Analysis of the Child Rights Situation in Kosovo
(Northern Mitrovica, Zubin Potok, Leposavic, Zvecan)
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INTRODUCTION

Situational analysis of child’s rights in Kosovo (hereinafter: Analysis) represents a comprehensive overview of realization and protection of children’s rights in four Kosovo municipalities - Northern Mitrovica, Zubin Potok, Leposavic and Zvecan. The aim of the Analysis is to determine the level of realization of children’s rights in the aforementioned municipalities, especially the level of realization for the child’s rights that correspond to the priorities of Save the Children organization – rule of child’s rights, protection of child’s rights, education, health and social care, as well as children’s participation.

The analysis takes on the issue of rule of rights in the municipalities of Northern Mitrovica, Zubin Potok, Leposavic and Zvecan in the context of the three key areas of child’s rights realization: general measures of implementation, crucial issues of management and relations between non-governmental actors. The comprehensiveness of this Analysis is reflected in the analytical approach in overviewing the existing policies and practice, which included the analysis of international policies and standards, as well as of legislative and strategic framework. The Analysis also includes the assessment of child’s rights realization level, support programmes, existing services from the perspective of professionals and children themselves. Further importance of the Analysis is in defining certain recommendations that represent guidelines in promoting and developing child’s rights and system of child care in the aforementioned municipalities. The basis in creating this analysis was the methodology developed by Save the Children, which was adjusted to the context and character of the analysed process.

The Analysis may also serve as the basis for further monitoring, new research studies, as an incentive for better international, multi-sectoral and interdepartmental cooperation which would contribute to realization of child’s rights in the North of Kosovo.

The analysis of the child’s rights’ status opens with the introductory section which lists major reasons for developing this Analysis and identifies its intended aim. The section entitled Methodology provides detailed overview of the development process, as well as of the utilized methods and instruments. In a part of the Analysis in which general measures for implementation of the Convention on the Rights of a Child were discussed special emphasis was put on presentation and analysis of the existing governing structures within local communities, as well as on the process of decentralization, together with the assessment of the impact of the governing structure on implementation of the Convention on the Rights of a Child; budget allocations intended for children and budget transparency; description of the human and child’s rights’ status, especially that of the rights of children from vulnerable groups (children with disability, children of the Ashkali Roma and children from the Egyptian community); availability, efficiency and shortcomings of mechanisms that facilitate realization of child’s rights locally; description of the status of nongovernmental actors (climate) in relation to their obligation to child’s rights.

Special focus of the analysis was on detecting the level of realization for the rights that guarantee the protection of children, right to education with a special emphasis on realizing child’s right to participation, right to social care and protection and general overview of realization of rights to non-discrimination and health care.

The analysis also involved presentation of the impact that current political and social atmosphere has, as well as of the context in which rights of the child are realized in local communities. Furthermore,
local mechanisms were assessed and their transparency related flaws were stressed, as they majorly influence child’s rights realization.

Additional quality and credibility of the Analysis are provided by the presented children’s experiences that serve as illustration for both good practice and shortcomings in the system of child care. Providing that the basis for the Analysis was overview and analysis of children’s rights and position in four local communities in Northern Kosovo, important source of information were immediate experiences, opinions and rights’ realization assessments of children themselves and of their parents/carers.

Moreover, this process did not neglect those obliged to give their full contribution to realization and development of child’s rights: authorized local social care institutions, judiciary, local child protection services, existing local citizens associations and relevant international organizations.

Major findings made in the process were translated into the key conclusions and recommendations for further action of Save the Children, as well as for the creation of policies and support measures in the field of child’s rights. These recommendations may also be useful to decision makers in creating policies and development of children’s rights within local communities, as well as to citizens’ associations that might use them to create programmes and plan future projects intended for the development of child’s rights. The recommendations also prove to be important element in the advocacy process for full implementation of the Convention on the Rights of the Child.

**METHODOLOGY**

Methodology used in designing this Analysis was based on the methodology of Save the Children, developed for and used in the process of drafting the analysis of the situation in the field of children’s rights.

The Analysis drafting included desk research that involved gathering and analysing of information and data relevant for the analysed subject. Data gathering involved the following methods: overview and analysis of international policies and standards, overview and analysis of the reports prepared by relevant UN agencies and by other international organizations present in Kosovo, Progress Report in the process of the EU accession, and other available reports of the authorized institutions and citizens associations within the local communities, overview and analysis of the contents of the relevant legislative framework, overview and analysis of the relevant strategic documents, individual interviews and group interviews (focus group discussions).

For the purpose of developing this Analysis, two complementary methods were used: individual interviews and focus group discussions. Between 2nd and 7th December 2013, in the four municipalities of Northern Kosovo: Northern Mitrovica, Zubin Potok, Leposavic and Zvecan, the field work, which involved gathering the data, was performed. The total of 24 individual interviews was conducted with the local institutions’ representatives, representatives of NGO’s and international organizations, 3 individual interviews with parents and 2 group interviews (focus group discussions) with children (16 students of primary school 3rd and 4th grade, and 7 children attending 8th grade of primary school).

By means of semi-structured in-depth interviews with the representatives of the local institutions, NGO’s that engage in policy creation, direct service provision and support programme implementation. As well as of the relevant international organizations, the opinions and experiences of the local policy makers, relevant for the subject of the Analysis, were gathered. In this way,
qualitative design different approaches were summed up and some limitations were recorded when it comes to the quality care and services provided to children and their families locally.

The information gathered from the representatives of the aforementioned institutions and organizations proved to be useful source of data, while their opinions and experiences were invaluable in formulating recommendations for the development of children’s rights. Received data were integrated into the text of the Analysis as observations and quoted opinions expressed by the interviewees pertaining to the subject related issues.

Group interviews (focus group discussions) lent a distinctive quality to the Analysis, since they were carried out directly with children who were able during those conversations to present their experiences, indicate shortcomings in the system and draw attention to the needs and problems they encounter in realizing their guaranteed rights. In this way the children were able to propose potential solutions that would contribute to the child’s rights development, especially in relation to the right to participation. In utilizing this method, particular attention was paid to protect privacy and personal data of the children.

Analysis of international policies and standards involved the overview of the most important international documents in the field of child’s rights, within the system of the United Nations and European Union. Overview and analysis of legislative and strategic framework involved the review of legislation and relevant strategic documents. Particularly revealing insight was gained by reviewing the reports received from OSCE, UNICEF and other relevant UN agencies, other international organizations present in Kosovo, as well as from the Progress Report on the process of the EU accession, reports on violence against children, reports of the local, national and regional human and child’s rights organizations, and reports received from academic and research institutions.
POLITICAL CONTEXT OVERVIEW

Political situation in Kosovo is characterized by a considerable number of changes. “More than five years since declaring independence and one year since the period of supervised independence has been finished, Kosovo faces two different realities when it comes to its sovereignty and international relations: it is an independent entity for some, and independent and sovereign state for others. Euro-Atlantic institutions and majority of the states that did not recognize its independence treat Kosovo as independent entity, while Serbia treats it as a separate territory governed under Resolution 1244 of the UNSC, but also as its own territory. On the other hand, Kosovo is treated as a sovereign country only in bilateral relations with the countries that recognized its independence.”

Under the Resolution of the United Nations Security Council number 1244 adopted on 10th June 1999, Kosovo was appointed temporary civil and military administration of the UNMIK (United Nations Interim Administration Mission in Kosovo). In the session held on 24th October 2005 in New York, the UNSC authorized the initiation of negotiations on the future status of Kosovo. The negotiations started with the talks of decentralization, held on 20th and 21st February 2006 in Vienna. The negotiations were continued in stages throughout 2006 and 2007, yet at their conclusion only Kosovar party agreed to the negotiated points. On 17th February 2008, the Parliament of Kosovo adopted the Declaration of Independence and unilaterally declared Kosovo a sovereign and independent state. Kosovo Parliament adopted the Constitution of Kosovo which entered into force on 15th June 2008.

Serbia still does not recognize Kosovo’s independence, and it sought advisory opinion of the International Court of Justice in The Hague concerning the consistency of the Declaration of Independence of Kosovo with international legislation. On 8th October 2008, upon the request of Serbia, General Assembly of the UN has adopted the Resolution under which the International Court of Justice (ICJ) in The Hague was demanded to answer the question: “whether the unilateral declaration of independence by the interim institutions of the self-government in Kosovo is consistent with international legislation.” On 22nd July 2010, the ICJ in The Hague established that the unilateral declaration of Kosovo’s independence did not constitute a breech of international legislation, Resolution 1244, or international legal order in Kosovo.

Negotiations between Belgrade and Pristina on the topics relevant to the lives of the citizens started in March 2011 in Brussels, mediated by the European Union. Within a year (between March 2011 and March 2012), Belgrade and Pristina achieved agreements on regional representation and cooperation, customs seals, university diplomas, integrated border checkpoints, cadastral records, freedom of movement, as well as birth, death and marriage registers. These agreements’ implementation is important not only the development of relations between Belgrade and Pristina, but also for everyday life of the Kosovo citizens. When general context is concerned, it needs to be stressed that this was the first time in the previous 30 years that a number of agreements were achieved in the relations between the Serbs and the Albanians. Even though they were mediated by international mediators, the agreements were achieved by direct negotiations between Belgrade and Pristina.

In June 2012, verification of the answers provided by the Kosovar Government to the EC questionnaire of began, in preparations of the feasibility study for the Stabilisation and Accession

2 Serbian Community in Kosovo, Helsinki Committee for Human Rights in Serbia, June 2012.
Agreement with the EU, while in September 2012, the mandate of International Civilian Office (ICO) for Kosovo ceased, thereby the period of supervised independence being finished.

“Since the finalization of the supervised independence in September 2012, Kosovo was recognized by additional 13 states, increasing the total number of the countries that recognized it to 104. Kosovo also became member of the European Bank for Reconstruction and development (EBRD) in November 2012; member of the Council of Europe Development Bank (CEB) in June 2013. However, the prospects of Kosovo’s membership in the most important international organizations, such as United Nations (UN), Organization for European Security and Cooperation (OSCE), North Atlantic Treaty Organization (NATO) and European Union (EU), remain slim.”

In Brussels, on 19th April 2013, after ten rounds of negotiations, Serbian and Kosovar Prime Ministers initialled the draft agreement offered to Belgrade and Pristina by the High Representative of the European Union for Foreign Affairs and Security Policy, Ms Catherine Ashton. The document is entitled “The First Agreement of Principles Governing the Normalization of Relations” and includes 15 points.

The Agreement envisages the establishment of Association/Community of Serb majority municipalities in Kosovo, even though its membership will remain open to any other municipality provided the members are in agreement. The Community/Association will be created by statute, while its dissolution shall only take place by a decision of the participating municipalities, while legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule). The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council. The agreement stipulates that the participating municipalities, in accordance with the competences given by the European Charter of Local Self Government and Kosovo law, shall be entitled to cooperate in exercising their powers through the Community/Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning. Fifth point of the Agreement indicates that the Association/Community will exercise other additional competences as may be delegated by the central authorities. According to the Agreement, the Community/Association shall have a representative role to the central authorities and will have a seat in the communities’ consultative council for this purpose, while in the pursuit of this role a monitoring function is envisaged. The Agreement further envisages that there shall be one police force in Kosovo called the Kosovo Police, while all police in northern Kosovo shall be integrated in the Kosovo Police framework. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.

Ninth point of the Agreement envisages that there shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvecan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Interior from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Skenderaj and Vushtrri). The regional commander of the four northern municipalities will cooperate with other regional commanders.

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When judiciary is concerned, the Agreement envisages that the judicial authorities will be integrated and operate within the Kosovo legal framework. The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities. A division of this Appellate Court, composed both by administrative staff and judges will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit dependant on the nature of the case involved.

The Agreement also envisages the organization of municipal elections that shall be organized in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards; that an implementation plan including frame shall be produced by April 26th, where in implementation of the Agreement the principle of transparent funding needs to be addressed; it also stipulates that the discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15. It was also agreed that neither side will block, or encourage others to block, the other side’s progress in their respective EU path and that an implementation committee will be established by the two sides, with the facilitation of the EU.

In September 2013, the two sides achieved the agreement on telecoms and energy. Aided by Organization for European Security and Cooperation, local elections were held in Kosovo on November 3rd 2013, while the elections were repeated in Mitrovica on November 17th 2013.

After the 19th round of dialogue between Belgrade and Pristina, the agreement was made on the inclusion of Serbian representatives in the police forces of Kosovo. The issue of judiciary has remained open by the time this Report was finalized. It is planned for the 20th round of talks between Belgrade and Pristina, which is scheduled for December 13th 2013 in Brussels, to be dedicated to the issue of judiciary.

Implementation of other agreements achieved during the talks, persists to this very day.

GENERAL DEMOGRAPHIC, ECONOMIC AND SOCIAL SITUATION IN THE FOUR MUNICIPALITIES IN NORTHERN KOSOVO

Zubin Potok Municipality

According to the data incorporated in the Development Strategy of the Zubin Potok Municipality 2013-2017 surface area of the Zubin Potok municipality amounts to 333.5 km². The municipality is comprised of 63 villages and settlements, the largest of which being Zubin Potok, administrative, cultural and economic centre of the municipality. Apart from Zubin Potok, the remaining settlements of some size are Velji Breg, Zupce, Brnjak, Bube, Lucka Reka i Cabra.

There are no precise data on the population of the municipality, providing that the last successful census was organized as long time ago as 1981. Subsequent attempts at organizing population census failed due to the boycott of Albanians in 1991 and boycott of Serbs in 2011. However, population was assessed in the strategic document to be around 15,000, 90% of which being Serbs, with 10% of Albanians. Albanians live in the village of Cabra in the westernmost part of the municipality, while Serbs live in all the other villages and settlements in the municipality. According to the data provided
by the OSCE, Kosovo Albanians make 7.1% of the total population in the municipality of Zubin Potok\textsuperscript{4}.

Population of the municipality predominantly lives in rural environment. The municipality has 1,213 unemployed persons recorded, majority of which failed to graduate from a secondary school. Significant number of the unemployed has finished only primary school (1\textsuperscript{st} degree of professional qualification). Labour market in the municipality also includes 22 persons with a university degree. It is notable that there are more women than men among the unemployed.

\textbf{Zvecan Municipality}\textsuperscript{5}

Municipality of Zvecan occupies northern peripheral position in Kosovo. On the territory of the Zvecan municipality, on the surface area of 122.4 km\textsuperscript{2} presently lives some 17,000 of people, 40\% of whom living in the town of Zvecan. Until the arrival of internally displaced persons from other parts of Kosovo, which occurred in 1999, this population was significantly smaller.

Post war demographic development of this area is characterized by the permanent increase in the total population, which consequently causes positive natural population trends, as well as high rate of population growth (10.7\%). Present age structure indicates that the population is relatively young, with 40\% of the population being up to 19 years old, which is near to this age group’s average participation. Rate of population younger than 16 is around 25\%.

Ethnic structure in the Zvecan municipality is rather homogeneous (great majority of Serbian population), since only three of 36 settlements in the municipality are populated with Albanians (4.2\% of the total population).

Area of the Zvecan municipality is characterized by significant human resources: high rate of natural population growth, relatively young population, high level of ethnic homogeneity, substantial work force reserves, and high level of education.

According to the data of the OSCE, in the municipality of Zvecan there are some 2.3\% of Kosovo Albanians in the total population, and they live in the villages and settlements of Lipa, Boljetin and Zaza. These are agricultural settlements with low income and direct access to the southern part of Mitrovica. The lack of elected municipal representatives of Kosovo Albanians contributes, as they say, to the community’s sense of being forgotten and neglected by the Kosovar institutions.\textsuperscript{6}

Educational structure of population is very favourable, with a low rate of illiterate population (only 3.8\% in the town of Zvecan) and high rates of those with highschool and university degrees (57\% in the town of Zvecan).

\textbf{Leposavic Municipality}

Leposavic is the northernmost municipality and it spreads over some 750 km\textsuperscript{2}. The municipality was established in the early 1970s by integrating previously existing municipalities of Lesak, Leposavic and Ibarska Slatina. The municipality of Leposavic consists of seven local community units: Lesak, Leposavic and Socanica, Belo Brdo, Vracevo, Bistrica and Saljska Bistrica, 72 villages with some 4818 households and population of 14,262 people.\textsuperscript{7}

\textsuperscript{4} “Profile of the Kosovo Communities”, Organization for European Security and Cooperation (OSCE) Mission in Kosovo, 2010.
\textsuperscript{5} Taken from: http://www.opstinazvecan.rs/
\textsuperscript{6} “Profile of the Kosovo Communities”, Organization for European Security and Cooperation (OSCE) Mission in Kosovo, 2010.
\textsuperscript{7} http://www.leposavic.org/
In the municipality of Leposavić, Kosovo Albanians make between 0.6 and 1.7% of population, and they live in the villages or settlements of Kosutovo, Bistrice and Ceranje. Settlements in this high mountain area are among the poorest and most isolated communities of Kosovo Albanians. Official data quote that the number of people is 300, even though there are only 100 people permanently residing here, mainly of low socio-economic status. Kosovo Albanians in this area mainly live in agricultural households and have low incomes, as they often make ends meet by exchanging goods with other families.\(^8\) In the rural areas live 19 Roma families in total.

Economic situation in the municipality is not good. Unemployment rate is high, some 2143 persons are unemployed, while in agricultural sector, some 70-80% of people will become jobless, due to the lack of modern agricultural machinery.\(^9\)

**Northern Mitrovica Municipality**

Since the conflict in 1999, Mitrovica is divided along the river Ibar. The municipality consists of the town of Mitrovica and 45 villages. Almost all Kosovo Serbs live in the northern part, while Kosovo Albanians live in the southern part of Mitrovica. Since November 2011, in the northern part of Mitrovica live some 29,460 people.\(^10\) However, people interviewed in the field provided the data that there are some 15,000 actually living in Northern Mitrovica.

According to the data of the OSCE Mission in Kosovo, in Northern Mitrovica, Kosovo Albanians live in segregated settlements in the town’s centre, such as Bosnjacka Mahala, Tri solitera, Mikronaselje, Suvi Do and Dolina doktora in the western part of town, and they make some 16% of the total town’s population.

Economy of the northern part of town is based on the Serbian Government’s investments: Ministry of Health and Ministry of Education, Science and Technological development, local administration and local public companies. There are also a few hundreds of small enterprises that produce various goods and provide different services. Office for Kosovo and Metohija\(^11\) adopted the programme of allocation and utilization of funds in stimulating entrepreneurship in Kosovo and Metohija by authorizing procurement loans since 2010, thereby particularly stimulating small and medium scale entrepreneurship. Since October 2009, northern part of Mitrovica is connected to the network of the Electric Power Industry of Serbia. Northern part of Mitrovica has a regional hospital and primary health care centre, both under the authority of the Ministry of Health of the Republic of Serbia. Northern Mitrovica also has a student polyclinic which provides health care services to the university

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\(^8\) “Profile of the Kosovo Communities”, Organization for European Security and Cooperation (OSCE) Mission in Kosovo, 2010.
\(^9\) http://www.leposavic.org
\(^11\) Scope of authority of the Office for Kosovo and Metohija is stipulated by Article 2 of the Decree on the Office for Kosovo and Metohija, based on which the Office performs professional tasks for the benefit of the Serbian Government and competent ministries pertaining to: operation of Serbian institutions on the territory of Kosovo and Metohija; education, health care, social policy, culture, infrastructure, local self-government system and telecoms in the Serbian parts of Kosovo and Metohija; operation of the Serbian Orthodox Church on the territory of Kosovo and Metohija; restoration and protection of spiritual and cultural legacy; financial, legal, technical and staffing assistance in all the areas significant to the Serbs and other Non-Albanian communities on the territory of Kosovo and Metohija; cooperation with the Commissariat for Refugees in the issues pertaining to internally displaced persons from Kosovo and Metohija; cooperation with the civil and military mission of the United Nations in Kosovo and Metohija (UNMIK and KFOR) under the Resolution 1244 of the Security Council.
students. There are 11 primary schools and 4 secondary schools in Mitrovica. Mitrovica also has a state run faculty founded by the Ministry of Education of the Republic of Serbia.

Social circumstances

The described political and social context results in a number of significant consequences that reflect in the everyday life in the four municipalities of Northern Kosovo. The influence that a high level of legal insecurity has is particularly evident, and it originates in the fact that in some fields (education, health) institutions still work according to the laws and rules of the Republic of Serbia and are financed out of Serbian budget; certain fields are covered by both states, some are in authority of Kosova Republic, and in judiciary there are no effective governance.

For example, the citizens can receive their passports and identification cards from both Serbian and Kosovar authorities, in case they reside on the territory of the aforementioned municipalities; The situation is similar when it comes to social care rights, but in practice the Serbs that constitute the majority population in the municipalities more often exercise their social care rights granted under the legislation of the Republic of Serbia. The field of local self-government also falls under double jurisdiction, so that each municipality has both the old centres/seat – Severna Mitrovica, Zvecan, Leposavic and Zubin Potok – as well as the new ones that simultaneously exercise the roles of the local self-government in accordance with the laws of the Republic of Kosovo. Police authority of the Republic of Kosovo is established according to The First agreement on principles for governing the normalisation of relations (Brasel’s agreement).

Finally, the most problematic in practice is the complete blockage of the judiciary system, hence the issue is still in the process of negotiation of Serbian and Kosovar authorities, which leads to enormous legal insecurity of the citizens. Namely, the Magistrate Court in Northern Mitrovica is still formally active under the authority of Serbian legal system, and it receives complaints in divorce litigations and other potential children related applications, yet once the judgement is delivered, the mechanism of its enforcement is non-existent. On the other hand, Kosovar judiciary system is still not fully established. According the research, Prosecutor’s office and Court in Vucitrn (current seat of the Prosecutor’s Office and Court competent for the four northern municipalities, more details will be further explained in the section on the protection of children against violence) currently process “only the gravest of crimes”. Thus, we were said that even though criminal charges had been filed in a few cases of domestic violence, centres for social work did not receive feedback information on whether the prosecutor initiated the criminal proceedings against the perpetrator. Additional problem is the still evident resistance of the majority population towards the institutions of the Republic of Kosovo and distrust towards them, which results in rare appeals to these institutions for help.

When we discuss the competences of the local self-governments it is important to acknowledge that local self-government that operates under the legislation of the Republic of Serbia, largely depend on so-called earmarked transfers, providing that the original incomes in all four municipalities are minimal due to the low economic activity. Therefore, the funding of community based services, cultural institutions and activities, but also infrastructure projects related to educational and cultural facilities and municipal infrastructure, largely relies on the donations and project funds. However, the field research indicated that, due to the great political tension, not all potential funds and resources were utilized in the previous period for these purposes. This was conditioned by a high level of distrust towards international organizations, as well as the lack of openness to cooperation with citizens’ associations. This situation has been gradually changing in the last two years, which results in a greater variety of community based services and activities which, however, fail to meet the requirements.
Children (who were highly articulate in this), parents and civil society representatives jointly assessed that all four municipalities, and especially Northern Mitrovica, particularly miss the safe and equipped facilities for different cultural and physical activities. In this context, the exception is the municipality of Zvecan which has a community culture centre. Children in Northern Mitrovica primarily need a park, where they would be able to take walks and safely play, providing that the town traffic is extremely heavy. All the children miss cultural activities such as different kinds of dancing, yet what they crave the most is a theatre stage and greater variety of theatrical programme (provided by guest theatres, or by local companies). Furthermore, there is a distinct demand for a number of sports facilities (skate rink was mentioned among other things) and organized sport activities. The programme of the local media is also highly limited and mainly entertaining in character, without defined contents, and it does not specially address children. Older children clearly expressed their need for this type of content both in their schools and within the local communities.

Children stressed that there were certain youth initiatives to organize youth oriented activities in schools, yet they failed to be realized because of the school management’s considerable resistance and insufficiently articulated and organized pressure applied by the children (due to the lack of capacities of students’ parliament and law level of youth initiatives).

Activities related to the organization of health, social and child care are integrated in all four municipalities and performed by so-called Department for Social Affairs. We were explained that the municipalities use their limited funds to finance their current expenditures and operation of preschool education (kindergartens), while special assistance to a child is provided after an individual application has been filed and in accordance with the law (i.e. based on the opinion of the Inter-departmental Commission established to determent additional educational, health or social support to children with disabilities).

Strategic acting is underdeveloped. The municipalities do not have local action plans for children, while the municipality of Zvecan has the action plan for the development of the entire municipality which includes some child related issues. Departmental strategies for different fields are also inexistent. Certain institutions that participated in the interviews do not have plans for the services development either. Bearing in mind the recent events, such situation is understandable, yet it would certainly be advisable for the future activities to be undertaken systematically, precisely because of the limited resources. Supervision of the performed activities is extremely weak, especially in the field of education, which shall be addressed in detail in the education section of the Analysis. Independent public bodies for the monitoring and protection of human rights are also underdeveloped – recently established Kosovar institutions still lack established competences, while independent institutions of the Republic of Serbia are not active in the north of Kosovo. Neither the citizens, nor children are familiar with the operation of these institutions. Independent monitoring of human rights just has started particularly for some vulnerable groups. It is supported by civil sector from Belgrade. Monitoring of child rights is not one of the field in which development has started.

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12 Northern Mitrovica has a very popular dance troop performing street dance, which regardless of their huge success in a number of competitions, still fails to receive support from the local self-government. Parents see this as a problem, because this is a highly organized and popular activity which still does not have appropriate rehearsing conditions and a steady venue.

13 As envisaged by this plan: Strategic goal no 2 - improvement of social services, that among else envisage empowerment of quality of school and preschool facilities, and obtaining new equipment and teaching aids for schools and establishing the center for professional trainings and re-trainings.
Climate towards Human and Child Rights

Number and structure of citizens’ associations present and active in the local communities indicate that human rights are getting more and more topical lately, with the emphasis on women’s rights and issues of gender equality. The process of inclusion of persons with disabilities is not observed in the context of rights, by more as a kind of charity, or as a simple compliance with legal obligations without understanding the basis thereof. Roma population is partly integrated and programmes for their empowerment do exist, while the majority population rarely interacts with the Albanian minority. The sense of compromised right to identity is quite evident, though it is not legally articulated.

When we talk about children and their rights in the narrower sense, protectiveness towards children is quite prominent, while the patriarchal value system is highly influential. The awareness that human rights bring some innovations to the status of children is present, yet the clear understanding of these innovations is missing, so just like in other environments, opinions are present that the children’s rights bring anarchy to schools, that parental and teacher’s authority weaken, and finally that the children’s rights bring more harm than benefits to children since they stimulate the occurrences of juvenile violence, make parents and teachers frustrated and so on, while being really redundant, since children are given all the best that their community has to offer anyway. On the other hand, there are attitudes that indicate a certain shift in understanding of children’s rights. Thus the prominent attitude that preschool education is necessary to children and that babysitting is not its purpose. Moreover, the shortcomings in the community that hinder the growth and development of children are clearly perceived. This indicates that the wellbeing of children is the topic frequently and thoroughly reflected upon.

The children we interviewed had heard of children’s rights. However, they are unaware of the existence of the Convention on the Rights of the Child and of the system of human rights in general. They are familiar with the rights to education, health care and protection against violence, and somewhat familiar with the right to participation, while they are unaware of the existence of other rights. Younger children are better acquainted and show better understanding of the rights, due to the lessons within the curriculum of the subject entitled The World around Us, which address this topic. Higher grades of primary school don’t have lessons in obligatory subjects that deal with the rights of the child. Optional course in civic education is taken by relatively large number of students (in all the schools that we were able to get the data from, the number of students attending civic education is equal to, or higher than the number of students attending religious education), yet, just like in other communities, the quality of these lessons is questionable and largely depends on individual teacher. These are the reasons that made older children less aware of their rights than the younger ones.

Interviewed eighth grade students stress that they didn’t have preparations for the participation and work in students’ parliament, that a small number of classes’ representatives are involved in the operation of the parliament and that they do not feel the parliament to have a real impact on school life. One gets the impression that they are not entirely acquainted with the potential roles of a body such as this.

If we try to make a conclusion, based on the interviews with the children, as to what kind of community do they wish for, general impression is that a higher level of security needs to be provided – not the security related to the instable political situation, but to the inexistence
public spaces (boardwalks, parks, playgrounds or other facilities) that are adjusted to children and safe\textsuperscript{14}. The second priority would be to organize extracurricular activities that might occupy them in their spare time. It seems that this last issue is the crucial one, providing that every respondent, including the children, when asked about the things that children miss in their local community, started with the mention of cultural contents and activities, including participatory programmes for children.

Of all the things perceived in the field, what is the most concerning is the fact that the capacities for the children’s rights programming are extremely low. No institution or association recognize the children’s rights perspective, nor do they work with that perspective in mind, so we assess that there is no potential for a fast development of children’s rights. This is contributed to by the clearly expressed attitude of the majority of the interviewees that the children’s rights are not priority, since there are many more issues that require more urgent reaction. This actually indicates that the concept of children’s rights is essentially misunderstood. Mechanisms of group participation of children and youth are severely underdeveloped, while the attempts to strengthen them failed were not sustainable after the donor’s funds were withdrawn from the implemented projects. The communities did not recognize their importance, so these programmes did not become sustainable. The programmes intended for young people are neglected since there is a high tendency of young children leaving the community for furthered study or employment and there is no felling of necessity for developing such programs.

**Other Social Factors and Mutual Relations among Duty Bearers**

Economic activity in the community is quite low, so private sector still doesn’t figure as an important factor in the development of children’s position and realization of their rights. Influence of the Church is also weak, as it reflects only in their realization of Religious Education classes, which shall be explained in greater depth in the section dealing with education. Even though Northern Mitrovica is a university centre, the field research indicated that the influence of the academic community to the life general population is by no means strong. It is as if the academic community failed to find its place in the society and become a part of the local community. It has been emphasized more than once that university potential isn’t utilized to organize educational programmes needed in community for children or professionals, nor does the university help in defining the directions for the communal development.

Citizens’ associations are not sufficiently distinctive and usually lack the clear mission and their activities are mainly dictated by the availability of funds. Civic activism is in the initial stages of its development. The community is more open to and interested in workshop activities and peer support groups activities then to public discussions or debates on human rights. Therefore workshop activities serve as an overture for conversations about rights. Citizens’ associations are not interconnected and they don’t share common platform in dealing with the authorities. The identity of the civil sector is not developed. There are no organizations in the communities that work exclusively on the children related issues, especially not from the aspect of children’s rights, and we assess that there are no capacities for such work. Additional difficulty is the fact that the associations entirely rely on donors’

\textsuperscript{14}Thus the boardwalks in Northern Mitrovica are regularly obstructed by a number of automobiles which largely exceeds the capacities of the towns’ infrastructure, so that the children are forced to walk in the street, while in Zubin Potok boardwalks don’t even exist in the area near the school. The children that travel from the remote villages (according to their parents) are driven in the vehicles that are obviously not safe.
funds, due to the weakened capacities of the local self-governments to provide finances for the issues that are originally their responsibility. In relation to that, it is important to note the attitude that exists towards the activities of international organizations who contributed to developing these communities in the previous period. The most active organizations at the moment when it comes to the children related issues are the OSCE, USAID, UNICEF and Save the Children, while in the following period the funding of the European Commission is bound to be quite significant too. The communities largely (or in fact entirely) rely on the funds of international organizations and donors, when it comes to the recovery of their infrastructure.

Local power holders and local institutions (operating under Serbian legislation) are largely left to their own devices – in this highly specific political situation of dual authority they lack both support and supervision. This seems to be the most evident in the fields of education and utility services. It is quite surprising that this situation does not have more far-fetching and serious impact on everyday life. This indicates a certain commitment of these power structures to make the activities as regular as possible in the given circumstances.

It seems that, due to the events that marked previous decade and a half, the potential of the communities is considerably weakened, and that there is an enormous need for external aid, both in material and human resources. In the situation of inadequate water and power supply, both the will and space for strategic action are lacking, and these are prerequisite if the communities wish to make it up for the lost time. This is just the area in which an additional support to the power holders and citizens’ associations is necessary, so that the strategic aims and priorities would be defined to provide for more efficient future utilization of the limited local potentials and attract absolutely essential external funding. This will be rather challenging in certain fields, because of the political situation which is still rather sensitive. However, children’s rights which are not politically sensitive in their nature may be significantly and swiftly developed if integrated into the context and already identified communal priorities.

**CHILD CARE**

**Social care**

In the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic social care services are provided by the centre for social work as a social care institution under the authority of Serbian Ministry of Labour and Social Policy. All social care services and financial assistance are provided for by the Republic of Serbia because of the political situation and refusal of the Northern Kosovo to recognize Kosovar institutions. These municipalities apply the Social Care Law of the Republic of Serbia and each of the municipalities has their centre for social work competent for its respective municipality, which provides social care services.\(^1\) When material/financial assistance is concerned,

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15 Social care services include 1) services of assessment and planning – assessment of condition, needs, strengths and risks of/to beneficiaries and other important persons in their surroundings; assessment of carers, foster carers and adoptive parents; design of individual or family plan of service provision and measures of legal protection, as well as other assessments and plans; 2) daily community based services – day care; home assistance; shelter and other services that support beneficiaries’ stay in their family or immediate community; 3) services supporting independent living – supported living, personal assistant, training in everyday living skills and other types of support necessary for beneficiaries’ active participation in the community; 4) counselling and therapeutic services and social and educational services – intense support services for families in crisis; counselling and support to parents, foster carers and adoptive parents; support measures for families that take care of their child or adult family member with disability; maintenance of family relations and reunification of families; counselling and assistance in the cases of violence; family therapy; mediation; S.O.S. hotline;
legally stipulated types of material assistance that beneficiaries can receive are the following: financial social assistance, bonus for assistance and care of other person, increased bonus for assistance and care of other person, assistance for vocational training, one-time financial assistance, assistance in kind and other types of material support. The Law on financial support to the families with children stipulates the right of parents to parental and child allowance.

Right to social care in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic is realized through the provision of social care services and material assistance. However, there is an evident lack of social services in each municipality, especially when it comes to children; there is a lack of: day care services, supported living services, services of transport and public transport for children with disability, sign language services, personal assistant services and foster care services. In the municipality of Northern Mitrovica, there is a centre for persons with disabilities, founded by the NGOs Centre for Basic Rehabilitation and Hendikos with the support of international organizations. Centre for Rehabilitation has 170 beneficiaries, 60 of which are children with disabilities. In other communities, such centres don’t exist, which seriously jeopardizes the inclusion of children with disabilities and prevents their family members from finding employment.16

Service of the sign language interpreter is provided only in Northern Mitrovica through the operation of “Inter-municipal Association of the Deaf and Hard of Hearing”. In the municipalities of Leposavic, Zubin Potok and Zvecan such services are not provided and there is a shortage of sign language interpreters.

Supported living and personal assistance services are not provided in any of the municipalities, neither is the service of transport and public transport for children with disabilities, except for the children who attend mainstream schools in some of the municipalities.

Concept of fostering is underdeveloped, and the data of the Ministry of Labour, Employment and Social Policy from 2011 indicate that there were only two children placed in foster care.17

The MoLESP database entitled Social Profile of Municipalities in the Republic of Serbia offers incomplete data for the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic, dating from 2011, while the data for 2012 are missing.

Data for 2011 are given in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Northern Mitrovica</th>
<th>Zvecan</th>
<th>Zubin Potok</th>
<th>Leposavic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of settlements in the district</td>
<td>49</td>
<td>35</td>
<td>63</td>
<td>71</td>
</tr>
<tr>
<td>Number of unemployed people</td>
<td>1511</td>
<td>682</td>
<td>1219</td>
<td>2136</td>
</tr>
<tr>
<td>Number of financial assistance beneficiaries</td>
<td>24</td>
<td>6</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>Number of refused applications for Material family allowance</td>
<td>36</td>
<td></td>
<td>35</td>
<td>28</td>
</tr>
<tr>
<td>Number of soup kitchens beneficiaries</td>
<td>0</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

17 www.minrzs.gov.rs
Number of children under 18 in the families of the soup kitchens beneficiaries | 0 | 0 | 0
---|---|---|---
Number of beneficiaries of food packages and hygiene packages | 1025 | 276 | 398
Number of beneficiaries of children’s residential homes | 6 | 2 | 2
Number of beneficiaries of residential homes for children with disabilities | 4 | 1 | 1
Number of children placed in foster families | 2 | 0 | 0

The database lacks the data on the total population of the municipalities, number of persons younger than 18, number of families using children’s allowance, number of beneficiaries of parental allowance, number of beneficiaries of other person’s care and assistance, which are all relevant for the realization of children’s right to social care.

According to the data of the Serbian Government’s Office for Kosovo and Metohija dating from January 2013, the types of social care provided by the Republic of Serbia in Kosovo are:
- assistance to families with children (6,500 beneficiaries)
- new-born allowance (1,400 beneficiaries)
- bonus for other person’s assistance and care (800 beneficiaries)
- financial social assistance (2,700 beneficiaries)
- assistance to returnee families (some 500 families)
- assistance to families of the kidnaped and missing persons (around 10 families)

According to the data of the CSW in Zubin Potok, in 2012, the total number of beneficiaries in this municipality amounted to 1366, including 255 children and 132 young people. Number of socially vulnerable families was 89, while the number of children in vulnerable families was 34. There were 4 children without parental care, one of them placed in residential institution for children, 2 in foster families, while one was assigned with a legal guardian.

Community based services are partly provided by civil sector, especially in the fields that are not covered by social care services provided by the institutions under the MoLESP of the Republic of Serbia, i.e. counselling support in the cases of domestic violence and workshops for children with disabilities, including therapeutic work with speech therapist and psychologist. Civil sector also provides occasional material support, either in money or other material donations.

However, it may be concluded from the undertaken research that the activities in the field of social protection provided by CSWs, civil society organizations and international organization, are not sufficiently coordinated, especially when it comes to the provision of material assistance, policy creation and development of the social care services, so it is necessary to work on establishing and promoting cooperation between these actors in order to provide efficient and coordinated support to all the families who need it. One particularly has to bear in mind that, in the municipalities of

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Northern Mitrovica, Zvecan, Zubin Potok and Leposavic, the incomes of local self-governments out of which the local services should be funded, are insufficient to satisfy local needs, so that the provision of social services and promotion of their quality would largely depend on the support of civil sector and international organization, at least until a stable economy is established in these municipalities.

Furthermore, research results indicate the lack of support to the capacity building of the professionals employed in the CSWs, as well as the absence of the programmes for professional development within the social care system in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic.

**Protecting children from violence**

*Relevant legislation of the Republic of Serbia*

The basic law of the Republic of Serbia from the field of civil and legal protection of children from violence is the Family Law of the Republic of Serbia which came into force in 2005. This law encompasses a series of provisions governing the procedures in the area of protecting children from abuse and neglect, and which are specifically relevant for the acts of withdrawal of parental rights, protection of child’s rights, regulation of the exercise of parental right, as well as regulation of maintaining personal relationship of the child with the parent with whom the child does not live. In particular, Family Law governs the protection from domestic violence and stipulates the possibility of imposing the measures to protect from violence (eviction of the perpetrator from the apartment, moving the person who has suffered the violence in the apartment, restraining order to stay a certain distance from the victim of violence, restraining order to stay away from the place of residence or workplace of the family member and prohibition of further harassment). The procedure for imposition of the violence protection measures can be initiated by the family member who has suffered violence, his/her legal representative, public prosecutor and legal guardian, and the first instance competence is vested in the Basic Court.

Criminal and legal protection of children from violence is regulated by the Criminal Proceedings Code, the Law Dealing with Juvenile Perpetrators of Criminal Acts and Protection of Juveniles under Criminal Law and the Criminal Code. However, the laws in this area are no longer exercised in the Serbian municipalities in northern Kosovo.

*Relevant legislation of the Republic of Kosovo*

The following are the laws of the Republic of Kosovo governing the civil and legal protection of children from violence: The Law on the Protection against Domestic Violence (Assembly of Kosovo, Law No. 03 L-182) and the Kosovo Family Law (Assembly of Kosovo, Law No. 2004/32).

The Law on the Protection against Domestic Violence of the Republic of Kosovo proscribes a series of measures for protection against violence, namely: protective measure of psychosocial treatment, protective measure of restraining orders to stay away from the victims of domestic violence, protective measure against harassing persons exposed to violence, protective measure to stay away from the apartment, house or other residence, protective measure of following victims of violence, protective measure including mandatory treatment of addiction to alcohol and psychotropic substances, protective measure including confiscating objects, property protective measures. Measures are introduced by the Municipal Court on the grounds of a filed request for issuing a protection order or request for issuing an emergency protection order, or by the head of the regional
unit of Kosovo Police against domestic violence or acting head of the regional unit of Kosovo Police based on the filed request for issuing an emergency temporary protective order. The competent court shall decide upon the request for issuing a protection order within 15 days, and upon the request for issuing an emergency protection order within 24 hours. The Kosovo Police shall, out of court working hours, immediately decide upon request for issuing a temporary order which expires at the end of the next day of the court working hours. The Law governs that during consideration of the request for issuing a protection order, when the applicant is under 18 years old or is not legally competent, or if the presumable act of domestic violence affects the person who is under 18 years old or has no capacity for independent decision-making, a representative from the Centre for Social Work can be asked to testify. The violation of the protection order or the emergency protection order in its entirety or in a particular part is considered a criminal offence which is prosecuted ex officio and is punishable by a fine of two hundred to two thousand euro or imprisonment of up to six months. Repeated violation of the protection order or emergency protection order shall be considered an aggravating circumstance.

The Kosovo Family Law includes provisions regulating procedures in the area of the protection of children from abuse and neglect, especially regarding the acts of withdrawal of parental rights, regulation of the exercise of parental right, as well as regulation of maintaining personal relationship of the child with the parent with whom the child does not live. This Law also includes a provision which clearly stipulates the obligation to protect children from physical and sexual abuse and exploitation.

Criminal and legal protection of children from violence is regulated by the Criminal Code of the Republic of Kosovo (Law No. 04/L-082), Criminal Proceedings Code (Law No. 2012/04-L-123) and Juvenile Justice Code (Law No. 2010/03-L-193). The Criminal Code includes different acts which cover violence against children and which are classified in the groups of crimes against humanity and values protected by international law, against life and body, against rights and freedoms of persons, against sexual integrity and against marriage and family.

Juvenile Justice Code governs the procedures in court proceedings involving crimes committed against children, and contains regulations that ensure the prevention of secondary victimization of minors in the process. The Law provides that the hearing of a minor injured victim of one of the 23 crimes listed in this Law can be carried out two times at most. The Law regulates the obligation of all bodies or institutions controlling the proceedings to act with particular care towards the child victim of the crime. The hearing of the child is conducted with the assistance of educators, psychologists or other experts, and the hearing can be conducted outside the courtroom by closed circuit, in his/her house or some other place where he/she is present, or in the Centre for Social Work, rather than in court. The Law also stipulates the obligation to destroy the technical record of the hearing conducted by closed circuit television within five years of the final judgment.

The protection of children in the municipalities of North Mitrovica, Zvecan, Zubin Potok and Leposavic is seriously impeded by the existence of parallel institutions, lack of trust in Kosovo institutions and the application of various legal regulations by the institutions which are still under the administration of Serbia and the institutions under the administration of Kosovo, especially having in mind that an efficient protection of children from abuse and neglect includes and requires the existence of good inter-sectoral collaboration and fast and adequate response of the professionals from all sectors, particularly the sectors of social protection, police, justice, education and health care.

In these municipalities, the institutions in the sectors of education, social and health care operate under the administration of the competent Ministries of the Republic of Serbia (the Ministry of
Education, Science and Technological Development of the Republic of Serbia, Ministry of Labour, Employment and Social Policy of the Republic of Serbia, Ministry of Health of the Republic of Serbia) and implement the relevant legislation of the Republic of Serbia, while the police is under the jurisdiction of the Ministry of Interior of the Republic of Kosovo (KPS – Kosovo Police) and implements the legislation of the Republic of Kosovo.

A separate problem is the inefficient and dysfunctional judiciary in the Northern Kosovo and a rather limited access to justice for the citizens of the municipalities of North Mitrovica, Zvecan, Zubin Potok and Leposavic.

Until February 2008, the court in Mitrovica, which is located in the northern part of Mitrovica, has been comprised of the district court, municipal court, police court and the municipal and district prosecutor’s office, while currently this court houses the personnel of the European Union Rule of Law Mission in Kosovo (EULEX), i.e. EULEX judges and prosecutors together with their local and international personnel. EULEX personnel consists of two criminal judges, two prosecutors, two civil judges and three lawyers and solves only the emergency cases which are mostly criminal.

The District Court was moved to the premises of the Municipal Court in Vucitrn, and is now working with limited capacity and uses a single courtroom which houses a total of ten to fifteen judges and support staff. This court holds the trials dealing with temporary arrest, makes decisions in divorce proceedings and processes requests for recognition of foreign judgments. The Municipal Court in Mitrovica which is responsible for the Northern Mitrovica, Southern Mitrovica and Zvecan also operates with limited capacity in the premises of the Municipal Court in Vucitrn. This Court has been assigned one office which houses the president of the court, one or two judges, five administrative workers of the Municipal Court in Mitrovica and two administrative workers of the Municipal Court in Vucitrn. This Court solves all proceedings regarding temporary arrest, holds hearings for confirmation of indictment in cases when the accused is in temporary arrest and on occasion holds trials. In civil cases, this Court acts only in emergency cases and this in cases regarding trespassing, domestic violence, changes in first instance decisions regarding child custody19.

The Police Court also operates with limited capacity in the premises of the Municipal Court in Vucitrn, in a single office used by 24 employees, out of which at least ten are present every day. Due to poor working conditions, this Court generally accepts and records all cases, but solves only those with summary procedure as well as emergency cases including disturbing public order and safety, traffic accidents, seizure of documents by the Kosovo Police, as well as those which must be forwarded to other courts in Kosovo.

The District Court and the Police Court in Zubin Potok and Leposavic have not been functioning since 2008. Of all cases, they deal only with criminal cases that require determining temporary arrest and this by way of transferring competence to another municipal court from the region.

The District and Municipal Prosecutor’s Office in Mitrovica, which is responsible for the municipalities of Leposavic, Mitrovica, Zvecan, Zubin Potok, Srbica and Vucitrn, at this point operates from the premises of the Municipal Court in Vucitrn and performs limited prosecution functions.

19 The justice system in Mitrovica, new information in the status and the present concern for human rights, Issue 1, OSCE Mission in Kosovo, Department of Human Rights and Communities, Legal System Monitoring Sector, 2010.
The moved District, Municipal and Police Courts from Mitrovica are dealing only with the emergency and priority criminal, civil cases or offenses. In most criminal cases and offenses, the courts do not act, and therefore there is a serious risk of those cases to become obsolete.

According to the results of a field research, the Basic Court in Mitrovica which is a part of the network of courts of the Republic of Serbia also operates with limited capacity and currently acts in cases from the area of civil and legal protection, particularly the family and legal protection for the region of the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic. However, the new Law on the Headquarters and Territories of the Courts and Public Prosecutor’s Offices of the Republic of Serbia which will come into force on 1st January 2014, and which regulates the new network of courts and prosecutor’s offices, stipulates that the establishment of courts and public prosecutor’s offices in charge of the territory of the Autonomous Province of Kosovo and Metohija, their headquarters and territories where they shall have jurisdiction, shall be regulated by a special law. Moreover, the tenth provision of the Brussels Agreement states that the jurisdiction shall be integrated and shall work within the legal system of Kosovo, and thus raises a reasonable question of the future status of this court. And at this point, when the court functions, even with limited capacity, there is the question of enforcement of the judicial decisions, especially in the area of family law. In fact, in the situation that currently exists in the Serbian municipalities in the northern Kosovo, there is no adequate enforcement mechanism to ensure the compulsory enforcement of the judgments in the area of family and legal protection issued by the courts under the jurisdiction of the Republic of Serbia, particularly bearing in mind the inefficient work of the executive bodies and the fact that the police is under the jurisdiction of the Republic of Kosovo and that it cannot act on the judgments rendered by the courts under the jurisdiction of the Republic of Serbia in the process of compulsory execution.

Considering the serious problems in the legal system of the Northern Kosovo, at this point it is impossible to achieve an efficient legal protection in the cases of the protection of children from abuse and neglect in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic. The protection of children from violence in these municipalities is implemented with the cooperation of the institutions outside the legal system. In this context, the most significant are the activities of the Centre for Social Work which imposes measures in the situations including violence, especially in the sense of psycho-social support for families and taking measures involving preventive and corrective monitoring of the execution of parental right. Furthermore, according to research, a good collaboration is also evident between schools and centres for social work, both in the sense of reporting violence, and in the further collaboration of the education and social protection sectors in the protection of children from abuse and neglect. The cooperation between the centre for social work and the health care system is not satisfactory, particularly in relation to the low level of referral of the reports on suspected violence to the centre for social work by the relevant medical institutions.

Certain professionals from the centres for social work also claim there is a good cooperation with the Kosovo Police in cases of domestic violence in the sense of police intervention. However, the professionals from the centres for social work do not get feedback concerning the acting of the Mitrovica Municipal Prosecutor’s Office in Vucitrn and the courts in Vucitrn, regarding the submitted criminal complaints by the Kosovo Police, nor have they been called in the court proceedings held before these judicial authorities. Perhaps, having in mind relatively good collaboration between the centres for social work and the Kosovo Police, the measures for protection against violence in the situation of a dysfunctional justice system may also be based on the issuing of temporary orders by the police according to the Law on the Protection against Violence of the Republic of Kosovo, and
which would provide at least a temporary protection of children in cases of violence in the absence of judicial institutions and temporarily prevent endangerment of children.

According to the results of a field research, the capacities of the community to recognize violence are at a relatively low level. What is especially pronounced is the inability to recognize bullying, as very few of the participants were able to do so in the course of the research. Not all forms of emotional violence are recognized either, while physical violence is recognized only in the form of serious abuse, but not in the form of “small peer skirmishes and fights”. Corporal punishment of children is still a widely accepted parenting practice, and there are indications that certain forms of corporal punishment of children are still present in the education system.

According to the results of a field research, there is a prominent absence of preventive programmes in the area of the protection of children from violence in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic. The programmes that are present are mainly dealing with preventive programmes for women regarding protection against partner violence, and the interviewees have also mentioned training programmes for peer mediators. Peer mediation has not yet been completely developed in this area. After the withdrawal of donor funding for implementation, the programmes have gradually been suspended. Participation of children in the design and implementation of the preventive programmes is at a very low level.

Protection of children from violence is particularly hindered by the fact that the protection system in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic requires cooperation of the institutions under the jurisdiction of two separate legal systems, i.e. the system of the Republic of Serbia and the system of the Republic of Kosovo.

Due to the absence of an effective judicial power which is an important link in the protection of children from violence, especially domestic violence, it is crucial to make further efforts in the development of the service of social and psychosocial support to child victims, and the development of preventive programmes. It is also necessary to establish an efficient multi-sectoral collaboration in this area between the health, education and social protection systems. In this process, it is paramount to include the Kosovo Police which would, at least to some degree, compensate for the lack of the adequate child protection until the establishment of the judicial system. Another issue is the fact that none of the municipalities has a safe house for children victims of violence, nor are the activities of the SOS telephone being implemented, and this is why it is necessary to work on establishing these types of support.

Recommendations:

- Improvement of social services quality and scope (providing day center services, independent living services, sign language interpreter services, personal assistance services, foster care services);
- Development of child victim support services to CAN victim;
- Development of CAN prevention programs;
- Improvement of public transport services for all children, especially for children with disabilities;
- Strengthening the capacity of professionals to protect children from violence (violence recognition and mechanisms of protection);
- Raising awareness about violence against children (including children, parents / guardians and professionals).

RIGHT TO EDUCATION
In the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic, the educational institutions where children and young people attend classes in Serbian are financed from the budget of the Republic of Serbia and follow the curriculum and use textbooks approved by the Ministry of Education, Science and Technological Development of the Republic of Serbia. All municipalities have preschools, elementary and high schools, and in Northern Mitrovica there is even a University. In all schools where classes are held in Serbian, the Law on the Fundaments of the Education and Instruction System is implemented, and in addition to this Law, all other sectoral laws and regulations of the Republic of Serbia are applied as well.

Teaching in Serbian is also guaranteed by the Education Law in the municipalities of the Republic of Kosovo (Assembly of the Republic of Kosovo Law No. 03/L-068), which stipulates that the municipalities have the authority to create conditions for providing educational services in Serbian and that the schools where classes are held in Serbian may follow the curriculum and use textbooks issued by the Ministry of Education of the Republic of Serbia, with notification to the Ministry of Education, Science and Technology of the Republic of Kosovo, that is with the approval of the Independent Commission for the Review of Serbian Language Curriculum and Teaching Materials, in case of complaint by the Ministry of Education, Science and Technology of the Republic of Kosovo.

The municipality of Leposavic has the elementary school Leposavic, the elementary school Vuk Karadzic Socanica, the elementary school in Lesko and two high schools. The municipality of Zvecan has the elementary school “Vuk Karadzic”, the elementary school Sveti Sava Zerovnica and a high school.

The municipality of Northern Mitrovica has the elementary school “Sveti Sava” and the elementary school “Branko Radicevic”. In the elementary school “Branko Radicevic”, the classes are held for nine more elementary schools: “Desanka Maksimovic”, “Veljko Banasevic”, “Predrag and Miodrag Mihajlovic”, “Dositej Obradovic” and “Vlado Cetkovic”, all from Northern Mitrovica, “Rade Milicevic” from Prvi Tunel and “Zarija Jovanovic”, “Ivo Lola Ribar” and “21. novembar” from the municipality of Vucitrn. This municipality also has a secondary technical school “Mihailo Petrovic Alas” which currently also houses the Grammar School and the Economic High School from South Mitrovica. There is also a Medical High School. The municipality of Northern Mitrovica also has a special school for instruction and education of children with developmental disabilities from Kosovska Mitrovica, as well as a Musical High School.²⁰

The special school for instruction and education of children with developmental disabilities from Kosovska Mitrovica “Kosovski Bozur” provides primary and secondary education. The secondary education includes training in two profiles – bookbinding and hairdressing. This school has branches in Zubin Potok and Leposavic which are located in the regular school and where the teachers (defectologists) from the special school hold classes.

Monitoring of the law enforcement is done by the School administration of Kosovska Mitrovica. However, the School administration has only an educational counsellor, while the jobs of the educational inspector are done by the inspectors of the School administrations of Raska and Kraljevo. The absence of educational inspectors in the School administration of Kosovska Mitrovica can seriously impede the efficient monitoring of the law enforcement, and it is thus crucial to assign an educational inspector to the School administration of Kosovska Mitrovica as soon as possible.

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²⁰ The above text contains schools according to the information available to the authors of this analysis.
The results of the conducted research indicate that almost all children in these municipalities are included in the primary education process, along with the children from vulnerable groups such as Roma children and children with disabilities, except for the low percentage of Roma children who do not attend primary school regularly. The research carried out by UNICEF also shows that the inclusion of Serbian children in the primary education process amounts to 99%.21

The children of Roma population who are present in a significant number in Northern Mitrovica and Leposavic are included in the educational process22. Through projects run by associations of citizens, and in the first place the Santa Marija Association (Zvecan), work was done on the empowerment of Roma families, primarily mothers for their social inclusion but also inclusion of children into schools. In fact, rural areas of the municipality of Leposavic have introduced early development programmes for Roma community which should enable later inclusion of children in the regular school programmes. These programmes still do not involve all children, and therefore there is still (although with low frequency) an inclination to direct Roma children to the special school (those children who, due to the non-inclusion in the early development programmes, have not achieved the desired level of development), and then in cooperation with other schools to ensure that the child attends regular school. The children of Roma minority are mostly integrated in the general primary education. The process of education of and teaching literacy to Roma children who do not attend school in the municipality of Leposavic is conducted with the support of the non-governmental organization Roma Camp. The experience shows that the activities of this organization have contributed to the higher percentage of the enrolment of Roma children in the regular primary education.

The transport to school has been organized for all children who attend primary school. However, based on the interviews carried out with children and parents, we can conclude that the buses which transport children and belong to the bus carrier “Kosmet prevoz” are often in bad condition, which endangers the safety of children and it is thus crucial to improve the quality of transport.

Preschool

Preschool education is performed and organized according the Serbian laws as well. It is financed by municipalities. Due to lack of permanent supervision and monitoring of performance, the quality of service is highly dependable of person who acts as principal. Field research showed by several examples that quality of services can very to the high extend. Work results and parents opinion are not of such but decision are made solely based on political reasons. Parents understand pre-education as a part of child educational process not as a child care service, and a lot of children with unemployed parent(s) attending preschool as well. Preparation program for children 6 years of age is organized within pre-school.

Primary school

The conditions for work in schools are different. Some schools have optimal conditions for work, while some of the schools do not have sufficient space to conduct regular classes, do not have premises for the technical education and information technology classes, do not have a room for performing physical education activities, or the condition of the existent gymnasium is bad. A number of schools lacks heating or water. The schools are not equipped in such a way to represent the architectural environment tailored for children with developmental disabilities. All schools do not

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22 We do not have access to the exact number, but the Roma community is apparent in the society.
have enough teaching materials, or the materials for conducting classes are in bad condition. The schools are particularly lacking in materials for conducting practical and experimental classes in natural sciences, especially chemistry, biology and physics. Also, schools do not have adequate teaching materials to work with children in need of special support (assistive technology).

Regarding the training of teachers and increasing their capacities, the results of a research show a different level of support and inclusion of teachers in the training process. An example of good practice is the primary school Leposavic where all teachers have over 100 hours of additional training and a professional commitment to transfer to their colleagues the acquired knowledge after the attended seminars at the teachers’ council. Moreover, the teachers are obliged to learn, present and implement the acquired knowledge, which ensures the sustainability of the attended seminars.

Nevertheless, in the absence of financial resources, some schools do not have the possibility to provide training for teachers. According to the results of a field research, it is particularly necessary to support teachers in introducing new methods of work, inclusion, prevention of bullying and youth participation.

The presence of extracurricular activities in schools also varies from school to school. Some schools have a large number of activities (in the fields of literature, biology, traffic education, sports), while some schools do not have such programmes or they rarely perform activities even when the programmes do exist.

According to the research results, the activity and work of student parliaments also shows great variations. In a smaller number of schools, the student parliaments are active, and the students start initiatives and numerous actions (organization of karaoke nights, fancy dress parties, initiatives for the prolonged lunch break). However, the majority of schools formally have the parliaments, but the students are not active enough in their work or are not participating at all. All schools lack the training programmes for the members of the student parliaments to increase their capacities. It is generally considered that the participation is at a very low level. During the research process, both children and parents have pointed out that during the decision-making processes in schools, the students are rarely included or asked for their opinion.

According to the results of the field interviews, an approximately equal number of children choose religious education and civic education. In some schools, there is a significant prevalence in the number of children who have chosen civic education. From the conducted interviews with teachers, school psychologists, parents and children, we can conclude that the choice that students make between elective courses depends mainly on the quality of the teachers who teach these elective courses. In this environment as well, the apparent problems are those that emerge because the organization of religious education classes in schools is not under the authority of education system. Hence, there are situations where children choose religious education because the teachers do not hold classes regularly, and thus they lose a great number of classes.

When talking about the protection of children from violence within the educational system, it has been noted, based on the field interviews, that the level of recognizing peer violence is not sufficiently pronounced, particularly when it comes to emotional violence, and even some forms of physical violence. Additionally, children and parents are not familiar with the Team for Protecting Children from Violence, even though these teams have been, according to the experts, established in all schools in accordance with the Law on the Fundaments of the Education and Instruction System. The representatives of the educational system primarily stress the good collaboration with the CSWs
which has been developed in the previous period in the area of protecting children from violence, and notably when schools notice parental neglect of children.

**Inclusive education**

The process of developing inclusive education in the municipalities has been spurred when the Law on the Fundaments of the Education and Instruction System of the Republic of Serbia\(^23\) came into force in 2009. This Law stipulates an equal right to education for all children, as well as adjusting the educational process to the individual educational needs of the students. The inclusion of children with disabilities is implemented according to the law and two bylaws which determine the preparation of the individual educational plans for children\(^24\) and support in the community which is based on the work of the so-called inter-departmental commissions which should recommend and facilitate that the child and family, in addition to the anticipated financial benefits, are provided with all those services that are necessary and exist within the community.

All of the interviewed participants are familiar with the formal obligations related to the inclusion of children with disabilities, but it seems that there is still a lack of true understanding of the objectives of the inclusive education as well as true commitment to the full application of its principles. When considering the inclusion of children with disabilities, this can be concluded based on the terminology the interviewees use, but also based on the problems they attempted to highlight of which the primary one is that in certain situations the other children “suffer” or that their educational process is hindered. There is no doubt, however, that the insufficient preparedness of the entire society and especially the teaching staff (according to their words, but also the words of the parents and representatives of the associations of citizens who participated in the interviews) presents an important problem in the implementation of the inclusive education. The majority of the interviewed participants were unfamiliar with the Inclusive Education Support Network of the ministry in charge for education, and have not yet used this support; they had a smaller number of trainings which have not to a sufficient degree raised the capacity to work with children with disabilities.

All schools have a smaller number of students who are included in the regular school – two to three students per school, mainly in younger classes. Thus, in Mitrovica, according to the report of the Centre for Society Orientation\(^25\), 66 children in total attend primary or secondary school, including the special school, and according to the structure of the included children it is estimated that the highest level of inclusion in regular schools is in the case of children with chronic illnesses and physical disabilities (68%), somewhat lower in children with sensory disabilities (44%), while the lowest inclusion is recorded in children with intellectual and psychosocial disabilities (26%). They are, actually, according to the estimate of certain interviewed experts, “integrated, but not included”, i.e. they attend school but they are not provided with the adequate educational process that corresponds to their educational needs, and the reason for this is said to be the very lack of expertise of the teaching staff and the fact that special educators are most frequently not included in the preparation of the individual educational programmes. Another important disadvantage that has been noticed, in terms of teaching staff, is the absence of the inclusion assistants. Their role is sometimes taken by other

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\(^{24}\) Regulation on additional educational, health and social support to child and student, Official Gazette of the RS No. 63/2010

students who help, or parents who spend time in school with their child and perform the role of the inclusion assistants. None of the schools has been adapted for children with disabilities, which is overcome in different ways that cannot be deemed appropriate.

In Northern Mitrovica there is a Special School for children and youth with disabilities “Kosovski bozur” which is generally considered a significant institution in this area for all four municipalities. Apart from primary education, it has 3 secondary education profiles, in the form of apprenticeship. The plan was to send a request to the ministry (in the Republic of Serbia) to change the profile and adjust it to the contemporary needs and interests of children. The school has branches in Leposavic and the village of Zepce in the municipality of Zubin Potok. The children in the first grade of high school are introduced to the offered professions, and after that, in cooperation with their parents, they choose one of the profiles. All children who graduate from primary education in the special school also graduate from secondary education, and, additionally, a certain smaller number of children from other schools are included. It has been pointed out that the recent change of the school principal resulted in a greater openness of the school to help other educational institutions in the community, and an example was mentioned of collaboration with the primary school “Sveti Sava” in Northern Mitrovica, and the school in Zubin Potok. There is awareness about the need to further develop the special school as a resource centre (both in the special school and in other educational institutions) but for now, there is a lack of understanding of the ways to develop and materialize the cooperation.

The ratio between the number of children in the special school (24, i.e. more than a third of children with disabilities who are included in the education in Northern Mitrovica) and children who are included in the regular educational processes indicates that the inclusive education as a concept has not yet been accepted to a sufficient degree. According to all of the respondents, children are the ones who most easily accept children with developmental disabilities, teachers accept the entire process as their obligation (which they sometimes do not know how to meet), while the parents of other children have resistance because “their children’s education is compromised”. Nonetheless, there is no work with other parents to develop their acceptance, and even when demonstrated, this acceptance is based on compassion, i.e. empathy for the child, without clear understanding of their rights. Furthermore, there are cases of open discrimination. The example for this is a child with autism who has been, under the pressure of his parents, excluded from the educational process in Northern Mitrovica and transferred to the school in the village of Zubce, to where he has to travel on a daily basis because “there are fewer students, and so it is easier to work”.

The statistical data about children with disabilities do not exist. What is alarming is the fact that almost all interviewed participants believe that the children are included in the educational process, while the available data from the report of the Centre for Social Orientation indicate that this is not the case, providing that only in Northern Mitrovica, according to the available information, there are 80 children with disabilities. What is even more alarming than the educational process itself that occasionally includes children, is the fact of social isolation of children. Thus, for example, children who attend special school build their little community to which they are directed even after their schooling has finished, and the importance that all of the interviewed participants gave to this institution points to the still strong belief that “the children are better off there”, while the fact that they gravitate toward the school even after finishing it actually shows a certain degree of their social isolation. According to the data that were available during the research, the existent preschool education is not inclusive to the same degree as schools, and in the time that remains (after school) there are no services in the community that would support social inclusion of children. In this sense, in Kosovska Mitrovica there is only the Centre for Basic Rehabilitation, the association of citizens
which has the support of donors, and which apart from the premises for exercise has also organized workshops for children with disabilities available to all children. In the municipality of Zvecan, there is an association of citizens “Santa Marija” which provides services of individual and group support to children (psychological workshops and work with a speech therapist and an educator) which are also based on projects funded by donors. According to all interviewed participants, the listed services do not in the least satisfy children’s needs for community based services and do not provide sufficient support. All four municipalities lack day care centre (note that the municipalities of Zvecan and Northern Mitrovica could, due to their proximity, develop a joint service facility), space to play for all children, including children with disabilities. In Northern Mitrovica there is a pronounced problem the large number of parked cars which are in the way and make the movement in the city difficult and unsafe.

None of the four municipalities has developed services in the local community because of the negligible municipal resources. Therefore, although the Inter-departmental commission exists formally in all four municipalities, the commission in Zubin Potok has never worked, and so the schools from the municipality of Zubin Potok direct children to the inter-departmental commission in Northern Mitrovica. Moreover, according to the information we gained from the municipalities, they finance the support measures recommended by the commissions, but the choice of the community based services is, as we have already mentioned, virtually non-existent. It should be noted that the community does not seem to have developed a clear role and task of the inter-departmental commissions, and so it was apparent through the interviews that they are still considered bodies which decide upon whether a child is “capable of going to school”, i.e. whether he/she should attend special school. There were questions indicating that it is unclear who implements the decisions of the inter-departmental commission. Hence, we can conclude that in this domain also, there is a high degree of formalism in meeting the prescribed obligations, while there is a lack of essential understanding and dedication in the process of social inclusion.

Finally, it is important to emphasize that it is not certain whether there are children who have been completely excluded from all social streams because the municipalities do not keep track of this issue, and in that sense there is no cooperation with the health care system which is expected to provide this information (according to the interviewees). To this end, the health care system needs further improvement. The developmental counselling does not exist or has not been recognized by the interviewed participants. In Northern Mitrovica there is a developed project of Centre for Mother and Child supported by UNICEF, which according to the description has a role that is very similar to a developmental counselling institution.

What can also be significant in this area is the Kosovo Law on Material Support to Families of Children with Permanent Disabilities No. 03/L-022 which defines the material support to families of children with disabilities (i.e. permanent disabilities according to the Law) and includes blind, immobilized children, as well as children who are unable to move independently, feed themselves and keep personal hygiene, and bearing in mind that according to some estimates 70% of persons with disabilities and their families live on the poverty line or below it. Nevertheless, according to the

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26 It is important to mention here that this information has been obtained based on the interviews, and not by checking with the health care institution whether this type of organizational unit exists. Still, having in mind that a large number of people who has been interviewed should rely directly on the work of a developmental counselling service, the fact is that they do not deem it valid enough, and so if some of the health care institutions do have a formally organized developmental counselling, its purpose has not been fulfilled.


28 Both pieces of information are taken from the publication “Position of Persons with Disabilities in the Serbian Community in Kosovo – The Report”
available data, the citizens of the Serbian community in Northern Kosovo currently rely solely on the support and available benefits based on the regulations of the Republic of Serbia. These regulations include material allowance for care and assistance.  

**Recommendations:**

- Improvement of quality of school and pre-school facilities;
- Equipping primary and secondary schools with modern teaching aids;
- Raising awareness about peer violence among children and professionals (recognition of violence and mechanisms of protection);
- Development and implementation of mechanisms for the protection of children from violence in educational institutions (training for the implementation of specific Protocols, school/peer mediation);
- Improvement of inter-sectoral cooperation with other sectors, particularly in the field of protection of children from violence;
- Raising awareness and capacities on the Rights of the Child among professionals, children and parents;
- Increasing the coverage of children from the Roma population to programs of early childhood development;
- Improvement the quality of public transport for children;
- Improvement of teaching resources for children with disabilities (assistive technology);
- Capacity building of professionals including teaching methods, inclusion, bullying and participation;
- Improvement and development of programs for student parliaments with aims to increase their capacities;
- Raising awareness about the importance of inclusive education;
- Improvement of inclusive education.

**HEALTH CARE**

Health care in the municipalities in the north of Kosovo fully relies on the health care system of the Republic of Serbia. All the persons residing in these municipalities realize their health care rights based on the health insurance and in accordance with the Health Care Law, Health Insurance Law, and Law on the Rights of Patients.  

Each municipality has its primary health care centre, while Northern Mitrovica also has a hospital as a secondary level health care institution, with a separate department of children’s hospital. It was noted that members of the Serbia community often use health care services in Raska, or Kraljevo in Serbia, depending on their needs. As we have already mentioned, there are no developmental counselling services specially intended for children, which, according to the number of citizens/children, is not obligatory under applicable laws and by-laws. However, a single developmental counselling centre that would provide for all four municipalities could be considered.  

Interviewees did not emphasize the problems in realization of their rights to health care. Similarly, capacities of primary health care did not provoke negative comments, either when it comes to

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29 The Social Protection Law ("Official Gazette of the RS" No. 24/11)
30 Health Care Law, “Official Gazette of the RS no. 107/05 & 72/09 & 57/11);
31 Health Insurance Law “Official Gazette of the RS” no 107/05, 109/05 & 57/11
accessibility or quality of services. However, this was not the case with the secondary health care facility available in Northern Mitrovica. According to the data available to us, quality of care in this institution fails to satisfy basic standards of care. Such situation is partly conditioned by the objective circumstances – power failures are still frequent, water supply is also poor, while the hospital is mainly run down and poorly equipped. Other part of the problem, according to the interviewees, lies in poor organization and bad management of resources, which influence the quality of service. So, as testified by a number of persons, it is necessary to personally provide medical supplies even for the simplest medical interventions. Especially problematic is the work of laboratory, since the results provided are often dubious, resulting in quite frequent referrals of patients to laboratory testing outside Northern Mitrovica. However, the greatest problem according to the interviewees is the poor qualifications of the employees. The last remark partly also applies to the primary health care facilities. Changes are particularly prominent in the children’s hospital, which results in too many patients being referred to other health care centres. This applies to the women having complicated pregnancies, but also to the patients requiring other diagnostic tools and interventions. The interviewees often believe this to be unjustified and take it to be an additional burden to their time and finances. From human rights perspective, this is a problem of limited access to healthcare.

In the domain of health care for particularly vulnerable groups, such as children with disability and Roma children, we must note few specific characteristics. When it comes to Roma population, it is important to emphasize that under a project that supported early development in the rural areas of Leposavic municipality, special attention was paid to health care, so Roma women were empowered and encouraged to use available resources, while regular health care was provided to them, together with the additional health related education on the nutrition and proper development of children.

Health care for children with disabilities is characterized by the lack of developmental counselling service, which really is a major problem, bearing in mind the importance of early intervention in prevention of disability, slowing down of its development, or alleviating the consequences of disabilities and developmental problems. Later on, this problem is also bound to reflect in children’s readiness for school.

Another identified problem is a small number of therapeutic and rehabilitation facilities and programmes. One example of community based support services are the programmes realized in the Centre for Basic Rehabilitation which has exercise facilities and classrooms intended for children with disabilities. These programmes are financed under projects, not from the budget, so they are not sustainable without donations, while the municipality does not plan to take over the provision of services. Furthermore, these programmes are mainly available to the residents of Northern Mitrovica and they are far from being sufficient to cover the existing needs.

According to what was said to us, all the municipalities lack specialized professionals – speech therapists, psychiatrists, psychologists and other therapists able to provide highly specialized services – therapeutic treatments.

Children with disabilities encounter additional problem in accessing the services because of the architectural barriers and maladjustment of the facilities to their moving, as well as lack of organized transport and inexistence of suitable diagnostic and therapeutic tools.\textsuperscript{33}

Bearing in mind the need for joint action of all the actors to facilitate social inclusion, it is important to note the lack of coordination between social, education and health care system. Namely,\textsuperscript{33}

\textsuperscript{33} The same conclusion may be found in the report of the Centre for Social Orientation

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participants in the research uniformly assessed that health care system fails to provide sufficient support to the system of education in this domain – they neither provide information on the children that require additional support, nor do they cooperate in providing therapeutic services once child is included in the organized system of education.

Educational programmes are insufficient in the field of health care. However, it has to be noted that there are certain attempts of the Department of Psychology of the Faculty of Philosophy, as well as of some citizens associations, to familiarize adolescents with the issues crucial for their reproductive health. The Youth of JAZAS organization, specialized in HIV infection and AIDS, is also active in implementing programmes of education and raising awareness of the young people.

Recommendations:
- Establishment of counseling development services for children and young people;
- Improvement of secondary health care quality and availability;
- Capacity building of health care professionals - therapists, psychiatrists and other therapists;
- Improvement of inter-sectoral cooperation of health care system with education and social welfare system;
- Raising children awareness about reproductive health and other adolescent’s health care issues

NON-DISCRIMINATION PRINCIPLE

Prohibition of discrimination is guaranteed under the Constitution and legislation of the Republic of Serbia, as well as under the Constitution and legislation of the Republic of Kosovo.

The Constitution of the Republic of Serbia includes a separate article entitled “Prohibition of Discrimination”, which guaranteed equality before the Constitution and law, right to equal legal protection and prohibition of discrimination on any basis. Furthermore, the Constitution includes separate articles that guarantee the rights of the child, as well as minority rights.

Legislation of the Republic of Serbia includes a series of separate laws relevant in this field, such as Law on Prohibition of Discrimination(Official Gazette of the RS, no. 22/09), Law against Discrimination of Persons with Disabilities (Official Gazette of the RS, no. 33/2006), Gender Equality Law(Official Gazette of the RS, no. 104/09) andLaw on the Protector of Citizens (Official Gazette of the RS, no. 79/2005 & 54/2007), while all the basic laws from different fields also contain prohibition of discrimination within the field of their competence: education, social care, health care, judiciary, etc. Protection against discrimination may be secured by appealing to a competent court, but also to independent bodies, especially to the Ombudsman and to the Commissioner for Protection of Equality.

In the Constitution of the Republic of Kosovo, under the provision entitled “Values”, non-discrimination and gender equality are guaranteed as the values of the constitutional order of Kosovo. The Constitution includes the provision which guarantees equality before law and prohibition of discrimination, as well as the provision that pertains to the rights of the child. The Constitution also guarantees the existence of the institution of Ombudsman, as well as its roles and competences.

Particularly relevant Kosovar legislations for this field are Law against Discrimination (Law no. 2004/3) and Gender Equality Law (Law no. 2004/2). Law against Discrimination (Law no. 2004/3) stipulates that acting upon complaints in cases of discrimination is under jurisdiction of competent
administrative authorities and courts. Furthermore, possibility of appealing to the Kosovar Ombudsman’s Office is also stipulated. Gender Equality Law also stipulates the possibility of appeal to the Gender Equality Advocate in the cases of breeched gender equality principle.

However, citizens do not use the protection mechanisms described above from different reasons.

Results of the research in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic indicate that the access to health care and social care services of the Roma in the north of Kosovo is equal to that of majority population. Furthermore, Roma children have equal access to education, while educational support to these children is also provided by NGOs.

When it comes to children with disabilities, during the realization of field research, the interviewees demonstrated high awareness of the problems that children with disabilities are faced with, especially in relation to architectural maladjustment of the facilities, lack of education tools and equipment, inexistence of a day care centre, lack of support and assistance for independent living. Resistance, demonstrated mainly by the professionals and some of the parents, was most frequent in relation to inclusive education, mainly due to the lack of resources and support to adequate classroom work. The professionals and parents that had previous contact with the persons with disabilities demonstrated greater support to the concept of inclusive education, as well as greater awareness on the problems that children with disabilities encounter in realizing their rights. The children from the focus groups demonstrated much more tolerance and support to children with disabilities, and no resistance to inclusive education was detected among them.

According to the results of the research, the greatest problem in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic is impossibility of realizing legal protection through judiciary system in the cases of discrimination, due to the inefficient and dysfunctional judiciary in the north of Kosovo.

Results of the research indicated the interviewees’ low awareness of the possibility of appealing to independent bodies, as well, as their unawareness of the types of independent bodies that exist. Furthermore, uncertainty of the competences of Serbian independent bodies on this territory was also detected, especially providing that some institutions are under the authority of the Republic of Serbia, while some others are under the authority of the Republic of Kosovo. The interviewees also demonstrated a high level of distrust towards the work of the Kosovo Ombudsman Office on the territory of northern Kosovo.

IMPACT OF EMERGENCIES

A long-lasting unfavourable social and political context in the municipalities of Northern Mitrovica, Leposavic, Zubin Potok and Zvecan influenced numerous aspects of everyday life, and largely hindered the realization of a number of child’s rights. Some topics related to child’s rights, such as exploitation of children, trafficking in children and participation of children in armed conflicts, are still not included in the agenda of state institutions, or civil society. Previous sections have already indicated different problems, especially those pertaining to the rule of rights, judiciary and realization of certain rights. This section deals with the other consequences of emergencies.

One of the significant problems is the lack of necessary infrastructure, for water, power and heating supply, but also when it comes to children’s security. Especially prominent problem is the lack of boardwalks, or blockage thereof in Northern Mitrovica and Zubin Potok, which seriously jeopardizes
everyday security of children. Urban lighting is also missing in some areas. Parts of streets near schools do not have necessary warning traffic signs.

Another problem clearly visible in all municipalities is the lack of extra-curricular activities for children. Almost all of the respondents, including the professionals of all sectors, parents and children, clearly indicated that children need cultural events, parks for playing and recreation, youth clubs, sport grounds. Cultural institutions do not exist, or are not active in some of the municipalities (Northern Mitrovica, Leposavic) while in other municipalities they operate with a limited capacity, and they lack the activities intended for children (Zvecan, Zubin Potok). Youth clubs do not work, even though they do exist in some of the municipalities, while the Offices for Youth are non-existent.

When it comes to cultural and sports activities, young people particularly emphasize that they miss theatres, cinemas, drama workshops, swimming pools, skating rinks, gyms, playgrounds and parks.

One of the consequences is the decline in quality of the local media which mainly broadcast music and entertainment instead of cultural and educational programmes. Likewise, the media were not recognized as a partner in realization and development of child’s rights.

**ROLE AND POSITION OF NON-GOVERNMENTAL ORGANIZATIONS**

According to the official research results, there is a considerable number of non-governmental organizations in the municipalities of Northern Mitrovica, Leposavic, Zubin Potok and Zvecan. These organizations work in different areas to develop the rights of the persons from vulnerable groups (persons with disabilities, women), they implement different activities, provide services and work on the strengthening of democratic society. Be that as it may, none of the municipalities have any local organization specialized in child’s rights and their promotion and development, nor any youth initiative. Furthermore, there are no organizations specialized in monitoring of realization of child’s rights and lobbying for the development of policies and legislation in accordance with the Convention on the Rights of the Child and recognized international principles and standards.

Specific situation in these municipalities influenced the development of great resistance towards international organizations and their work, both to the programmes they implement and to the funds they donate. Consequently, resistance also developed against NGOs who realize their programmes mainly with the support of international organizations. This was reflected in the position of civil society who’s programmes are largely focused on service provision and raising of the awareness, rather than on monitoring and lobbying. Furthermore, caught between this resistance and animosity on the one hand, and available funds on the other, civil society organizations frequently changed their activities, which resulted in only few organizations with clearly defined strategic goals. As a consequence of this lack of clear strategies and frequent changes in programme activities, the programmes often overlapped and civil society activities were insufficiently coordinated both with the other activities and with the actions of public institutions, so they failed to clearly address community needs. Programmes of international organizations were also poorly coordinated, and not enough attention was paid to their sustainability and securing of their potential taking over by public institutions, once their funding should cease, so these programmes often collapsed as soon the support of international organizations would stop.

Research results indicate that the attitude towards NGOs is changing, and that public sector is currently more open for cooperation, which will certainly enable the development of civil sector and strengthening of its capacities, and open the possibility of partnership between civil sector and the state in child’s rights reform and improvement of children’s position in the municipalities.
Recommendation:

- Strengthening capacities of local NGOs about Human Rights;
- Capacity building of local NGOs in the field of children's rights, especially capacities in the field of policy improvement, advocacy, child rights programming and child rights monitoring (As the situation on the ground indicates lack of capacities of local organisation to deal with these issues in all four municipalities, it would be preferable solution in this moment to provide support on local level by the Child Rights Centre in Belgrade, as a leading organization in the field of child rights in Serbia, until the point of establishing the capacities of local NGOs in the field of children's rights. This is particularly important bearing in mind greater willingness of all interviewed stakeholders in all 4 municipalities to cooperate with domestic NGOs instead of working directly with international organizations);
- Providing support to non-governmental sectors for clear profiling and strategy planning
- Encouraging networking of NGOs for joint application with the EC funds;
- Capacity building of local NGOs to submit proposals to the European Commission and for project cycle management.

SUMMARY

Introduction

Situational analysis of child’s rights in Kosovo (hereinafter: Analysis) represents a comprehensive overview of realization and protection of children’s rights in four Kosovo municipalities - Northern Mitrovica, Zubin Potok, Leposavic and Zvecan. The aim of the Analysis is to determine the level of realization of children’s rights in the aforementioned municipalities, especially the level of realization for the child’s rights that correspond to the priorities of Save the Children organization – rule of child’s rights, protection of child’s rights, education, health and social care, as well as children’s participation.

Special focus of the analysis was on detecting the level of realization for the rights that guarantee the protection of children, right to education with a special emphasis on realizing child’s right to participation, right to social care and protection and general overview of realization of rights to non-discrimination and health care.

Major findings made in the process were translated into the key conclusions and recommendations for further action of Save the Children, as well as for the creation of policies and support measures in the field of child’s rights. These recommendations may also be useful to decision makers in creating policies and development of children’s rights within local communities, as well as to citizens’ associations that might use them to create programmes and plan future projects intended for the development of child’s rights. The recommendations also prove to be important element in the advocacy process for full implementation of the Convention on the Rights of the Child.

Methodology

Methodology used in designing this Analysis was based on the methodology of Save the Children, developed for and used in the process of drafting the analysis of the situation in the field of children’s rights.
The Analysis drafting included desk research that involved gathering and analysing of information and data relevant for the analysed subject. Data gathering involved the following methods: overview and analysis of international policies and standards, overview and analysis of the reports prepared by relevant UN agencies and by other international organizations present in Kosovo, Progress Report in the process of the EU accession, and other available reports of the authorized institutions and citizens associations within the local communities, overview and analysis of the contents of the relevant legislative framework, overview and analysis of the relevant strategic documents, individual interviews and group interviews (focus group discussions).

**Political context overview**

Political situation in Kosovo is characterized by a considerable number of changes. “More than five years since declaring independence and one year since the period of supervised independence has been finished, Kosovo faces two different realities when it comes to its sovereignty and international relations: it is an independent entity for some, and independent and sovereign state for others. Euro-Atlantic institutions and majority of the states that did not recognize its independence treat Kosovo as independent entity, while Serbia treats it as a separate territory governed under Resolution 1244 of the UNSC, but also as its own territory. On the other hand, Kosovo is treated as a sovereign country only in bilateral relations with the countries that recognized its independence.”

Negotiations between Belgrade and Pristina on the topics relevant to the lives of the citizens started in March 2011 in Brussels, mediated by the European Union. Within a year (between March 2011 and March 2012), Belgrade and Pristina achieved agreements on regional representation and cooperation, customs seals, university diplomas, integrated border checkpoints, cadastral records, freedom of movement, as well as birth, death and marriage registers. These agreements’ implementation is important not only for the development of relations between Belgrade and Pristina, but also for everyday life of the Kosovo citizens.

In Brussels, on 19th April 2013, after ten rounds of negotiations, Serbian and Kosovar Prime Ministers initialled the draft agreement offered to Belgrade and Pristina by the High Representative of the European Union for Foreign Affairs and Security Policy, Ms Catherine Ashton. The document is entitled “The First Agreement of Principles Governing the Normalization of Relations” and includes 15 points.

In September 2013, the two sides achieved the agreement on telecoms and energy. Aided by Organization for European Security and Cooperation, local elections were held in Kosovo on November 3rd 2013, while the elections were repeated in Mitrovica on November 17th 2013.

After the 19th round of dialogue between Belgrade and Pristina, the agreement was made on the inclusion of Serbian representatives in the police forces of Kosovo. The issue of judiciary has remained open by the time this Report was finalized. It is planned for the 20th round of talks between Belgrade and Pristina, which is scheduled for December 13th 2013 in Brussels, to be dedicated to the issue of judiciary.

Implementation of other agreements achieved during the talks, persists to this very day.

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Social circumstances

The described political and social context results in a number of significant consequences that reflect in the everyday life in the four municipalities of Northern Kosovo. The influence that a high level of legal insecurity has is particularly evident, and it originates in the fact that in some fields (education, health) institutions still work according to the laws and rules of the Republic of Serbia and are financed out of Serbian budget; certain fields are covered by both states, some are in authority of Kosova Republic, and in judiciary there are no effective governance.

The most problematic in practice is the complete blockage of the judiciary system, hence the issue is still in the process of negotiation of Serbian and Kosovar authorities, which leads to enormous legal insecurity of the citizens.

It is important to acknowledge that local self-government that operates under the legislation of the Republic of Serbia, largely depend on so-called earmarked transfers, providing that the original incomes in all four municipalities are minimal due to the low economic activity. Therefore, the funding of community based services, cultural institutions and activities, but also infrastructure projects related to educational and cultural facilities and municipal infrastructure, largely relies on the donations and project funds. However, the field research indicated that, due to the great political tension, not all potential funds and resources were utilized in the previous period for these purposes. This was conditioned by a high level of distrust towards international organizations, as well as the lack of openness to cooperation with citizens’ associations. This situation has been gradually changing in the last two years, which results in a greater variety of community based services and activities which, however, fail to meet the requirements. Activities related to the organization of health, social and child care are integrated in all four municipalities and performed by so-called Department for Social Affairs.

Strategic acting is underdeveloped. The municipalities do not have local action plans for children, while the municipality of Zvecan has the action plan for the development of the entire municipality which includes some child related issues. 35

Climate towards Human and Child Rights

Number and structure of citizens’ associations present and active in the local communities indicate that human rights are getting more and more topical lately, with the emphasis on women’s rights and issues of gender equality. When we talk about children and their rights in the narrower sense, protectiveness towards children is quite prominent, while the patriarchal value system is highly influential.

Of all the things perceived in the field, what is the most concerning is the fact that the capacities for the children’s rights programming are extremely low. No institution or association recognize the children’s rights perspective, nor do they work with that perspective in mind, so we assess that there is no potential for a fast development of children’s rights. This is contributed to by the clearly expressed attitude of the majority of the interviewees that the children’s rights are not priority, since there are many more issues that require more urgent reaction. This actually indicates that the concept of children’s rights is essentially misunderstood. Mechanisms of group participation of children and youth are severely underdeveloped, while the attempts to strengthen them failed were not sustainable.

35 As envisaged by this plan: Strategic goal no 2 - improvement of social services, that among else envisage empowerment of quality of school and preschool facilities, and obtaining new equipment and teaching aids for schools and establishing the center for professional trainings and re-trainings.
after the donor’s funds were withdrawn from the implemented projects. The communities did not recognize their importance, so these programmes did not become sustainable. The programmes intended for young people are neglected since there is a high tendency of young children leaving the community for furthered study or employment and there is no feeling of necessity for developing such programs.

Non-discrimination principle

Prohibition of discrimination is guaranteed under the Constitution and legislation of the Republic of Serbia, as well as under the Constitution and legislation of the Republic of Kosovo.

According to the results of the research, the greatest problem in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic is impossibility of realizing legal protection through judiciary system in the cases of discrimination, due to the inefficient and dysfunctional judiciary in the north of Kosovo.

Results of the research indicated the interviewees’ low awareness of the possibility of appealing to independent bodies, as well, as their unawareness of the types of independent bodies that exist. Furthermore, uncertainty of the competences of Serbian independent bodies on this territory was also detected, especially providing that some institutions are under the authority of the Republic of Serbia, while some others are under the authority of the Republic of Kosovo. The interviewees also demonstrated a high level of distrust towards the work of the Kosovo Ombudsman Office on the territory of northern Kosovo.

Child care

In the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic social care services are provided by the centre for social work as a social care institution under the authority of Serbian Ministry of Labour and Social Policy. All social care services and financial assistance are provided for by the Republic of Serbia because of the political situation and refusal of the Northern Kosovo to recognize Kosovar institutions. These municipalities apply the Social Care Law of the Republic of Serbia and each of the municipalities has their centre for social work competent for its respective municipality, which provides social care services. Right to social care in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic is realized through the provision of social care services and material assistance. However, there is an evident lack of social services in each municipality, especially when it comes to children; there is a lack of: day care services, supported living services, services of transport and public transport for children with disability, sign language services, personal assistant services and foster care services.

Community based services, especially in the fields that are not covered by social care services provided by the institutions under the MoLESP of the Republic of Serbia, are partly provided by civil sector, i.e. counselling support in the cases of domestic violence and workshops for children with disabilities, including therapeutic work with speech therapist and psychologist. Civil sector also provides occasional material support, either in money or other material donations.

It may be concluded from the undertaken research that the activities in the field of social protection provided by CSWs, civil society organizations and international organization, are not sufficiently coordinated, especially when it comes to the provision of material assistance, policy creation and development of the social care services, so it is necessary to work on establishing and promoting
cooperation between these actors in order to provide efficient and coordinated support to all the families who need it. One particularly has to bear in mind that, in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic, the incomes of local self-governments out of which the local services should be funded, are insufficient to satisfy local needs, so that the provision of social services and promotion of their quality would largely depend on the support of civil sector and international organization, at least until a stable economy is established in these municipalities.

Furthermore, research results indicate the lack of support to the capacity building of the professionals employed in the CSWs, as well as the absence of the programmes for professional development within the social care system in the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic.

Protecting children from violence

The protection of children in the municipalities of North Mitrovica, Zvecan, Zubin Potok and Leposavic is seriously impeded by the existence of parallel institutions, lack of trust in Kosovo institutions and the application of various legal regulations by the institutions which are still under the administration of Serbia and the institutions under the administration of Kosovo, especially having in mind that an efficient protection of children from abuse and neglect includes and requires the existence of good inter-sectoral collaboration and fast and adequate response of the professionals from all sectors, particularly the sectors of social protection, police, justice, education and health care.

In these municipalities, the institutions in the sectors of education, social and health care operate under the administration of the competent Ministries of the Republic of Serbia (the Ministry of Education, Science and Technological Development of the Republic of Serbia, Ministry of Labour, Employment and Social Policy of the Republic of Serbia, Ministry of Health of the Republic of Serbia) and implement the relevant legislation of the Republic of Serbia, while the police is under the jurisdiction of the Ministry of Interior of the Republic of Kosovo (KPS – Kosovo Police) and implements the legislation of the Republic of Kosovo.

A separate problem is the inefficient and dysfunctional judiciary in the Northern Kosovo and a rather limited access to justice for the citizens of the municipalities of North Mitrovica, Zvecan, Zubin Potok and Leposavic.

It is necessary to establish an strengthening and efficient multi-sectoral collaboration in this area between all relevant sectors.

Recommendations:

- Improvement of social services quality and scope (providing day center services, independent living services, sign language interpreter services, personal assistance services, foster care services);
- Development of child victim support services to CAN victim;
- Development of CAN prevention programs;
- Improvement of public transport services for all children, especially for children with disabilities;
- Strengthening the capacity of professionals to protect children from violence (violence recognition and mechanisms of protection);
- Raising awareness about violence against children (including children, parents / guardians and professionals).
Right to education

In the municipalities of Northern Mitrovica, Zvecan, Zubin Potok and Leposavic, the educational institutions where children and young people attend classes in Serbian are financed from the budget of the Republic of Serbia and follow the curriculum and use textbooks approved by the Ministry of Education, Science and Technological Development of the Republic of Serbia. All municipalities have preschools, elementary and high schools, and in Northern Mitrovica there is even a University. In all schools where classes are held in Serbian, the Law on the Fundaments of the Education and Instruction System is implemented, and in addition to this Law, all other sectoral laws and regulations of the Republic of Serbia are applied as well.

Teaching in Serbian is also guaranteed by the Education Law in the municipalities of the Republic of Kosovo (Assembly of the Republic of Kosovo Law No. 03/L-068), which stipulates that the municipalities have the authority to create conditions for providing educational services in Serbian and that the schools where classes are held in Serbian may follow the curriculum and use textbooks issued by the Ministry of Education of the Republic of Serbia, with notification to the Ministry of Education, Science and Technology of the Republic of Kosovo, that is with the approval of the Independent Commission for the Review of Serbian Language Curriculum and Teaching Materials, in case of complaint by the Ministry of Education, Science and Technology of the Republic of Kosovo.

The results of the conducted research indicate that almost all children in these municipalities are included in the primary education process, along with the children from vulnerable groups such as Roma children and children with disabilities, except for the low percentage of Roma children who do not attend primary school regularly.

The inclusion of children with disabilities is implemented according to the law and two bylaws which determine the preparation of the individual educational plans for children and support in the community which is based on the work of the so-called inter-departmental commissions which should recommend and facilitate that the child and family, in addition to the anticipated financial benefits, are provided with all those services that are necessary and exist within the community. All of the interviewed participants are familiar with the formal obligations related to the inclusion of children with disabilities, but it seems that there is still a lack of true understanding of the objectives of the inclusive education as well as true commitment to the full application of its principles.

The conditions for work in schools are different. Some schools have optimal conditions for work, while some of the schools do not have sufficient space to conduct regular classes, do not have premises for the technical education and information technology classes, do not have a room for performing physical education activities, or the condition of the existent gymnasium is bad. The schools are particularly lacking in teaching materials, especially for conducting practical and experimental classes in natural sciences, especially chemistry, biology and physics. The schools are not equipped in such a way to represent the architectural environment tailored for children with development disabilities.

Regarding the training of teachers and increasing their capacities, the results of a research show a different level of support and inclusion of teachers in the training process. In the absence of financial resources, some schools do not have the possibility to provide training for teachers. According to the

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36 Regulation on additional educational, health and social support to child and student, Official Gazette of the RS No. 63/2010
results of a field research, it is particularly necessary to support teachers in introducing new methods of work, inclusion, prevention of bullying and youth participation.

Recommendations:
- Improvement of quality of school and pre-school facilities;
- Equipping primary and secondary schools with modern teaching aids;
- Raising awareness about peer violence among children and professionals (recognition of violence and mechanisms of protection);
- Development and implementation of mechanisms for the protection of children from violence in educational institutions (training for the implementation of specific Protocols, school/peer mediation);
- Improvement of inter-sectoral cooperation with other sectors, particularly in the field of protection of children from violence;
- Raising awareness and capacities on the Rights of the Child among professionals, children and parents;
- Increasing the coverage of children from the Roma population to programs of early childhood development;
- Improvement the quality of public transport for children;
- Improvement of teaching resources for children with disabilities (assistive technology);
- Capacity building of professionals including teaching methods, inclusion, bullying and participation;
- Improvement and development of programs for student parliaments with aims to increase their capacities;
- Raising awareness about the importance of inclusive education;
- Improvement of inclusive education.

Health care

Health care in the municipalities in the north of Kosovo fully relies on the health care system of the Republic of Serbia. All the persons residing in these municipalities realize their health care rights based on the health insurance and in accordance with the Health Care Law\textsuperscript{37}, Health Insurance Law\textsuperscript{38} and Law on the Rights of Patients\textsuperscript{39}.

Each municipality has its primary health care centre, while Northern Mitrovica also has a hospital as a secondary level health care institution, with a separate department of children’s hospital. It was noted that members of the Serbia community often use health care services in Raska, or Kraljevo in Serbia, depending on their needs. There are no developmental counselling services specially intended for children, which, according to the number of citizens/children, is not obligatory under applicable laws and by-laws. However, a single developmental counselling centre that would provide for all four municipalities could be considered.

The greatest problem according to the interviewees is the poor qualifications of the employees. The last remark partly also applies to the primary health care facilities. It may be concluded from the undertaken research that all the municipalities lack specialized professionals – speech therapists,

\textsuperscript{37} Health Care Law, “Official Gazette of the RS no. 107/05 & 72/09 & 57/11”;

\textsuperscript{38} Health Insurance Law “Official Gazette of the RS“ no 107/05, 109/05 & 57/11
psychiatrists, psychologists and other therapists able to provide highly specialized services – therapeutic treatments.

Bearing in mind the need for joint action of all the actors to facilitate social inclusion, it is important to note the lack of coordination between social, education and health care system. Namely, participants in the research uniformly assessed that health care system fails to provide sufficient support to the system of education in this domain – they neither provide information on the children that require additional support, nor do they cooperate in providing therapeutic services once child is included in the organized system of education.

Recommendations:
- Establishment of counseling development services for children and young people;
- Improvement of secondary health care quality and availability;
- Capacity building of health care professionals - therapists, psychiatrists and other therapists;
- Improvement of inter-sectoral cooperation of health care system with education and social welfare system;
- Raising children awareness about reproductive health and other adolescent’s health care issues

Role and position of non-governmental organizations

According to the official research results, there is a considerable number of non-governmental organizations in the municipalities of Northern Mitrovica, Leposavic, Zubin Potok and Zvecan. These organizations work in different areas to develop the rights of the persons from vulnerable groups (persons with disabilities, women), they implement different activities, provide services and work on the strengthening of democratic society. Be that as it may, none of the municipalities have any local organization specialized in child’s rights and their promotion and development, nor any youth initiative. Furthermore, there are no organizations specialized in monitoring of realization of child’s rights and lobbying for the development of policies and legislation in accordance with the Convention on the Rights of the Child and recognized international principles and standards.

Research results indicate that the attitude towards NGOs is changing, and that public sector is currently more open for cooperation, which will certainly enable the development of civil sector and strengthening of its capacities, and open the possibility of partnership between civil sector and the state in child’s rights reform and improvement of children’s position in the municipalities.

- Recommendation: Strengthening capacities of local NGOs about Human Rights;
- Capacity building of local NGOs in the field of children's rights, especially capacities in the field of policy improvement, advocacy, child rights programming and child rights monitoring (As the situation on the ground indicates lack of capacities of local organisation to deal with these issues in all four municipalities, it would be preferable solution in this moment to provide support on local level by the Child Rights Centre in Belgrade, as a leading organization in the field of child rights in Serbia, until the point of establishing the capacities of local NGOs in the field of children's rights. This is particularly important bearing in mind greater willingness of all interviewed stakeholders in all 4 municipalities to cooperate with domestic NGOs instead of working directly with international organizations);
- Providing support to non-governmental sectors for clear profiling and strategy planning
- Encouraging networking of NGOs for joint application with the EC funds;
• Capacity building of local NGOs to submit proposals to the European Commission and for project cycle management.

ANEX I
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- **Health Care Law** ("Official Gazette of the RS“ no. 107/05,72/09, 57/11, 119/12, 45/13- another law
- **Law on Financial support to Families with Children** (“Official Gazette of the RS“ no. 16/02, 115/05 & 107/09);
- **Social Care Law** ("Official Gazette of the RS“ no. 24/11);
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- **Code of Juvenile Justice** (Kosovo Parliament, Law no. 2010/03-L-193);
- **Law on Protection from Domestic Violence** (Kosovo Parliament, Law no. 03 L-182);
- **Law on Education of the Republic of Kosovo** (Kosovo Parliament, Law no. 03/L-068);
- **Law on Material Support to Families with Children with Permanently Limited Abilities** (Kosovo Parliament, Law no. 03/L-022);

INTERNET ADDRESSES

http://www.srbija.gov.rs

http://www.unicef.org
ANEX II

FOCUS GROUPS PARTICIPANTS AND INTERVIEWED STAKEHOLDER REPRESENTATIVES

Sample structure in relation to the local institutions/organizations and groups of children:

Municipality Representatives

- Representative from Leposavic Municipality, Ms Head Of Administration and head of the Social Affairs Department
- Representative from Zubin Potok Municipality, Mr Head Of Department Of Social Affairs
- Chief of administrative legal affairs in the municipality of Zubin Potok
- Representative from Mitrovica Municipality, head of Department of Social Affairs; and Officer for Youth Polices
- Judge selected by EULEX

School Representatives

- Headmaster of the “Sveti Sava” Primary School in Mitrovica;
- Headmaster of the “Leposavic” Primary School in Leposavic;
- Teacher in the “Leposavic” Primary School in Leposavic;
- Headmaster of the “Jovan Cvijic” Primary school in Zubin Potok;
- Psychologist in the “Jovan Cvijic” Primary school in Zubin Potok;

International Organization, Local Representative

- Representative of Save the Children

NGO’s Representatives
ANEX III

FOCUS GROUP WITH PARENTS

Aim: View of parents towards child rights, minority children, rights realization and future of children

Discussion was structured in several blocks of issues. The issues were brought up broadly at the beginning, parents expressed their general view and afterwards researchers led the discussion with some questions.

1. General condition of child living in community

Key Points: there are no room for children’s play, recreation and cultural facilities. Children are not generally safe on a way to school (particular Zubin Potok and Mitrovica) and there is a lack of sport or playing facilities that are child friendly.

2. Services for children – preschool education and school education, healthcare and social services

Key Points: parent opinion is that all services know by them persist in community. The problem is quality of services. Their experience is that service’s quality is highly depended on a person who provides service or how the institution that provides service is led (they gave few examples). They are no professional standards of service. They expressed high level of distrust to independent state bodies or any kind of complaining procedure.

3. View of community toward marginalized children

Key Points: Parents noticed the difference toward marginalized children lately. Roma community is very well accepted and parents think they live in relatively good condition. They have noticed that children with disabilities are included more in the schools that before. Although, they have notice that some parents are not happy with such situation. Staff in schools (and preschool) is not skilled enough and still have some prejudice. But generally there is a common view that all children should go to school but the process of their education should not interfere the education of other children.

4. Protection of children for violence
Kay Points: Present parents had little experience in this field. They are not informed on measures of protection – e.g Teams for protection of children in the schools. They pointed out that peer violence is in increase and teachers often have no control of the situations in schools.

5. Knowledge and awareness about child rights

Kay points: There is a general knowledge that children have some rights but knowledge about particular ones, their implementation and protection is insufficient.

6. The needs of children and their future

All parents invest a lot in their children and try to enable them to get all education and skills in order to give them a good starting point for high education and employment far from Kosovo. Most of them sees their children away in Serbia or in some other (European) country.

Current services are not as good as needed but the main problem related to children needs, from the parent view, are lack of facilities and programs for children – films and plays, concerts, and sport groups, dancing and playing groups and respective facilities - cinemas and theater, sport facilities playgrounds, but before all safe busses, safe sidewalks and school yards.

ANEX IV

FOCUS GROUPS WITH CHILDREN

Aim: View of children towards child rights, realization of their rights, their participation and their needs and thought for the future

Number of children in younger group:

Number of children in older group:

Discussion was structured in several blocks of issues. The issues was brought up broadly at the beginning, children expressed and afterwards researchers led the discussion with some questions. Focus groups was used to remind them on their rights

1. What are you rights? Haw you learn about rights?

Kay points: younger children know about right to education, healthcare to be safe, some social support to families. They learn in “world around us” subject. Some of them attend civic education but find it no so interesting and they often lose the classes. Older children know less about their rights. They are not interested, have other priorities.

2. Do you fill safe in the school? And in the community. Do you know how can you protect yourself from violence?

Kay points: What can you choose in the school (at home)? Does someone ask you what to learn or do in school? Have you proposed something to the teacher/headmaster to do/change something and what was the result? Older group only: do you have parliament in school? What are the results of the parliament work and how would you assess the results?
Kay points: They feel included in decision making in family. They feel less included in making decision in schools. Parliaments are only formal bodies, with no real results. Sometimes headmasters patronized them and promise to them to do something they propose but do nothing. Generally they think the selection of members is not good and children in parliament do not know what is the role of it.

3. **Do you have friends with disabilities in your class?**

Kay points: All of them know some child with disability that go to school. Children take this situation naturally and do not see any problem with that.

4. **What you need the most and what you miss the most in your town (schools, neighborhood).**

Kay points: All of them emphasize the situation when a new playground was open and demolished during the night. This is what need to be stopped and penalized. All of them felt really bad about this situation. Same as parents they brought up as a main problem lack of facilities and programs for children – films and plays, concerts, and sport groups, dancing and playing groups and respective facilities - cinemas and theaters, sport facilities, playgrounds, but before all safe busses, safe sidewalks and school yards.

**ANEX V**

**QUESTION FOR INTERVIEWS**

Interviews were performed based on Save the Children situation analyses methodology which put emphasize on relation between all stakeholders, their view of the situation, their role in child rights implementation. Some information was pre-gather in order to adjust questions to the particular participant.

Questions for all sector’s representatives

At the beginning of interviews all participants were asked about general measures of implementation: relevant legislation, strategic document and action plans, data they gathers, supervision and monitoring of performances (in child rights implementation) coordination of implementation, rights protection mechanisms including independent bodies, civil sector role, international organizations role, budgeting of work and services, informing mechanisms and awareness raising campaigns.

All of them were asked about general attitudes towards children and child and human rights in community, children needs, level of implementation of rights of the child, with special focus on marginalized groups of children and child protection from violence.

**Questions for the representatives of social welfare system**

1. State of rights of child in their respective sector?
2. Trends in service providing, existing services, lacking services, funding of services, other obstacles in service providing, communication and cooperation with other sectors.
3. Professional capacities for service providing - in service trainings, specializations, child rights education…?
4. What is your opinion on role and capacities of other relevant sectors?
5. What kind of support do you need for improvement of your capacities /services?
6. What do children miss the most in their community?
7. Who should be responsible for that and who can help to fulfill the identified gaps?
8. What is the general attitude towards civil society?
9. What is your experience in cooperation with civil sector?
10. What are the capacities/sort comes of civil society and how this can be surpassed?

Questions for the representatives of educational system

1. State of rights of child in their respective sector?
2. Legal responsibilities towards violence protection, child participation, and inclusive education.
3. Capacities of institutions - infrastructural and professional in service trainings, specializations, child rights education…?
4. What kind of support do you need for improvement of your capacities /services?
5. What is your opinion on role and capacities of other relevant sectors?
6. What are your short comes and how this can be surpassed?
7. What do children miss the most in their community?
8. Who should be responsible for that and who can help to fulfill the identified gaps?
9. What is the general attitude towards civil society?
10. What is your experience in cooperation with civil sector?
11. What are the capacities/sort comes of civil society and how this can be surpassed?

Questions for the representatives of local self-government representatives

1. What is the scope of your responsibilities?
2. What local services you budget?
3. What is your opinion on coordination and cooperation among different sectors?
4. What kind of support do you need for improvement of your capacities /services?
5. What do children miss the most in their community?
6. Who should be responsible for that and who can help to fulfill the identified gaps?
7. What is the general attitude towards civil society?
8. What is your experience in cooperation with civil sector?
9. Do you support it and how?
10. What are capacities/sort comes of civil society and how this can be surpassed?
11. Are there a child lead initiatives and do you support them?

Questions for the representatives of civil sector

1. Information about organization of participant / what they do, what is the aim of the organization, where do they work, who is their main target group.
2. State of rights of their main target group?
3. What do children miss the most in their community?
4. Who should be responsible for that and who can help to fulfill the identified gaps?
5. What is the general attitude towards civil society?
6. What is the capacities/sort comes of civil society and how this can be surpassed?
7. Are there a child lead initiatives?

Questions for the representatives of judiciary system

1. What is your current organization and real scope of responsibilities?
2. What are the mail problems in child rights/life because of the unclear judiciary authorities?
3. What are your needs for capacity building regarding child rights?
4. What do children miss the most in their community?
5. Who should be responsible for that and who can help to fulfill the identified gaps?
6. What is the general attitude towards civil society?
7. What is your experience in cooperation with civil sector?
8. Do you support it and how?
9. What are capacities/sort comes of civil society and how this can be surpassed?
10. Are there a child lead initiatives and do you support them?