child of Roma Community.

The low enrolment of Roma, Ashkali and Egyptian children in education is a result of many factors and requires a multi-disciplinary and multi-sectorial approach for the situation to change. Significant causes are the low levels of education within families, as well as the communities as a whole that do not support the education of their children as an imperative for their development. Poor economic conditions and high unemployment among Roma, Ashkali and Egyptian communities is another component that contributes to low school enrolment – a recent survey identified the economic factors as the most common reason given by members of these communities for why their children don't go

<sup>125</sup> In-depth interview with Defrim Gashi, Head of Inspection Department, MEST

<sup>126</sup> [http://www.masht.gov.net/advCms/documents/Statistikat\\_e\\_Arsimit\\_ne\\_Kosove\\_2012\\_13.pdf](http://www.masht.gov.net/advCms/documents/Statistikat_e_Arsimit_ne_Kosove_2012_13.pdf)

<sup>127</sup> OSCE, 2010 “Kosovo Communities Profiles”

to school.<sup>128</sup> Early marriages and child labour are also contributing factors to low school enrolment and high dropout rates.

**RECOMMENDATION:** Support initiatives to address dropout, by working directly with children and families at risk, providing shoes, schoolbags and other practical resources to support the return of or continuation of children to school, as well as income-generating or skills-building activities for family members to promote economic well-being, which will impact on children's school attendance.

“Because of the disability, the school director was not interested to enroll my child in school. I had to visit the school many times. In the end, the director gave up and registered my child. However, there are still difficulties to get into school, because the entrance closest to my child's class does not have an easy access. I have to carry my child in my arms when I get him inside the school, because there is no ramp at that entrance. Other parents help me as well.” - Focus group in Prishtinë / Prishtina, Parent of a child with disability

It is assumed that “about 150,000 people in Kosovo have some sort of disability, and about half are thought to be children of school age. The figure on the number of CWD in the school system ranges from 1,000<sup>129</sup> to 1500<sup>130</sup> (1.3 – 2%).

The main challenges remain in the overall number of staff and the number of professionally qualified staff for teaching CWD, and the lack of professional teams for the evaluation and categorization of CWD in all municipalities.

**RECOMMENDATION:** Offer training for evaluation, categorization and teaching of CWD.

A study of people with hearing impairments found that, 74% of them had not learned sign language until they were 7 years old,<sup>131</sup> while 17% of the deaf respondents have not attended primary education.

**RECOMMENDATION:** Support projects to include CWD, including hearing-impaired, in mainstream schools.

The geographical positioning of special schools, which is based on regions and is not proportional with the number of CWD, is another factor that puts this group of children at high risk of not being able to realize their right to education.

**Insufficient budget allocated to education:** According to the UNCRC, state parties are obliged to allocate funds to the level possible within their available resources for fulfilling the economic, social and cultural rights of all their citizens. In 2012, the Government of Kosovo increased the budget for education by 0.25% in 2011, allocating the increased amount to five areas, including for CWD in education.<sup>132</sup> However, regardless of this small increase in educational funds for the year 2012 in comparison with previous years, it is not considered sufficient to cover the costs of anticipated changes in education and the necessary increase in education quality and inclusiveness.

<sup>128</sup> “No clothes for school” (18.6%); “No money for books, notebooks, etc.” (16.3%); “No winter clothes” (13.7%); “No money for food” (10.8%); “Has to work” (8.2%)

<sup>129</sup> People in Need, 2012 “Practicing Universality of Rights”

<sup>130</sup> UNICEF report “Justice Denied: The state of education of Children with special needs”

<sup>131</sup> Kosovo Association of the Deaf, 2010 “Report of the Status of Deaf people in the Republic of Kosovo”

<sup>132</sup> ZKM “Raporti I Vleresimit per Femije” vellimi III (Janar-Dhjetore 2012)

From the overall Kosovo budget, it is indicated that approximately 5% is dedicated to the education sector. This is in line with other regional and European standards for budget allocation in education. In the Kosovo context, however, this is viewed as insufficient due to several factors: underdeveloped infrastructure of education premises, the need for significant training and requalification of education staff, and the proportion of children in education in comparison with the total population that is much higher than in other European countries, among other factors.

Although the inspection and monitoring mechanisms established by MEST have been quite productive in establishing quality control mechanisms at central and local level, its autonomy in fulfilling its responsibilities may be affected because it lacks independence from the MEST.

Due to overcrowded schools and the lack of qualified staff (counsellors, social workers and psychologists), many schools are unable to provide social support for students including identification and prevention of various social problems which negatively affect children. Such support may include assisting children in conflict with the law, children that work, school dropouts, preventing the use of various narcotic substances, prevention of unwanted pregnancies, STD/HIV, etc. Regarding such issues, interdepartmental co-operation is weak and the models of 'task forces' and municipal committees are not functional, thus unable to impact upon identifying problems affecting children and improve the welfare of children.

**RECOMMENDATION:** Support training and cost-sharing models of counsellors, social workers and psychologists to provide support for children at risk.

Following the signing of readmission agreements with many EU countries, Kosovo has been faced with a high number of families returned from the diaspora, with many children requiring special support to enable their integration into the education system. Many of them are from Roma, Ashkali and Egyptian communities, but there are also children that have difficulties with the local language and are used to different education methodologies and curricula. Trauma from new living conditions has also often caused difficulties in the continuation of education. A total of 369 repatriated children have been reintegrated in the formal and non-formal education system.

The model of "Attached Classes"<sup>133</sup> for the Inclusion of CWD has not been very successful due to creating a double marginalization of children within these classes in regular schools, as well as due to lack of resources and consistent support. These classes are in the process of being transformed into resource rooms; with limited success, so far only in a couple of primary schools.

One study<sup>134</sup> concluded that teachers lack the motivation and time to individually tailor their teaching method for CWD.

**RECOMMENDATION:** Expand training offered to teachers for how to work with CWD, recognizing the value of such techniques for all children.

<sup>133</sup> Attached classes have been established since the 2002-03 school year within some of the larger/urban regular schools as transition classes to regular classes that intended to support overall inclusion. <sup>142</sup> Interview with Igballe Rrahmani, Co-ordinator for Children's Rights, Ombudsperson Institution

<sup>134</sup> People in Need & Kosovo Mental Disability Rights Initiative, 2012 "Practicing universality of rights: Analysis of the implementation of the UN Convention on the rights of persons with disabilities in view of persons with intellectual disabilities", p.37 <sup>144</sup> Interview with Petrit Tahiri, KEC

"The teacher uses a stick to hurt pupils' fingers as a form of punishment for lack of discipline."  
- Focus group with pupils in Mitrovicë/Mitrovica

It is also worth mentioning the need for a more progressive inter-sectorial cooperation between Social Welfare and Health sectors in support of and empowerment of both, poor families and families with CWD.

**RECOMMENDATION:** Work with municipal staff across directorates of health, social welfare and education, to promote and share models of information-sharing in the interest of the child.

Many children use organized transport to school and it is encouraging that parents are using the benefits provided by public institutions to facilitate school attendance by CWD.

Several participants in the focus group discussion with pupils in Mitrovicë/Mitrovica confirmed that they are subject to physical punishment from one of the teachers. One ninth-grader reported that she feels scared when she has classes with a particular teacher because, as the pupil said "the teacher is unpredictable." Data suggest that there has been a significant decrease in the perception of physical violence from 2003 with 26%, to under 6% nowadays.

Research from 2005 found that corporal punishment was still an accepted practice in Kosovo's schools. Many children had experienced or witnessed violence, and many respondents sought to rationalize such violence in schools. For example, the children explained that they 'deserved' such punishment, whereas teachers and parents viewed violence as necessary so that children would learn or behave.<sup>135</sup>

The lack of statistics/research in this area is problematic, especially since it is needed when planning appropriate measures to prevent such instances.

**RECOMMENDATION:** Further research on whether and how physical and humiliating punishment is used in schools and/or in the home, in order to appropriately address such behaviour.

Some cases of violence remain hidden and unreported due to the lack of proper identification and reporting mechanisms in schools. Lack of trust in the system of school protection measures, and frequent negligence and incapacity of law and order structures reported in different media, suggests that some pupils who are bullied do not report cases either to schools or to their parents due to fear of being bullied again.

In meetings with social workers at CSWs in Prishtinë / Priština, Ferizaj / Uroševac, Gjilan / Gnjilane, Gjakovë / Đakovica and Prizren, there were discussions about cases of violence among children and destruction of school property, with many of the identified cases being recidivist children from dysfunctional families, often with socio-economic problems and lack of adequate family support and education. However, social workers also suggest that schools possess neither the skills nor the will to deal with such problems among pupils. Usually, the only measures that a school undertakes is the expulsion of pupils with anti-social behaviours and/ or poor attendance in school.

There is poor cooperation within schools, and the majority of recently-engaged psychologists in schools do not have a consolidated strategy for how to address violence as an issue. In some cases, cooperation should be extended to law enforcement institutions. However, this remains purely a

<sup>135</sup> UNICEF, 'Research into Violence against Children in Schools in Kosovo, 2005

school responsibility and is obviously not well-addressed, with schools lacking complaint/protection mechanisms, as well as identification and referral mechanisms and practices. Moreover, there is low involvement of parents and the community in discussing and finding solutions for violence and similar challenges in schools.

**RECOMMENDATION:** Use school councils to address issues of violence in schools.

The level of school dropout cases in 2012 is alarming and has increased from the previous years, with 846 more cases of dropped out children compared to the previous year. A total of 1,339 children from grades 1-9 are recorded as having dropped out of schools in 2012, totaling 0.46% of the total number of enrolled children. From that number, 695 (5.2%) are boys and 644 (48%) girls. Whereas from a total of 108,244 (56% boys, 44% girls) children from grades 10-13, 2,642 children have dropped out in 2012, of which 1,877 (71%) are boys and 765 (29%) girls. Furthermore, there is a decrease in cases of children reintegrated, with 25 less, making a total of 3,981 dropped out children in all pre-university levels of the education system. Cases of dropout are twice as high from grade 10 and up, with a higher prevalence among boys. Cases of dropout, or not continuing further education to the higher secondary level (which is not compulsory) mainly occur when shifting from grade 9 (lower secondary) to grade 10 (higher secondary), in particular for girls. This requires immediate attention and an inter-sectorial approach of social, financial and education actors at central and in particular local/municipal level.

Only 74% of children aged 5-6 attend pre-primary classes (and only 48% of those attending are girls). The figure is even lower for ethnic minorities, only 10% of whom are enrolled in any early childhood education programs.

Early childhood education is the most underdeveloped sector in the Kosovo education system. The MEST's intention to enroll all pre-primary children ages 5-6 by 2015, overshadows the extremely low enrolment of other preschool children ages 0-5, which is estimated at below 7%. This situation is still evident despite recent scientific findings that the pre-school period is one of the most critical for child development and requires specific attention in terms of healthcare, education, nutrition, physical and social aspects.

There are generally poor standards in kindergarten infrastructure and in pre-primary classes (within schools grade 1-9). Poor curricula and programs, often implemented by teachers with inadequate training for this level of education, contribute to the current state of these programs. Nutrition standards in kindergartens are not controlled and do not meet quality standards for the healthy development of pre-school children.

**RECOMMENDATION:** Support the development of a separate strategy for early childhood education in Kosovo using all available institutional resources and exploring new alternative models in co-operation with the private sector.

There is a growing body of evidence that investing in early childhood education programs is not only beneficial for participants, as they perform better at school and have higher adult earnings, but also improves the economic development of the country. The research suggests that the potential of a child as an adult is significantly shaped by pre-school education. However, a key factor that impacts the quality of Early Childhood Care and Development (ECCD) is the ECCD workforce - the adults who work with children in these programs. This highlights the importance of not only creating programs in order to have more than 7% of children below the age 5 involved in ECCD programs, but also carefully designing high quality programs. In order to be able to leverage the benefits of ECCD programs, the working

conditions of ECCD practitioners must be optimal. This means that salaries and other non-financial benefits must be well thought through and implemented, in order to create working conditions for the staff to provide high quality day-care programs and early education development for children. The need for new legislation that aims at regulating salaries in the education sector as well as other important sectors is also delineated in the EU Progress Report for Kosovo 2013.

During interviews held in the field,<sup>136</sup> the issue brought up was of disparity in child to teacher ratio. While urban areas have classrooms with 45 pupils,<sup>137</sup> in some rural areas, there are many classrooms with only a few pupils. One of the main reasons for this imbalance is the trend of population moving from rural to urban areas. This significant difference of child to teacher ratio is of particular importance when designing and setting up ECCD programs.

**RECOMMENDATION:** Knowing that in rural areas, access to ECCD programs is almost inexistent, with some teachers employed who do not use their full potential, there is an opportunity to train this workforce in ECCD and setup ECCD programs in rural areas. Having access to affordable and high quality day care provision and early childhood education centers, would enable mothers to look for employment opportunities and hence improve household incomes. Focusing on finding appropriate models of ECCD programs that enable such initiatives in both urban and rural areas would ensure higher education attainment, better school performance for children and overall improvement in the education sector.

## CHAPTER 6: THE RIGHT TO HEALTH

### 6a) The legal framework

By stipulating in the Constitution the direct applicability of the UNCRC, among other international human rights instruments, Kosovo recognizes its obligation to ensure that no child is denied the right 'to the enjoyment of the highest attainable standard of health,' and that no child is deprived access to healthcare and services for the proper 'treatment for illness and rehabilitation of health.'<sup>138</sup> In order to fulfil this right, the Government of Kosovo is obligated, in particular, to take appropriate measures to diminish infant and child mortality, ensure the provision of preventative and primary health care, combat disease and malnutrition, ensure appropriate prenatal and post-natal health care for mothers, inform and educate parents and children so that they have the necessary basic knowledge regarding child health and nutrition, inform of the advantages of breastfeeding, hygiene and environmental sanitation, and the prevention of accidents.<sup>139</sup>

The healthcare system in Kosovo and measures to promote public health are defined and governed by three general laws: the Law on Health (2013), the Law on the Rights and Responsibilities of the Citizens in Health Care (2004), and the Law on Public Health (2001). Cumulatively, these laws establish the legal basis for the state to fulfil the above-mentioned obligations and to promote child health according to key principles, which include full and equitable access to healthcare services for all citizens and residents, inclusiveness and non-discrimination, quality healthcare and prevention, and early detection through promotion and multi-sector policies.<sup>140</sup>

<sup>136</sup> Interview with the school director in Gjilan / Gnjilane

<sup>137</sup> Interview with school director in Mitrovicë/Mitrovica

<sup>138</sup> UNCRC, Article 24

<sup>139</sup> Ibid

<sup>140</sup> Law on Health (No.04/L-125), 2013, Article 5

Of importance to the rights of the child is that primary healthcare is given particular prominence 'as the entry point and foundation of the health system.' Family Health Centers, under the direct authority of the municipality, and accessible to all residents, are charged with health promotion, prevention, early detection, diagnosis and basic treatment, which specifically includes child and mother healthcare services and family planning.<sup>141</sup> The Law on Health also stipulates that preventative protection should take place through the promotion of health programs by systematically visiting children and youth in primary, secondary and high schools.

In order to prevent and reduce diseases caused by deficiency of iron and folic acid, Kosovo has implemented the law on flour fortification<sup>142</sup>.

Health services are currently subject to a system of co-payments,<sup>143</sup> but free services remain available to pregnant women, all persons with disabilities, families receiving social assistance, and those over the age of 65. There is an administrative instruction from 2007 which mandates that all children until the age of 15 and children and students in regular schooling, to be exempt from co-payment of health services. However, the new legislation on health does not grant this entitlement to children, as it does not free children from co-payment.

There is a shift in financing the health service system in Kosovo, and a legal framework is being prepared which will alter the current functioning of financing of the health system, going from one that is financed by the government to one that will be managed and regulated by the health insurance authority, as a separate unit from the Government. The Ministry of Health is in the process of establishing a list of mandatory health services that must be provided to the Kosovo population, and currently there is a consensus that children under 18 should be provided all health services free of charge.

There is limited access to health services, especially among rural and poor families due to long walking distances and a lack of referral mechanisms in early detection and treatment.

The law clearly aims to promote the rights of the child, but by defining the child as a person up to the age of 15 only, it is contrary to the UNCRC. There is further room for confusion in Kosovo law regarding who should be classified as a child, as in the Law on Rights and Responsibilities of the Citizens in Health Care, a child is more narrowly defined as a person of only 12 years or under.

The Law on Public Health establishes the state's obligations to undertake a full range of non-medical measures to prevent illness and promote the health of all. Primary responsibility for these measures is assigned to the National Institute of Public Health of Kosovo (NIPHK), under the Ministry of Health,<sup>144</sup> which is charged with developing public health policies and supervising their application by various state institutions throughout the territory of Kosovo.<sup>145</sup> In addition to overall responsibility for promoting hygiene, safe water and sanitation, environmental health, and food safety standards, NIPHK ensures that all children and youth receive the full range of vaccinations under the Expanded Immunisation Program at their local Center of Family Medicine.<sup>146</sup> The NIPHK also has a legal duty to ensure that family doctors and schools promote health by educating and informing parents, children and youth,

<sup>141</sup> *Ibid*, Article 18.

<sup>142</sup> *Law on Flour Fortification*, Law no. 04/L-114

<sup>143</sup> *There is no system of public health insurance in Kosovo, but charging for services is neither a sustainable nor equitable option. The government is hoping to establish a Health Insurance Fund which would combine contributions, public and private investment.*

<sup>144</sup> *Law on Public Health*, (No. 02/L-78), 2006

<sup>145</sup> *Ibid*, Article 5

<sup>146</sup> *Ibid*, Article 4 and Chapter X

particularly on the dangers of smoking, drug and alcohol abuse, on diet and nutrition the benefits of exercise, and on sexual and reproductive health.<sup>147</sup>

The Observatory for the Health of the Mother, Child and Youth is responsible for monitoring the situation, as well as making recommendations within the National Institute of Public Health.

The Ministry of Health has two strategic documents: the Health Sector Strategy 2010-2014,<sup>148</sup> as well as the Action Plan for the Health Sector Strategy 2010-2014.<sup>149</sup> Both documents are comprehensive and developed with detailed planning of all health sectors intending to achieve the vision and mission of the Health Sector. The anticipated cost of the Action Plan for the Health Sector Strategy 2010-2014 is 43,939,484 Euro for the period 2011-2014. Both strategic documents are in line with the existing legislation on Health in Kosovo.

One of the key achievements of the Ministry of Health is the promulgation of the Law on Tobacco<sup>150</sup> and the start of implementation of the same law as of June 2013. This law is in line with international standards in the promotion and protection of health and in particular, it targets the most vulnerable groups: pregnant women, newborn and infants.

In the Strategy and National Action Plan for Children 2009-2013 there are eight objectives set for the purpose of promotion and increase of health quality for children in Kosovo:

- Objective 1:** Preserving and improving the health conditions of pregnant women, newborns and infants;
- Objective 2:** Reducing the mortality rate of newborns, infants and children of up to five years of age;
- Objective 3:** Decreasing child mortality and consequences of injuries;
- Objective 4:** Improving access to healthcare and provision of equal quality for all children;
- Objective 5:** Encouragement and support of an active participation of children in the creation and implementation of programs and prevention measures, and attendance at associated events;
- Objective 6:** Encouragement of modern forms of humanization of hospitals during the recuperation and treatment of children;
- Objective 7:** Protection and advancement of young people's health;
- Objective 8:** Health protection through provision of healthy food.

## 6b) The healthcare system for children in practice

There is a lack of accurate, up-to-date and comprehensive data on health indicators in Kosovo, reflecting the low monitoring capacity in the health system generally, and poor integration of local clinics and municipal health departments in national management and co-ordination structures. Neither the World Bank, nor the World Health Organisation have entries for Kosovo for the standard set of health

<sup>147</sup> *Ibid*, Articles 28 and 34, and elsewhere

<sup>148</sup> [http://www.mei-ks.net/repository/docs/ANNEX\\_10\\_-\\_Health\\_V.pdf](http://www.mei-ks.net/repository/docs/ANNEX_10_-_Health_V.pdf)

<sup>149</sup> <http://www.msh-ks.org/attachments/article/1027/Action%20Plan%20March%202011%20-%20eng.pdf>

<sup>150</sup> <http://www.assembly-Kosovo.org/common/docs/ligjet/Law%20on%20Tobacco%20Control.pdf>

indicators. Despite this, over the last ten years or more, there is sufficient information available from various studies undertaken by international aid agencies and Kosovo research facilities to indicate that, despite generally improving trends, the health of children in Kosovo is amongst the worst in Europe, and increasingly it is falling behind the standards enjoyed by children in neighbouring countries in the region.

Considerable progress has been made in ensuring that giving birth is increasingly safe. Over 95% of births are attended by a skilled professional,<sup>151</sup> and by 2009 maternal mortality had dropped to seven per 100,000 deliveries,<sup>152</sup> that is within the accepted range in European countries. However, as estimated in 2010, the infant mortality rate lies between 18 and 49 per 1,000, and for the under-five is between 35 and 40 per 1,000 live births, remaining as the highest in Europe.<sup>153</sup> Currently, the infant mortality rate is estimated at between 35 to 49 per 1,000 live births, while under five mortality rate is estimated at 69 per 1000. Both rates are at least twice as high as those of neighbouring countries<sup>154</sup>

The causes of these levels of mortality are believed to include poor parental care owing to poverty and poor access to relevant information on pregnancy, child care and nutrition, lack of preventative health services in the community, poor prenatal care, and poor hygiene in hospitals. In 2009, it was assessed that 40% of hospital deaths occurred among infants.

The nutritional status of Kosovo's children is particularly worrying. A study<sup>155</sup> conducted by UNICEF in 2010 on children's nutritional status found that 16% of school-aged children are stunted or chronically malnourished, while 5% are severely stunted. At the same time, 16% of school-aged children suffer from anaemia,<sup>156</sup> indicating a serious public health problem, and one in three children under five suffer from vitamin A deficiency.<sup>157</sup>

Poor economic conditions (income poverty) is likely to be a determining factor in poor nutrition, with the poor becoming poorer and thus making it difficult for parents to feed their children appropriately. The 2006/7 Household Budget Survey reports that 49% of children aged 0 to 19 live in poverty. However, recent studies<sup>158</sup> show that in Kosovo, the link between wealth and good child nutrition is not as strong as it might be assumed. Of more importance are the low levels of breastfeeding and the low levels of awareness among parents of what constitutes an appropriate diet for growing children. The UNICEF observed that while the vast majority of children in Kosovo are breastfed, (90%) at least partially, 'only 1 in 8 infants, or 16% [are] exclusively breastfed during the first four months of life and more than one third of mothers stop breastfeeding completely by six months.'<sup>159</sup> It is therefore important to analyze whether inadequate feeding is due to a lack of nutritional information or food affordability.

**RECOMMENDATION:** Further surveys in order to get insight of feeding practices among the rich households, observing and analyzing whether children from rich households are not fed adequately.

<sup>151</sup> UNICEF website: <http://www.unicef.org/kosovo/children.html>

<sup>152</sup> Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., *National Background Report on Health for Kosovo. 2009. This figure, as with almost all health statistics in Kosovo, is disputed. UN agencies estimate that the apparent progress is highly exaggerated.*

<sup>153</sup> UNDP Kosovo National Human Development Report 2010.

<sup>154</sup> <http://www.unicef.org/kosovo/children.html>

<sup>155</sup> UNICEF, 2010, *Nutritional Status of Pregnant Women and School Children in Kosovo*

<sup>156</sup> Op. cit UNDP

<sup>157</sup> Op. cit UNICEF website

<sup>158</sup> *Public Health Nutrition (Impact Factor: 2.17). 09/2012; 16(10):1723-1731*

<sup>159</sup> UNICEF, 2011, *Joined Hands Better Childhood*

A study conducted by NIPHK in 2010 confirms that not only are many mothers in Kosovo unaware of the benefits of breastfeeding for their children's future health and development, but that the health system is failing in its duty to provide appropriate advice and information on infant feeding practices and nutrition. Information promoting breastfeeding was found in only 24% of health clinics, while advertising for breast milk substitutes (baby formula) was present in 28% of clinics. Field work for this CRSA confirmed that health centers generally, including three centers for women's welfare in Prishtinë / Priština, Prizren, and Gjilan / Gnjilane, are providing pregnant women and new mothers varying and often contradictory advice and information regarding their own and their babies' nutrition.

In addition, field interviews with administrators and staff at child daycare centers indicate that child nutrition is not a high priority. Meal menus are not drawn up according to the nutritional requirements of children. The Administrative Instruction<sup>160</sup> for private daycare does mention the importance of nutrition and a healthy balanced diet, but these instructions, in both private and public child care institutions, are not put into practice.

Immunisation of children is estimated to be improving with over 90% having received the full range of vaccinations, and over 96% of children immunized for MMR and DPT3. Immunisation rates among the Roma, Ashkali and Egyptian communities are reported to remain unacceptably low.

Communicable diseases, however, continue to be the largest ongoing health care problem in Kosovo,<sup>161</sup> affecting children as well as adults. The UNICEF points to respiratory diseases and diarrhea as two of the primary causes of infant mortality in Kosovo, in large part linked to low levels of public awareness of health issues and hygiene, and continuing low levels of access to safe drinking water and proper sanitation in rural areas.

In 2012, a total of 28,525 births were registered in all public clinics and all were carried out under specialized medical supervision. There is no proper reporting from private clinics, but from these recorded numbers, it indicates that less than 15% of new mothers had more than four antenatal consultations with specialized medical staff (at least four antenatal consultations are required with medical norms).

There are indications that 64% of newborns are breastfed in the first six months of their life. There has also been an increase in medical staff, with 50 more nurses employed as well as eight additional neonatologists specialist working within neonatology clinics in various cities. In-service training was also provided to nurses and neonatologists.

Progress was also reported in advancing with new health care techniques, methodologies and specialized interventions, as well as advancement with pediatric emergency and monitoring.

**Underpaid medical staff:** Lack of financial motivation for health workers is one of the issues hindering the development of the health sector. As in other sectors, small salaries contribute to low motivation of doctors and medical support staff to get involved in making changes and promoting a better quality and all-inclusive models of health care in Kosovo. Due to small salaries, many doctors who are nominally engaged in public sector health care prioritize their work in the private sector, merely using their public sector role as a way of recruiting private clients.

Old and poorly functional infrastructure is an outcome of the lack of funding and poor healthcare management system in place. Many public health care buildings are poorly managed, and they require renovation and maintenance; often closed by health inspectorate for bad hygiene or endangering the

<sup>160</sup> AI, 6/2011, *Licensing and Registration of Private Pre-school Educational Institutions*

<sup>161</sup> Op. cit. Lul Raka and Dukagjin Pupovci

lives of patients as well as medical staff. The situation is no better with medical equipment, supply and vehicles. The Ministry of Health and the legislation in place stipulates the provision of medication for basic medical treatments and for chronic diseases to all patients. Unfortunately, there is lack of many medical products from the essential list<sup>162</sup> and patients are obliged to purchase medical supplies on their own. Informal payments are another bad practice where citizens have no other choice in acquiring services and/or medications. Despite health inspectorates at both central and municipal levels, as well as having a state pharmaceutical agency with their own inspectors, there is no proper monitoring of quality of services, corruption and negligence.

**Lack of data:** The health sector remains one of the most undeveloped sectors in Kosovo. In an analysis for this sector, we encountered lack of complete and up-to-date data on the situation of health in general, and in particular on children's health. Health policies and laws have only recently been consolidated, and monitoring systems consolidation in health also needs to be strengthened and updated. In data collection and analysis, it is of paramount importance to include also private sector health providers as this is a sector on the rise.

Low financing, with less than 3% of total annual Kosovo budget dedicated for health, makes many of intended reforms fail and/or develop slowly. There are serious gaps in providing free access to the most vulnerable groups, with families from low income often failing to receive adequate health treatments. Many specialized services are accessed outside of Kosovo, but can be afforded only by economically secure families.

One of the gaps in preventative and early identification measures in health is a lack of medical provisions in many of the schools in Kosovo. There are some attempts to promote best health practices through schools project, the compilation and distribution of information materials and round tables on health.

**RECOMMENDATION:** Develop preventative measures for good health with the active participation of children and youth in specifically-designed projects, targeting the most vulnerable and categories at risk.

There is an increase of HIV prevalence, suicide and self-harming of youngsters (in 2012 reported cases of six suicides among children and 47 in self-harming), and over 900 cases of mothers aged below 18 giving birth every year. This requires more attention toward taking preventive and information measures in schools, as well as working in a multi-sectorial approach in providing adequate and constant support in health problems among children and young people.

There are numerous challenges and opportunities related to nutrition which include designing programs for increasing awareness about the impact of nutrition on child development and increasing knowledge about the advantages of breastfeeding.

As an essential determinant of growth, nutrition is one of the key factors that help children reach their full potential, both physically and intellectually. Unfortunately, Kosovo lags behind in terms of understanding and implementing programs that educate the population on the importance of nutrition.

**RECOMMENDATION:** Since stunting at school-aged children is irreversible, it is crucial to create programs that increase the awareness of parents on the importance of a balanced diet in their children's lives.

<sup>162</sup> The essential list of medicinal products consists of a list of products for basic medical treatments and treatment of chronic illness. The list is approved by the Ministry of Health, products purchased by the Ministry of Health and distributed to all public health centers.

## CHAPTER 7: YOUTH PARTICIPATION

### 7a) The legal framework

The right to participation, as recognized in the UNCRC, obliges states to ensure the participation of a child in decisions affecting him/her, with due weight being given according to age and maturity.<sup>163</sup> While the Kosovo Constitution does not specifically outline the right to participation, various laws provide ways for children to participate in decision-making that affects them.

Within education, pupils at ISCED Levels 2 and 3 (from age 12 and 15 respectively)<sup>164</sup> are able to participate in decision-making through the Student Council, as the Governing Boards in each school are obliged to establish this mechanism. Its role is to enable pupils to elect at least one pupil per class so that they participate and contribute to the meetings of the Governing Board.<sup>165</sup> The school council is the highest decision-making and advisory body in the school, compiling school rules, monitoring the process of hiring school staff, monitoring school budget expenditures, approving extracurricular activities, deciding on the school dress code, approving school books and literature to be used for each subject, and contributing to compiling the educational development plan.<sup>166</sup> Student representatives on the school council are only excluded from participating in meetings and discussions that concern employment conditions or personal matters of school staff, or when discussing other students' personal issues.<sup>167</sup>

Student councils aim to represent the interests of the students in school participation and nationwide. Student councils from each respective municipality delegate members to the executive council, who then choose executive staff and the board of directors. The latter structure constitutes the Student Council of Kosovo, a body promoting student interests and improving communication between peers, teachers, parents, as well as local and central teaching structures. The Student Council is endorsed by the MEST and regularly publishes a short printed leaflet setting out some of the concerns of young people.

However, allowing children to participate in this decision-making mechanism only from the age of 12 may be an issue that should be considered further. This is because this mechanism does not in effect, take into account the age and maturity of the child/pupil. Furthermore, by excluding ISCED Level 1 in effect it means that children throughout their primary education are not able to provide their input on issues that affect them, such as the learning environment being provided.

In more general terms in the Kosovan society, the Law on Empowerment and Participation of Youth<sup>168</sup> aims to promote and reaffirm the continued participation of youth in decision-making processes in order to improve their quality of life and social status.<sup>169</sup> According to the law, 'youth' includes people between the ages of 15 and 24 years old.<sup>170</sup> The participation of youth in decision-making is to be facilitated through the Central and Local Youth Action Councils, which are envisaged as youth advisory structures, representing the interests of youth to central and local governing institutions.<sup>171</sup> Thus central

<sup>163</sup> Article 12, *Ibid*

<sup>164</sup> Article 9 (1.1.3 and 1.1.4), *Law on Pre-University Education*

<sup>165</sup> Article 17 (3), *Law on Pre-University Education*

<sup>166</sup> *Ibid.*, Article 17.11

<sup>167</sup> *Ibid.*, Article 17.14.

<sup>168</sup> Law No. 03/L-145, entered into force 20 November 2009

<sup>169</sup> Article 1, *Law on Empowerment and Participation of Youth*

<sup>170</sup> Article 3 (1.1.1), *Ibid*

<sup>171</sup> Article 8 and 10, *Ibid*

government is responsible for fulfilling its duties in accordance or consultation with the National Youth Action Council regarding the development of documents or programs to benefit youth,<sup>172</sup> while the local government has a similar duty to consult with the local youth council in relation to youth policy development in order to respond to the local needs.<sup>173</sup> Additionally, all of Kosovo's institutions have the duty to ensure participation and influence young people, by including them within certain policy sectors such as education, jobs, public health, social issues, culture, sport and recreation, civic education and democracy, the environment, spatial planning and rural development.<sup>174</sup>

The Ministry of Culture, Youth, and Sports has provided a legal framework to establish Youth Action Councils in every municipality of Kosovo, through an administrative instruction promulgated in 2010.<sup>175</sup> In 2011, a Central Youth Action Council of Kosovo (CYACK) was established, by 'all actors coming from the NGO sector that work in the field of youth in Kosovo.'<sup>176</sup> The duties assigned to CYACK were primarily on advising and advocating, broadly covering all issues related to youth in their municipalities. CYACK's mission is, among others, to represent youth interests to central and local government authorities, along with participating and contributing in compiling the yearly municipal budget dedicated to youth.<sup>177</sup> The Ministry of Culture, Youth and Sports has also provided a legal framework for licensing public youth organizations.<sup>178</sup> Each municipality is obliged to license and finance at least one public youth organization, by providing sufficient space to carry out its activities, and human and financial resources to carry on uninterrupted activities to reach its mission. To date, only a few municipal governments (such as those in Pejë / Peć and Mitrovicë/Mitrovica) are supporting Youth Action Councils, whereas others have only recently passed the necessary municipal legislation to establish youth councils and the foundation for further functioning.<sup>179,180</sup>

## 7b) Youth participation in practice

Establishment of the school councils seems to have taken place in all Kosovo schools. There is considerable improvement in the number of school councils established, especially considering that in a study from 2009, only over half (57%) of schools in rural areas had established a school council.<sup>181</sup> At least formally, each school council has had, somewhat, regular meetings until now. However, the initial activity of establishing school councils and empowering their role in school life does not seem to have led to any significant achievements. Aside from the initial initiative to discuss and approve school rules and other immediate needs of the school, such as the issue of the dress code and wearing of uniforms in school premises, which are required to be sent to the municipal level for approval, other competences of the school council seems to have been exercised only in a vague way.

<sup>172</sup> Article 6, *Ibid*

<sup>173</sup> Article 7, *Law on Empowerment and Participation of Youth*

<sup>174</sup> Article 13, *Ibid*

<sup>175</sup> MCYS. *Administrative Instruction Nr. 9/2010. Obligations and procedures for the establishment and functioning of youth action councils in Kosovo.* Retrived from [<http://youth-Kosovo.org/legjislacioni-per-rini/ua-per-kqvr-dhekvrl/>]

<sup>176</sup> Retrived from [<http://youth-Kosovo.org/rreth-nes/historiku/>].

<sup>177</sup> MCYS. *Administrative Instruction Nr. 9/2012. Article 3. and Article 10.*

<sup>178</sup> MYCS. *Administrative Instruction Nr. 11/2012.* Retrieved from [<http://youth-Kosovo.org/legjislacioni-per-rini/ua-per-qr/>]

<sup>179</sup> *The municipalities of Pejë / Peć and Mitrovicë/Mitrovica have recently endorsed the functioning of Municipal Youth Action Councils in their municipalities, whereas the Municipality of Prishtinë / Prishtina promulgated a by-law in April 2013 setting out the conditions for establishing and operationalizing a Municipal Youth Action Council.*

Retrieved from [<http://youth-Kosovo.org/news/>] and [<http://kk.rks-gov.net/prishtina/getattachment/3c77a559-d3-4cc1-ab1f-ee02357a90/Rregullore-per-procedurat-e-themelimit-dhe-funksio.aspx>]

<sup>180</sup> <http://kk.rks-gov.net/prishtina/getattachment/3c77a559-d3-4cc1-ab1f-ee02357a90/Rregullore-per-procedurat-e-themelimit-dhe-funksio.aspx>

<sup>181</sup> Kosovo Education Center, 2009. *Report a from Rapid Evaluation Research about the Situation of Child Rights and the Safety Situation in Schools of Kosovo.*

Interviews with school directors reveal no regular schedule for the school council to meet during the school year, and minutes of the meetings were not made available. From these discussions, it seems there is no strategic plan to empower school councils. Reasons given vary from having student and parent representatives selected on the basis of the preferences of the school director,<sup>182</sup> lack of parental interest and will to be actively involved in school activities,<sup>183</sup> and failure to establish the necessary mechanisms for school councils to consolidate legitimate authority over school activities. Despite some successful stories that demonstrate a remarkable interest and participation of parents in the schools, such as the case in Gjilan / Gnjilane, where parents were recruited voluntarily and made possible several renovations in school by including them in the school council,<sup>184</sup> the participation of parents in school councils may be ranked as unsatisfactory.

Another challenge is increasing the participation of female students in student and school councils, primarily in rural areas, where there seems to be underrepresentation in these groups.<sup>185</sup> Restrictions seem, primarily, to have been caused from lack of parental support for female students to attend school and extracurricular outside regular teaching hours.

In a survey carried out by the Student Council of Kosovo, on the monitoring of school council activities, it was evidenced that there is a significant discrepancy between the knowledge about meetings held and the subjects discussed by the school council.<sup>186</sup> School directors and children responded differently in terms of whether school councils meetings were held during the academic year 2011/2012, with nine out of ten school directors responding positively, while only six out of ten (64%) students responded the same. In the meetings held, just over half of the students (55%) are aware that the minutes of the meetings were kept.

Although participation of a students' representative in the meetings of the school council is guaranteed by law, in the survey carried out by the Student Council of Kosovo, together with the KYC, only 45% of students responded that a student representative took part in school council meetings. Despite discrepancies in the opinions of school directors and students, and evidenced opportunity to increase the knowledge and participation of students in the work of the school councils, an encouraging finding was the increase of interest on behalf of school directors to have students actively involved in decision-making process related to the schools. In addition, the participation of parent representatives coming from ethnic minority groups in school councils has increased, along with the sense of satisfaction about their participation in school life.

**RECOMMENDATION:** Support the development of mechanisms to monitor meetings of school councils, along with improving the channels of communication that will enable information sharing on the issues discussed and decisions made with the school staff, students and parents.

Several other initiatives have taken place in the recent past to encourage youth participation through NGO initiatives. Most of these have been project-based activities, with no or little monitoring and evaluation of activities and the impact they had. Most of the interviews conducted with representatives of the NGO sector claim that their projects had made a difference while they lasted, but once the project ended, the initiative died out as well. In addition, a lack of data makes it difficult to demonstrate the success of a certain project.

<sup>182</sup> *Interview with Kosovo Youth Council (KYC) representative.*

<sup>183</sup> *Interview with school director.*

<sup>184</sup> *Focus group discussion, parents group, Thimi Mitko, Gjilan / Gnjilane*

<sup>185</sup> *Interview with KYC representative.*

<sup>186</sup> *Student Council of Kosovo, May 2012. Report. Monitoring School Councils.*

‘We had many complaints about the process of teaching in schools and we were able to schedule a meeting with school directors. Not all directors that were summoned came to the meeting and students had many objections. The situation got rather tense and voices were raised. Some directors left the meeting demonstratively.’ – Youth Assembly representative in focus group in Pejë / Peć

The municipality of Pejë / Peć has made significant progress in consolidating structures to increase engagement of youth participation and municipal dedication, by allocating a specific grant exclusively for the needs of children, starting from 2014.<sup>187</sup> The Municipal Youth Assembly in Pejë / Peć was established in 2011, with the assistance of the Municipal Child Rights Coordinator,<sup>188</sup> with the aim of increasing youth participation. It has 37 members, which is the same as the number of members in the Municipal Assembly in Pejë / Peć. These 37 youth members are representatives of the student councils of Pejë / Peć’s secondary schools, who elected the president and vice-presidents of the assembly. In its regular meetings, Youth Assembly members discuss issues that mostly concern school issues and youth participation. In the focus group discussion with youth in the city of Pejë / Peć, consisting of representatives of the Youth Assembly, it was noted that the most common topics of discussion were student/teacher relationships, extracurricular activities, school uniforms, and violence in schools. However, the impact of the Youth Assembly has been reported to be limited, as they have not been able to bring about any significant change in the issues that the assembly members were concerned about.

The Kosovo Education Center (KEC) has been very active in establishing bodies dedicated to the promotion and protection of CR, aiming to emphasize participation and empowerment of students in attaining their rights.<sup>189</sup> Among key activities, was a four-year program to prevent violence in the school environment. Key actors in their intervention included representatives of the Directorate of Health and Social Welfare, the Directorate of Education, CSWs, the police, the coordinator for CR, and the NGOs active in respective municipalities. KEC has also been active in establishing non-formal committees for the protection of the rights of children in 19 municipalities around Kosovo with about 500 schools. These committees were made up of students and two teachers, serving as advisors to the students. Part of the intervention was installing a child rights box, where students had the opportunity to anonymously report breaches of CR. Regulations on opening these boxes were established: maintaining minutes of the procedure, opening the box on a regular basis, addressing the concerns and efforts to resolve issues raised. Student representatives were mandated to be present when the box was opened. In some cases, the work of these committees was continued after the program ended and there was no longer a formal support and monitoring of these bodies.

Complaint boxes<sup>190</sup> have been installed in all schools that were visited by the research team. However, reports from the school staff and students who participated in focus groups differ in terms of the use and efficacy of the complaints submitted. School directors reported opening these boxes and responding to complaints that they found reasonable. The nature of the complaints included the work of teachers, behaviour towards students and injustices that students consider they have suffered. Teachers participating in focus groups were less familiar with the procedures and schedule for opening

<sup>187</sup> From the interviews with Human Rights Units in the Municipality of Mitrovicë/Mitrovica, they are still advocating to have such a sub-code allocated to the projects that they plan to undertake for child rights.

<sup>188</sup> The Child Rights Co-ordinator in Pejë / Peć has a partial employment agreement with the Municipal Unit for Human Rights, whereas his primary duties are of Financial Officer, under the Directorate for Finance.

<sup>189</sup> In-depth interview with Petrit Tahiri, Project Co-ordinator KEC

<sup>190</sup> Use of the term differs throughout schools. In some schools, these boxes are named ‘notification boxes’, ‘boxes of truth’, etc.

the complaint boxes. None of them reported to have had any complaint that was personally addressed to them. Students generally disregard the existence of complaint boxes – most of them have no information when the box is opened, or what actions are followed if a complaint is submitted. A student participating in a focus group in Pejë / Peć reported having had a complaint about a mark that was given by a teacher, believing that the assessment was not properly evaluated, and he had submitted a written complaint but nothing had happened since. Another pupil in the Mitrovicë/Mitrovica focus group discussion confirmed that she uses the complaint, box but she is unaware of whether the “complaints are ever read.”

In all discussions with the students, the most frequent response as to what they would do if they faced injustice on school premises, was that they would contact a teacher, followed by those who would prefer to talk to their parents first or who would directly go to report the problem to the school director. Students generally reported making complaints verbally. Only a few reported having witnessed a follow-up to a complaint or seeing that the problem was followed-through and closed by the school authorities. As the complaints are submitted anonymously, it may be that the school authorities have not been able to locate the source of the complaint and could not distribute any follow-up information to the complaint party. This is just another piece of evidence suggesting that the channels of communication need to be improved, and dissemination of information on the work of school authorities needs to be enhanced.

When discussing CR in general terms, it emerged that children understood the idea of having rights, as long as they themselves were also fulfilling their obligations, but they seemed to believe that they could forfeit their rights, for example if they misbehaved.

The current legal framework anticipates meaningful and active participation of children above the age of 12 for matters that concern them.

**RECOMMENDATION:** Develop alternative and creative opportunities to increase the group of children, including those under 12, who will be more active in making their voice heard in developing policies and procedures that concern them.

**RECOMMENDATION:** Support schools in communicating properly and promptly to all school staff and students the use of complaint boxes, the administrative procedures for opening and treating complaints received, and the possible outcome of each. Share good practices where this exists between schools and municipalities.

## CHAPTER 8: DISASTER RISK REDUCTION

### 8a) The legal framework

Disaster risk reduction is addressed by the Law for Protection against Natural and Other Disasters,<sup>191</sup> which mandates the Emergency Management Agency (EMA) as the executive agency for conducting research and planning for the central level regarding natural and other disasters. In this regard, the EMA is responsible for drafting national emergency response plans, as well as supervising and coordinating the organisation of the Structures for Protection Rescue and Aid (SPRA).<sup>192</sup> The EMA has been established as a distinct unit within the Ministry of Internal Affairs, with the mission to ‘ensure a

<sup>191</sup> Law for Protection against Natural and Other Disasters, No. 04/L-027, entered into force 03 November 2011

<sup>192</sup> Ibid., Article 94.

joint response [...] to prepare, defend, react and recover from all kinds of emergency situations.<sup>193</sup> Municipal mayors are responsible for adopting emergency response plans at the municipal level, as well as determining the type and size of the SPRA, among other things.<sup>194</sup>

Knowledge on protection and rescue from natural and other disasters are planned to be included within the educational program in lower and secondary education.<sup>195</sup>

The National Response Plan is a strategic document to prevent, plan and manage the consequences of natural and other disasters.<sup>196</sup> The plan delineates in detail the role and responsibilities of all relevant stakeholders in planning and establishing the necessary mechanisms to deal with crisis situations.

The Integrated System of Managing Emergencies is another strategic document which 'offers a sustainable national framework to enable local and central government, as well as NGOs and the private sector, to collaborate in preventing, reacting, reconstructing and diminishing the effects of incidents.'<sup>197</sup>

At the central level, the Ministry of Internal Affairs has the main role in promoting the mechanisms that deal with emergency situations, while each ministry remains responsible for developing action plans and other relevant documents to best address the needs and scope of work under its jurisdiction. The NGO sector has also been seen as a valuable actor in planning and implementing emergency reaction plans, and the Kosovo Red Cross has been seen as a crucial partner from the non-governmental sector. Municipalities are required to compile an assessment of risks and plans for protection and salvation, not neglecting prevention plans.

The Ministry of Health has planned training by the end of 2014 for teams from primary health care centers to react in times of emergencies.<sup>198</sup> The ministry's strategy also proposes developing guidelines for emergency care, which will provide instructions to primary health care workers to pursue necessary steps in dealing with emergency situations. Due to an overload of objectives and activities that were set in the sectorial strategy for the four-year period, it was planned to have a revision of the strategy and re-evaluate priorities.<sup>199</sup> To date, reaction in emergency situation in the health care sector remains fragmented and susceptible.

THE MEST is testing a new school curriculum in ten schools across Kosovo.<sup>200</sup> In the new curriculum, a cross-curricular approach is being tested and the reaction to emergency situations has been assigned more space.

### 8b) The right to protection against disaster - in practice

Despite the progress made in establishing response mechanisms, the population remains at risk from natural and other disasters. Children are the most vulnerable group.

Visits to schools revealed a considerable deficit in emergency reaction planning and performance. The most common emergency plan that school directors and teachers were informed about is the

<sup>193</sup> Retrieved from [<http://www.mpb-ks.org/?page=1,180>]

<sup>194</sup> *Ibid.*, Article 91.

<sup>195</sup> *Ibid.*, Article 106.

<sup>196</sup> Government of Kosovo, 2010. National Response Plan.

<sup>197</sup> Government of Kosovo, 2010. Integrated System of Managing Emergencies.

<sup>198</sup> Ministry of Health. Sectorial Strategy 2010-2014.

<sup>199</sup> Interview with representatives of Ministry of Health.

<sup>200</sup> Interview with Lulavere Kadriu-Behluli, Inclusive Education, MEST.

evacuation plan. Generally, schools reported having some evacuation plans, but did not have them displayed in a place visible to all. Almost no school has ever organized a practice: only one school reported having conducted a testing of school evacuation about a year before, without being able to present the protocol or any other form of evidence about the outcome of the practice.

In focus group discussions and interviews with school staff and students, there was evidence of the discrepancy in experience and opinion about the existence of emergency plans. Whereas school directors knew whether an evacuation plan existed and were more likely to recognise the great importance of having an emergency evacuation plan, teachers were only vaguely informed that such a plan exists in their school and less clear about the need to have such plans. When asked to set out reaction in case of an emergency, replies were usually based on intuitive reaction to a crisis – in case of an earthquake, students would be placed in the space where the door is situated, assuming it would not break if the whole construction collapses; in case of fire, students would be walked out of the building in lines of two-by-two, etc.

Students generally did not know about the evacuation plans and were not informed what procedures to follow in the case of an emergency. Of the three groups - management staff, teachers and students - with whom the evacuation plans were discussed, the latter remains the most vulnerable and passive in reacting in cases of emergency.

Schools that reported having emergency plans claimed different sources for them: some of them had developed the evacuation plan themselves, others got them from the municipal authorities – Directorate for Emergencies or the local firefighting station - or had it as a part of another project that NGOs were implementing in the school.

Emergency exits was an issue in some of the schools visited, and some schools, especially those with a large number of students, had difficulties of access in and out of the school, for children during change of shifts or recess.

**RECOMMENDATION:** Considering the bulk of risk factors present in many schools around the country, immediate action is needed to address the issue of evaluating contingency plans in case of an emergency.

In the kindergartens that were visited and discussions with the management and other staff in these settings, the situation was even more alarming in terms of disaster reaction and recovery plans. Kindergartens frequently operate in facilities that were not appropriate for child care; a kindergarten in Gjilan / Gnjilane had been operating in a suitable facility, but due to disputes in title ownership, maintenance and reconstruction of the facility is pending. None of the kindergartens visited had any emergency evacuation plan and the fire-protection system was almost non-existent.

Despite the obligations following the legal framework, not all municipalities have established the directorates or divisions for emergency reactions, failing to compile Emergency Operative Plans or undertake preventative measures for all risk-provoking sites or situations that jeopardize the health of local populations, especially children. In this, local government, as the primary duty-bearer for evaluating sites that are high in risk and represent a potential threat, has failed to establish primary measures toward developing a comprehensive analysis of risk and protection measures needed to accommodate a safer environment.

The lack of accountability from the central and especially the local government in establishing responsive mechanisms to deal with emergency situations has been acknowledged by representatives

of the Ministry of Internal Affairs.<sup>201</sup> A lack of appropriate training, sectorial training, and real-life situation practice, poor coordination of stakeholders, lack of awareness, and not including Emergency Management – Civil Defense – in the school curriculum, have all been enumerated as key problems in failing to develop agile and accountable mechanisms of emergency response.

**RECOMMENDATION:** There is a window of opportunity to support the MEST to include an innovative and cross-curricular approach in the new curriculum, which will increase children's knowledge on protection and reaction to natural and other types of disasters. There is still a need to develop didactic and training material for comprehensive, structured and applicable knowledge in this area.

Municipal authorities have still not met their obligation to develop emergency operative plans, which is a fundamental step toward developing a comprehensive and effective disaster reaction and recovery plan. The legal framework holds local government accountable for developing disaster contingency plans; however, as in the delegation of many other duties from central to local government, this has failed to undergo a smooth transition. The local government lacks the resources to properly address and develop emergency operative plans, which are not seen as priorities.

**RECOMMENDATION:** Capitalize on the fact that school authorities have largely been open to producing contingency plans, and offer to facilitate this process.

## SUMMARY OF RECOMMENDATIONS

### The right to protection

- A feasibility study on the outsourcing of social services to local NGOs.
- A focus not only on decreasing the workload per social worker but establishing routines for dialog and discussion among social workers and managers of CSWs in assigning the cases to workers that are more specialized in certain types of work.
- Feasibility study for starting undergraduate program for social services.
- Establish services for children who have been engaged in heavy labour, including reintegration, formal meetings with parents, and sheltering.
- Protocols to be established and staff to be trained in procedures and responsibilities when dealing with victims of trafficking or children involved in heavy labour.
- Improve systems for data capture (incorporating appropriate data protection measures) and data-sharing between relevant institutions on child protection.
- Offer drugs awareness training to parents as a way of supporting them to protect their children from this risk.

<sup>201</sup> How (un)prepared are we to manage disasters. Retrieved from [<http://www.telegrafi.com/lajme/sa-jemi-t-pa-prgatitur-p-r-t-menaxhuar-fatkeq-sit-26-4838.html>]

### Right to education

- Work with municipal staff across directorates for health, social welfare and education to promote and share models of information-sharing in the interests of the child.
- Support training and cost-sharing models of counsellors, social workers and psychologists to provide support for children at risk.
- Offer training for evaluation, categorization and teaching of CWD.
- Expand training offered to teachers for how to work with CWD, recognizing the value of such techniques for all children.
- Support projects to include CWD, including hearing-impaired, in mainstream schools.
- Further research on whether and how physical and humiliating punishments are used in schools and/or in the home, in order to appropriately address such behaviour.
- Use school councils to address issues of violence in schools.
- Support the development of a separate strategy for early childhood education in Kosovo using all available institutional resources and exploring new alternative models in cooperation with the private sector.
- Knowing that in rural areas, access to ECCD programs is almost inexistent, with some teachers employed who do not use their full potential, there is an opportunity to train this workforce in ECCD and setup ECCD programs in rural areas. Having access to affordable and high quality day care provision and ECCD, would enable mothers to look for employment opportunities and hence improve household incomes. Focusing on finding appropriate models of ECCD programs that enable such initiatives in both urban and rural areas would ensure higher education attainment, better school performance for children and overall improvement in the education sector.
- Support initiatives to address dropout by working directly with children and families at risk, providing shoes, schoolbags and other practical resources to support the return or continuation to school, as well as income-generating or skills-building activities for family members, to promote economic well-being which will impact on children's school attendance.

### Right to health

- Develop preventative measures for good health with the active participation of children and youth in specifically-designed projects, targeting the most vulnerable and categories at risk.
- Since stunting of school-aged children is irreversible, create programs that increase the awareness of parents on the importance of a balanced diet in their children's lives.
- Further surveys in order to get insight of feeding practices among the rich households, observing and analyzing whether children from rich households are not fed adequately.

**Right to participation**

- Support the development of mechanisms to monitor meetings of school councils, along with improving the channels of communication that will enable information sharing on the issues discussed and decisions made with the school staff, students and parents. Develop alternative and creative opportunities to increase the group of children, including those under 12, who will be more active in making their voice heard in developing policies and procedures that concern them.
- Support schools in communicating properly and promptly, to all school staff and students, the use of complaint boxes, the administrative procedures for opening and treating complaints received and the possible outcome of each. Share good practice where this exists between schools and municipalities.

**Right to protection against disaster**

- Considering the bulk of risk factors present in many schools around the country, immediate action is needed to address the issue of evaluating contingency plans in case of an emergency.
- There is a window of opportunity to support the MEST to include an innovative and cross-curricular approach in the new curriculum, which will increase children’s knowledge on protection and reaction to natural and other types of disasters. There is still a need to develop didactic and training material for comprehensive, structured and applicable knowledge in this area.
- Capitalize on the fact that school authorities have largely been open to producing contingency plans, and offer to facilitate this process.

**ANNEX A: OVERVIEW OF CONSULTATIONS FOR THE CRSA**

Institution	Name	Position
Ministry of Education	Lulavere Behluli	Inclusive Education Officer
Ministry of Education	Defrim Gashi	Inspection Unit
Ministry of Education	Merita Jonuzi	Member of Working Group on CR
Ministry of Labour and Social Welfare	Bajram Kelmendi	Director of SWD
Ministry of Labour and Social Welfare	Adile Shaqiri	Officer for Protection of Victims of Trafficking
Ministry of Labour and Social Welfare	Vehbi Mujku	Director of Center for Social Work - Prishtinë / Priština
Ministry of Labour and Social Welfare	Sokol Krasniqi	Database Administrator
Prime minister’s office	Qendresa Ibraj-Zariqi	High Official for CR
Prime minister’s office	Habit Hajredini	Office for Good Governance
Ministry of Health	Merita Vuthaj	Head of Office for Mother and Child Health
Ministry of Health	Curr Gjocaj	Department of Health Service
Ministry of Health	Sanie Kijçmari	Human Rights Unit Co-coordinator
Ministry of Health	Filloreta Gashi	Unit for Human Rights
UNICEF	Aferdita Spahiu	Education Specialist Early Childhood Education
Kosovo Police	Çlirim Hajdini	Directorate of Community and Prevention
Amici dei Bambini	Mara Bernasconi	Project Co-ordinator
Amici dei Bambini	Ibadete Krasniqi	Director
Terre des Hommes	Artur Marku	Country Representative
SOS	Blerta Shehu	National Program Development Director
Mileniumi i trete	Afrore Lila	School Director
Kosovo Education Center	Petrit Tahiri	Project Co-ordinator

National Health Institute	Merita Berisha	Observatorium for Mother and Child's Health
Ministry of Justice	Armen Mustafa	Head of Unit - Correctional Services
KMLDNJ	Bexhet Shala	Director
Balkan Sunflowers Kosova (BSFK)	Muhamet Arifi	BSFK Director
Balkan Sunflowers Kosova	Ardiana Shala	Project Co-ordinator
Ministry of Local Government Administration	Kadrie Myrtaj	Officer of Human Rights Unit
Ministry of Local Government Administration	Shkelzen Hoxha	Officer of Human Rights Unit
HANDIKOS	Afrim Maliqi	Director
HANDIKOS	Faruk Kukaj	Manager
HANDIKOS	Mirjana Spiric	Manager of the center in North Mitrovicë/Mitrovica
SDSF	Valbona Citaku	Director
SDSF	Suzana Berisha	Project Manager
International Labour Organization	Lindita Boshtrakaj Boshtrakaj	National Programme Manager
Save the Children	Rudina Ademi-Shala	Manager for Program, Development and Quality
Save the Children	Dhurata Nixha	Thematic Manager for Child Protection
Save the Children	Rebeka Qena	Thematic Manager for Child Right Governance
Save the Children	Emira Pruthi	Project Officer for Program Implementation
Save the Children	Goran Antic	Project Officer for Program Implementation
Save the Children	Valid Zhubi	Thematic Manager for Education
Save the Children	Cristiano Agostini	Project Co-ordinator
Save the Children	Ahmet Kryeziu	Country Director

Save the Children	Mirjana Vasic	Project Officer for Program Implementation
Zekeria Rexha	Saranda Cena	Supporting Teacher
GIZ	Dagma Fuchz-Schmitz	Team Leader Basic Education
GIZ	Egzona Boshnjaku	Legal Advisor
Kosovo Youth Council	Egzon Gashi	Project Co-ordinator
KOMF	Donjete Kelmendi	National Coalition Co-ordinator
Ombudsperson Institution	Igballe Rrahmani	Group for Child Rights
RROGRAEK	Shpresa Agushi	Director
Zekeria Rexha Primary School	Lumnije Avdiaj	Director
Putevima Sunca	Snezana Mihajlovic	Director
Putevima Sunca	Iva Jovanovic	Co-ordinator
Putevima Sunca	Violeta Jovanovic	Finance Manager
Putevima Sunca	Miljana Vancetovic	Contributor
Municipality of Gjakovë / Đakovica	Fatlije Koshi	Officer for Education – Save the Children Professional Resource Team member
Municipality of Gjakovë / Đakovica	Silvana Haxhikadrija	Head of MED
Municipality of Prizren	Dardane Riza	Finance Officer
Municipality of Prizren	Reshit Kushaj	High Official for Pre-university Education
Municipality of Prizren	Reshat Reshiti	Co-ordinator of Social Well-being Sector
Iniciativa 6	Ibrahim Krusha	Program Co-ordinator
Ibrahim Fehmiu Primary School	Bashkim Bytyqi	Deputy Director
Ibrahim Fehmiu Primary School	Vlora Veseli	School Administrator
Municipality of Pejë / Peć	Vllaznim Pergjigja	Co-ordinator for Human Rights
Syri i Vizionit	Naser Lajqi	Program Co-ordinator

Municipality of Gjilan / Gnjilane	Bujar Nevzati	Head of Municipal Education Directorate (MED)
Municipality of Gjilan / Gnjilane	Rushit Avdiu	Municipal Director of Finance
Thimi Mitko Primary School	Blerina Halili	Co-ordinator for Inclusion
INTEGJ	Vahile Shabani	Deputy Director
INTEGJ	Emine Behluli	Assistant for Children with Disabilities
Municipality of Mitrovicë / Mitrovica	Refik Azemi	Head of MED – Save the Children Professional Resource Team member
Municipality of Mitrovicë / Mitrovica	Skender Bekteshi	Municipal Director of Finance
Municipality of Mitrovicë / Mitrovica	Gezim Musliu	Official for Social Issues and European Integration
Municipality of Mitrovicë / Mitrovica	Fitim Rama	Co-ordinator for Human Rights
Gezimi Yne Kindergarten	Shefkije Nimani	Director
Migjeni Primary School	Shqipe Tmava	Supporting Teacher
Andon Zako Cajupi Primary School	Melihate Meha	School Director
CSW Prizren	Kumrije Bytyqi	Co-ordinator of Social Services
CSW Gjakovë / Đakovica	Tahir Kida	Head of Social Services
CSW Gjilan / Gnjilane	Arlinda Hasani	Officer for Social Services
CSW Ferizaj / Uroševac	Gani Kashtanjeva	Officer for Social Services
CSW Prishtinë / Priština – Qafa	Mevlan Hyseni	Officer for Social Services

## ANNEX B: IN-DEPTH INTERVIEW AND FOCUS GROUP DISCUSSION GUIDELINES

### Focus Group Guidelines

(Children with disabilities and/or minority children, other groups that benefit from Save the Children project)

Note: Signed written consent form must be obtained from each participant. Voluntary participation must be described to the participants, and confidentiality must be protected.

Discussion and environment must be safe for participants to actively discuss issues concerning them.

1. What are your hopes for the future? What would you like to become? What is your ideal community that you would like to live in? What is your vision for a society where you would like to live? Who can make this happen? How?
2. Do you attend school? Do you go regularly? Are you happy to go to school? If not, why not? How far is the school from the place where you live; how do you go to school? Do you feel safe making your way to school?
3. Do you get any other services from the public institutions? What services?
4. How do you like your teachers? Other school staff? Are they friendly and helpful towards you? Are they actively involved in teaching the subject at school?
5. How do you get along with your peers? How many close friends do you have? Do you help each other in learning, or doing homework? What games do you all prefer to play together?
6. How about health services, where do you get them? How satisfied are you with the health services received? How satisfied are you with the way medical personnel treat you? Do you take any medicine or receive medical attention (including physical rehabilitation treatment) regularly?
7. How about social services?
8. What do you consider to be the most important issue that needs to be improved in your school, community, municipality, neighborhood? Who should improve the situation?
9. Are you aware/informed about your rights? By whom? What are your rights? What mechanisms/procedures are you aware of that you can follow to file a complaint? Do you know when can the school expel you; on which grounds and what happens to you afterwards?
10. Are you encouraged to have your say with the school authorities, or anywhere else (prompt for their position in the family as well)? Do you consider you have participants in relevant bodies who represent your interest? Are you actively encouraged to participate in issues concerning you?
11. Is your voice heard? Have you ever exercised your right to complain? What did you do? Do you think others take your problems/concerns seriously? (Prompt: local authorities, central government, NGOs, public institutions.) If yes, please share your experience, if not what needs to be changed/improved?

12. What may prevent you or your peers from attending school regularly?

For parents only,

13. What are your needs as parents that are not currently being met? What are your employable skills? Are you able to work? Who takes care of your child when you are not home? What service would you like to have access to that is not currently in place?

## IN-DEPTH INTERVIEW GUIDELINES WITH KEY STAKEHOLDERS - KEY INFORMANTS: CENTRAL GOVERNMENT LEVEL

### Ministry of Education, Science and Technology

Institution – kindergarten, pre-school, primary, lower and higher secondary

1. What legal framework does your unit/department/ministry refer to for the protection and promotion of the rights of children?
  - 1.1. Please specify primary and secondary legislation.
2. How about policies, governing procedures and other standards that govern the work with and for children?
  - 2.1. Please specify which policies and which governing procedures/other standards you use in your work.
  - 2.2. Does the legal framework of Kosovo comply with the UNCRC? Has the compatibility of the Kosovan legal framework with the UNCRC been assessed? Where is the major gap? What is the procedure to change the legal framework? Is there any initiative to amend the legal framework? Have you taken any initiative or recommended that changes need to be made? If so, to whom and what was the outcome?
3. What are the most relevant publications that you use in your daily work, regarding child rights? What data about children in education do you collect, that is relevant to the work of your unit? Do you publish any of this data or any other information regarding children in education?
  - 3.1. Do you co-operate with the Kosovo Statistics Agency in collecting data?
4. What is the percentage of budget allocated for education and more specifically for the operation of your unit (activities involving promotion and protection of children (rights)? Is that sufficient? What is the immediate need that would be dealt with, if money or resources were available?
5. Is the number of staff sufficient at central and local level to address the right to education appropriately?
6. What are the main projects/ventures that you have undertaken in the recent past, to improve the situation of children in regards to attaining and promoting children's rights?

7. Is there any strategy that governs the work of your unit, or that is relevant to the work of your unit? What is the name of the strategy? Does this strategy have indicators to demonstrate whether the objectives have been reached? Has there been any evaluation/assessment of the strategy/situation? What was the result? Does your unit have an annual work plan?
8. Accessibility of children in schooling system: How convenient is the schooling system (infrastructure, training of staff, legislative framework) to provide qualitative education services to children in Kosovo? More specifically, what is the accessibility and quality of services provided for children with disabilities, minority groups, women, rural population?
  - 8.1. Inclusive education: What is the current situation? What is best practices so far? What needs to be improved, in order to achieve inclusion of all children and to have inclusive schools for an inclusive society?
9. What instruments are in place to promote children's participation in governing school work? Different projects from different donors have contributed in the past 13 years. What is going on and what is the most institutionalized model used in Kosovo's schools?
  - 9.1. Is there an established procedure to report child rights violations? Has this procedure been assessed to identify whether it is effective? How are children/parents informed about this procedure? Have there been cases of discrimination against children, teaching staff, or general staff? How were they dealt with?
10. Early childhood education: what is the situation in early childhood education? When will the law become obligatory for all children of a relevant age? Why has the law not become obligatory until now? Number of licensed kindergartens? Public and privately owned? What is the process/ what are the standards to become eligible for licensing? What are the criteria to get a license? Is there a curriculum that needs to be in place, as a criterion to be licensed?
  - 10.1. Role of Parent-Teacher Association: Activities and co-operation?
11. Curricula for ethnic minorities: What is the current status of the school curriculum for minorities? Are there sufficient resources to address this issue? Do children of minority groups receive quality education at all stages throughout their childhood? What are the plans for the future? Are there concrete actions been planned and have the stakeholders been identified to proceed?
12. Is there any inter-ministerial working group where MEST is participating? How has MEST been involved in the implementation of the Government of Kosovo Strategy on Children's Rights, as well as in other strategies?
13. How does the school inspectorate works and what are the mechanisms for following up when child right violations are identified? Any concrete examples for positive follow-up?

## MINISTRY OF WORK, LABOUR AND SOCIAL WELFARE

### Division for Protection of Children

1. What legal framework does your unit/department/ministry refer to for protection and promotion of the rights of children?

- 1.1 How about policies, governing procedures and other standards that govern the work with and for children?
2. Please specify which policies and governing procedures/other standards you use in your work?
  - 2.1 Are there any gaps that you have identified in the legal framework, posing a serious barrier to carry on with your mission?
  - 2.2 Are there any legal conflicts/contradictions, either between laws or sub-legal acts (bylaws)? What are these conflicts, how are they manifested? What stakeholders are influenced by this problem? Do children (or their rights) suffer because of that? How do you go about dealing with such cases?
  - 2.3 Does the legal framework of Kosovo comply with the UNCRC? Has the compatibility of the Kosovan legal framework with the UNCRC been assessed? Where is the biggest gap? What is the procedure for changing the legal framework? Is there any initiative to amend the legal framework? Have you taken any initiative or recommended that changes need to be made? If so, to whom and what was the outcome?
3. What mechanisms are in place to protect children's rights? How is the general population (parents and children) informed about the existence of such mechanisms? How successful are these mechanisms in fulfilling their mission? What concrete measures are you undertaking as a Ministry/Department to prevent child rights violations? What needs to be improved?
4. What is the percentage of the budget allocated for operations of your unit (activities involving promotion and protection of children (and their rights))? Is that sufficient? What is the immediate need that would be dealt with, if money or resources were available?
5. Is the number of staff that works in your unit sufficient, including the staff in CSW? What position is needed or what extra qualifications are needed?
6. What data do you collect, in regard to services your ministry provides to children? How about data about protecting and promoting children's rights? Primary and/or secondary? What is the quality of these data? What improvements are needed? When are they due? Do they get published, and where?
7. Do you co-operate with the Kosovo Statistics Agency in collecting data?
8. Who are the major vulnerable social groups that you target with your interventions? How about the support for children, orphans, children with disabilities, ethnic minorities, women, the rural population, single mothers?
9. With the decentralization process that has been going on, what are the responsibilities of local and central government, in regards to the social services provided to people in need? Are the responsibilities of central and local government clear and applicable for all? Are mechanisms in place to hold accountable each stakeholder for what they do? How is the general population informed about the existence of these mechanisms? Is the number of staff that works in your unit sufficient, including the staff in CSW? What position or what extra qualifications are needed?
10. How does your ministry monitor the implementation of policies that social services provide to the population: what are the rules and procedures governing these bodies? What inspectorate bodies

have been established and for what services? How do they fulfill their mandate? What actions have been undertaken, as a result of their work?

- 1.1. What child protection prevention (activities) has been undertaken by the ministry/your department? What has been the objective of these actions? What is the outcome? Are results measurable and publishable?

## MINISTRY OF HEALTH

### Mother and Child Division / Department

1. What legal framework does your unit/department/ministry refer to for the protection and promotion of the rights of children?
  - 1.1 How about policies, governing procedures and other standards that govern the work with and for children?
  - 1.2 Are there any gaps that you have identified in the legal framework, posing a serious barrier to carry on with your mission?
  - 1.3 Are there any legal conflicts/contradiction, either between laws or sub-legal acts (bylaws)? What are these conflicts, how are they manifested? Who are the stakeholders influenced by this problem? Do children (rights) suffer because of that? How do you go about dealing with such cases?
2. Does the legal framework of Kosovo comply with the UNCRC? Has the compatibility of the Kosovan legal framework with the UNCRC been assessed? Where is the biggest gap? What is the procedure for changing the legal framework? Is there any initiative to amend the legal framework? Have you taken any initiative or recommended that changes need to be made? If so, to whom and what was the outcome?
3. What mechanisms are in place to protect children's rights? How successful are these mechanisms in fulfilling their mission? What needs to be improved? How is the general population (parents and children) informed about the existence of such mechanisms? What is the Ministry of Health doing to achieve the right to health for all children as stated in UNCRC and also achieving Millennium Development Goals, in regards to mother and children's health?
4. What is the percentage of the budget allocated to operations of your unit (activities involving promotion and protection of children (rights))? Is that sufficient? What is the immediate need that would be dealt with, if money or resources were available?
5. What is the number of staff that works in your unit? Is that sufficient? What position is needed?
6. What data do you collect, in regards to services your ministry provides to children? How about data about protecting and promoting children's rights? Primary and/or secondary? What is the quality of these data? What improvements are needed? When are they due? Do they get published, and where?
  - 6.1 Do you co-operate with the Kosovo Statistics Agency in collecting data?

7. What are the key indicators of success, in terms of the health services provided to children (and first-time mothers)? What key indicators does your ministry follow (e.g. public health indicators, drop-out rate, delinquency, breastfeeding, early childhood education enrollment, teenage pregnancy, birth weight, smoking and drug abuse?) What is the data in regards to the mortality, morbidity, disability, and mental health of different age groups of children? How is the situation (of these indicators) changing over the years?
8. Who are the major vulnerable social groups that you target with your interventions? How about the support for children, orphans, children with disabilities, ethnic minorities, women, the rural population, or single mothers?
9. How does your ministry control the implementation of policies about health services provided to the population: what are the rules and procedures governing these bodies? What inspectorate bodies have been established and for what services? How do they fulfill their mandate? How is the general population (parents and children) informed about the existence of such mechanisms? What actions have been undertaken, as a result of their work?
10. In which inter-ministerial working groups is the Ministry of Health involved and what is best practice?
11. What child protection prevention (activities) has been undertaken by the ministry/your department? What is the outcome? Are results measurable and possible to be published?

## PRIME MINISTER'S OFFICE / OFFICE FOR GOOD GOVERNANCE

### Child Protection Unit / Officer

#### Contact details, staff, training attended, years of operation, contact

1. What is your mission statement? What is your mandate? What are your responsibilities?  
  
How do you operate?
2. What legal basis gives your office its mandate? What mechanisms of control and intervention do you manage?
3. What are your current major activities/projects? How about activities/projects in the recent past?
4. Is there any strategy that governs the work of your unit, or that is relevant to the work of your unit? What is the name of the strategy? Does this strategy have indicators to demonstrate whether the objectives have been reached? Has there been any evaluation/assessment of the strategy/situation? What was the result? Does your office have an annual work plan?
5. Who are the main other stakeholders you work with? Do you co-operate with the central and/or local government? NGO sector? How would you describe your co-operation with each of the stakeholders?
6. How would you describe the current situation of children in Kosova? What are the major problems children in Kosova face? How can these problems be addressed? What actions are being taken in

order to address these major problems? Are there short term, midterm and long term goals set in order to resolve such problems? If yes, what are they and are they being achieved? What are the most vulnerable children groups?

- 6.1 What is the status of National Plan of Action? Has it been developed? Is there a plan to start working on it? What resources are needed to initiate compiling this document?
7. What are your plans for the future? Do you have any project/activity that you will implement in the near future?

## NON-GOVERNMENTAL SECTOR

### Organizations Promoting and Protecting Child Rights

#### Name, size, number of employees/staff, years' operating, contact details.

1. What is your mission statement? Who is your main target group/group of children you work with? What are the services you provide? What is the number of beneficiaries?
2. How do you carry on with your operations? Where do you get your funds from?
3. What is the objective of your intervention? What are the key indicators of your intervention?  
  
How do you evaluate and assess your work?
4. How would you describe the current situation of children in Kosova? What are the major problems children in Kosova face? How can these problems be addressed? Where do you see your role in addressing these problems? What are the most vulnerable children groups? Which one do you target?
5. What are the plans for the future? How long will your project last? What are you doing concretely in addressing child rights violation that you face during your activities?

#### In-depth Interview Guidelines with Key Stakeholders - Key Informants: Municipal Level

1. What is your municipality doing for the protection and fulfillment of child rights? Do you relate your activities towards reaching goals/reaching targets coming out of the UNCRC? What are those?
2. What are the mechanisms in place to achieve best results/outcome towards protecting and fulfilling child rights? Who are the relevant stakeholders? Who set this mechanism? How does it function?  
) If yes, are there any mechanisms that monitor these processes if they are being implemented toward the institutions or not? Is there any strategy, policy plan, or any strategic document that has been adopted to administer this/these mechanism/s?
3. Do you have a co-ordinator for child rights and if so, what is the budget allocation for coordinators? What are his or her duties? What have been the most relevant activities in the recent past?
4. What is your municipality doing for vulnerable groups? (Early Childhood Development, the disabled, ethnic minorities, children who are facing humiliation or physical punishment in their school, etc.) Who do you consider to be the most vulnerable group (among children and

youth) in your municipality? What are the planned activities in overcoming the challenges these vulnerable groups are facing – what services are provided in your municipality to serve these communities/groups?

4.1 Do you have any plans for cases of emergency, in protecting children? Who developed these plans? How helpful are these plans? Did you have it implemented to see how it is functioning?

5. What are the major challenges you are facing? What/who is causing the challenge?

5.1 How are you planning to improve the situation?

6. What are your plans for the future, in terms of protecting and fulfilling child rights?

### **In-depth Interview Guidelines with Key Stakeholders - Key Informant: School Directors**

1. What is your school doing for the protection and fulfillment of child rights? Do you relate your activities towards reaching goals/reaching targets coming out of the UNCRC? What are those?

2. What mechanisms are in place in your school to identify the problems that children see as important? Did you set up a complaint box, establish a school council that has active participation from school children, establish or are participants of any other established body that deals with issues concerning children?

2.1 How is the co-ordination with other actors/stakeholders? Who is most active/passive?

2.2 Do you co-operate with other actors/agencies to address complaints from pupils? What do you do if you do not have the capacity to resolve a certain issue? Example, a child who got in trouble in school got expelled (how do you decide to expel a child; do the children know the procedures beforehand; i.e two strikes out?!): what are the options to follow-up on such an issue?

3. What is the school doing for vulnerable groups? (pre-school, disabled, minority communities, children who are facing humiliation or physical punishment in their school, etc.) What can be done to improve the situation?

4. What are the challenges you are facing towards protecting and fulfilling child rights?

5. How are you planning to improve the situation?

5.1 Do you have any plans for cases of emergency (aiming to ensure the safety of children)? Who developed these plans? How helpful are these plans? Did you have it implemented to see how it is functioning?

6. Have you been implementing the Inclusion Index in your school? What is your experience so far? Are you reporting the score to any other authority – who does the evaluation?

7. What are your main recommendations for improving any current problems you are facing, in light of protecting and fulfilling child rights?