



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria –Vlada-Government

Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister

Zyra për Qeverisje të Mirë/Kancelarija za Dobro Upravljanje/Office on Good Governance

MAPPING AND ASSESSMENT OF THE CHILD PROTECTION SYSTEM IN THE REPUBLIC OF KOSOVO

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LIST OF ACRONYMS

AOGG-PMO	Advisory Office on Good Governance- Prime Minister's Office
CRC	Convention on the Rights of the Child
CPEHFCL	Committee for Prevention and Elimination of Hazardous Forms of Child Labor
CSK	Correctional Service of Kosovo
CSW	Centre for Social Work
DAJ	Department for Access to Justice,
DEIPC	Department for European Integration and Policy Coordination
DF	Department of Forensics
DHSW	Department of Health and Social Welfare
DILC	Department of International Legal Cooperation
DLI	Department of Legal Issues
ECLO	European Commission Liaison Office
HRU	Human Rights Units
ILEP	Initial Legal Education Program
ILO	International Labor Organization
IMC	Inter-Ministerial Committee
IOM	International Organization for Migration
IPA	Instrument for Pre-Accession Assistance
ISP	Institute of Social Policy
JJSRC	Juvenile Justice System Reform Committee
KJC	Kosovo Judicial Council
KJI	Kosovo Judicial Institute
KP	Kosovo Police
KPC	Kosovo Prosecutorial Council
LAC	Legal Aid Commission
MAFRD	Ministry of Agriculture, Forestry and Rural Development
MAG	Municipal Action Groups
MEI	Ministry of European Integration
MoH	Ministry of Health
MIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
MLSW	Ministry of Labor and Social Welfare
MTEF	Medium Term Expenditure Framework
MEST	Ministry of Education, Science and Technology
NGO	Non-Government Organization
NIPHK	National Institute of Public Health of Kosovo
OSCE	Organization for Security and Cooperation in Europe
PSK	Probation Service of Kosovo
RAE	Roman, Ashkali Egyptian community
SOK	Statistical Office of Kosovo
CLEP	Continues Legal Education program
TDH	Terre des Homme
UCCK	University Clinical Centre of Kosovo
UNDP	United Nations Development Programme
UNICEF	United Nations Children Fund
UNMIK	United Nations Mission in Kosovo
USAID	United States Agency for International Development
TPP	Training Program for Promotion

Foreword

The Mapping and Assessment of the Child Protection System in Kosovo was conducted through a holistic approach, with joint support and assistance of the relevant local institutions that have a child protection mandate. The process was supported by the European Union and UNICEF funded project, Support to Juvenile Justice Reforms in Kosovo- phase 2, 2010-2013.

The process was very complex and innovative, since it was the first time that such a comprehensive assessment was conducted in Kosovo, and due to the fact that we had to deal with a system which in itself involved many institutions and relevant sectors that have a role and mandate in providing child protection services.

To conduct this mapping and assessment, a new methodology was applied, which involved a participatory process using a toolkit containing hundreds of questions in line with international and European child protection and justice for children standards. The global toolkit was developed by UNICEF Headquarters and was designed to be adapted to local contexts. The adapted and completed toolkit for Kosovo is attached to the report in a CD. It should be stressed that the toolkit is a working document that can be updated and revised as the situation changes.

DeLegibus Consulting Company facilitated the initial assessment stage, which was led by the Ministry of Justice's Juvenile Justice Steering Committee.

Finalization of the mapping and assessment, validation of the findings and recommendations derived from the process were done under the ownership of the new Child Protection and Justice for Children Council. As a result of the assessment's recommendations, this Council was established by the Office of the Prime Minister of Kosovo, under the leadership of the Office of Good Governance, Ministry of Justice and Ministry of Labor and Social Welfare.

Taking into consideration the abovementioned complexities of the process, it is important to note that the findings show a bird's eye or macro view of the entire system rather than an in depth analysis of the child protection system.

The time frame for the mapping and assessment extends from 2010 to the first half of 2012.

The findings and recommendations mainly reflect the situation over the past two years. However, they can be widely used by the Government of the Republic of Kosovo in the process of drafting policies and programmes as part of the continuous reforms that are being developed within the Child Protection System in the Republic of Kosovo.

Lastly, I would like to thank all relevant stakeholders, who were engaged in and contributed to implementing and finalizing this assessment, including the Child Protection and Justice for Children Council, all relevant line ministries, DeLegibus consulting company, donors and development agencies, independent institutions, non-governmental organizations and children's focus groups.

Special thanks should also go to the European Union Office in Kosovo and to the UNICEF Kosovo for their financial and technical contribution in supporting the successful implementation of this assessment.

This assessment report is published under the authority of the Child Protection and Justice for Children Council.

Sincerely
Mr. Habit Hajredini
Head of the Child Protection and Justice for Children Council in Republic of Kosova

1. Introduction

In June 2008, UNICEF's Executive Board adopted a new Child Protection Strategy.¹ The Strategy introduced an approach to child protection that leads towards the creation of a protective environment and the strengthening of child protection systems. It describes child protection systems as a set of laws, policies, regulations and services, capacities, monitoring, and oversight needed across all social sectors – especially social welfare, education, health, security, and justice – for the purpose of enhancing prevention mechanisms and supporting response to key protection-related risk factors. These systems are part of social protection, and extend beyond it. At the level of prevention, their aim includes supporting and strengthening families to reduce social exclusion and to lower the risk of separation, violence and exploitation.

Since there has been no comprehensive assessment of Kosovo's child protection system in its entirety and because UNICEF's global strategy on child protection calls on countries to "develop and apply an analytic tool for mapping and assessing existing child protection policies, laws and services for adequacy and to identify obstacles and opportunities in implementation, especially in reaching vulnerable or excluded groups," UNICEF initiated the mapping and assessment process in close consultation and agreement with the Government in 2010.

The purpose of mapping and assessing Kosovo's child protection system is to support the development of a country-level, comprehensive child protection system as opposed to an issue-based protection system, which often results in a fragmented child protection response, marked by numerous inefficiencies and pockets of unmet needs when other issues are not addressed. In particular the assessment aimed to:

- Provide key stakeholders with a clear picture of the structure and functions of the current child protection system;
- Describe the current legal and normative framework, noting strengths as well as outlining the country's future policy agenda in child protection;
- Highlight the key risks facing children, and prioritize data requirements for monitoring and evaluating child protection in the country;
- Based on global best practices, assess the capacity of key formal and informal structures (ministries, agencies, partners, communities, etc.) to develop, administer, implement, monitor and evaluate effectively their child protection responsibilities;
- Identify and prioritize opportunities to improve service delivery;
- Bring key players together to identify priorities to support the development of the child protection system; and
- Establish a framework for the financial and human resources required to implement the priorities.

1 UNICEF Child Protection Strategy, Executive Board Annual Session, 2008. E/ICEF/2008/5/Rev.1.

The outcome of the assessment includes a better understanding of Kosovo's child protection system in a holistic and multi-sectoral manner and based on a participatory and inclusive approach. The assessment helped to identify a set of priority recommendations for implementation in the short-term, which will be considered by the new Council on Child Protection and Justice for Children for inclusion in existing strategies related to child protection. These key recommendations may be considered when the existing National Strategy and Action Plan on Children's Rights 2009-2013 is updated, in particular for the juvenile justice and social welfare components.

2. Key Recommendations

Recommendation 1:

Amend and complete the existing strategies and legislation in child protection, including drafting of new laws and respective sub-legal acts.

Recommendation 2:

Create standard referral forms for cases of violence and abuse, which should be used in all institutions and NGOs, who due to their mandate or their role are informed of cases of abused or neglected children. More specifically, unique and standard forms of referral should be drafted for teachers and supporting staff in schools, doctors and other technical medical staff, social service officials, police officers, victims' advocates, prosecutors, judges and lawyers who deal with the identification, referral and the treatment of such cases.

Recommendation 3:

Draft the standard case management protocols for treating cases, for each of the associated professionals involved in child protection. The drafting process should be conducted in a coordinated and coherent manner and the protocols should be approved by the respective institutions.

Recommendation 4:

The AOGG Office of the Prime Minister in cooperation with the Ministry of European Integration should establish an Inter-institutional working group for donor coordination in the field of Child Protection.

Recommendation 5:

Build capacities, and strengthen the quality of trainings to ensure relevant institutions implement policies and services with respect to child rights, in line with Kosovo and international legal standards.

Recommendation 6:

Based on the Law on Courts (No. 03/L-199), Juvenile Departments will be established within each of the Basic Courts and one in the Appeal Court, as well as in relevant juvenile sections within the Prosecutor's office. Accordingly, the infrastructure and working conditions of courts and prosecution offices should be improved in line with child rights standards.

Recommendation 7:

Monitor changes eventually to be made in the Law on Local Government Finance (No.03/L-049) and other relevant laws, and ensure that necessary changes be made to include the funding source of child protection financing in all sectors.

Recommendation 8:

Enforce a monitoring mechanism for juveniles in conflict with the law, whereby the living- and treatment conditions in particular are monitored. These mechanisms should play an

important role in monitoring the institutions that deal with juveniles in conflict with the law. Within this framework, it is recommended to strengthen the role of Human Rights Units at the central and local level, as well as in the AOGG.

Recommendation 9:

Increase the budget to provide services to children involved within the justice system. Concretely, aim to create a fund for victims' compensation and an emergency fund for crime victims.

Recommendation 10:

Amend the legislation to establish a framework for financial compensation for subcontracting social services and for awarding grants to NGOs working in the field of child protection.

Recommendation 11:

Increase the number of adequate child friendly spaces for interviewing within the police stations, based on the pilot project model.

Recommendation 12:

Approve the licensing criteria of NGOs involved in child protection and initiate the licensing process.

Recommendation 13:

Develop the legal framework, to guarantee and coordinate all activities of NGOs in the field of child protection at the local level. This framework should include the job description of a Human Rights Officer who will operate as the Coordinator for Child Protection issues at local level, based on the Task Force model of Terre Des Hommes and on the intervention model of Save the Children.

3. Methodology

UNICEF's Toolkit to Map and Assess Child Protection Systems

In early 2011, UNICEF, in partnership with the Government, contracted DeLegibus Consulting Law Firm to support the process of an assessment of the child protection system in Kosovo, including a mapping of the various institutions and stakeholders engaged in child protection.

Kosovo is the first country in the region to utilize the new toolkit developed and piloted by UNICEF and other key partners, such as UNHCR and Save the Children, at the global level (see the Toolkit contained in the CD). The toolkit aims to provide a practical and user-friendly method to enable country child protection teams to identify the main child protection risks within the rights framework, and to examine the scope and capacity of the existing child protection system (both formal and informal), accountability mechanisms, and resource mobilization approaches.

As part of entering data into the toolkit, the following tasks were conducted: verification of the framework of legal provisions; input from secondary sources of information such as data from studies and relevant documents and statistical data from the respective Kosovo state institutions or international partners (e.g. the World Bank, UNICEF, and UNDP); incorporation of results of interviews with children in Kosovo. DeLegibus facilitated the collection of data and analysis together with the local institutions involved.

The process of gathering and analyzing the information to fill the toolkit included identifying of the implementation of legal provisions in order to demonstrate any gaps in the actual practice or implementation of such standards. The consultancy team also examined the relevant child protection system components from the perspective of the functioning of state institutions in legal and practical terms. This analysis took into account coordination at both the central and local levels as well as inter-institutional coordination. And finally, the process included the gathering of financial data regarding public finance (budget) for the purpose of enabling cost analysis of child protection programmes and sectors.

The Assessment Process

Gathering and analysis of the above-mentioned information was facilitated by the consultants in close collaboration with UNICEF. All research took place in full partnership with the Inter-Agency Committee². The membership of the Inter-Agency Committee was expanded temporarily to include representatives from relevant government agencies solely for the purpose of carrying out the mapping and assessment of the child protection system.

The Inter Agency Committee served as the core structure to support and facilitate the implementation of the assessment. It functioned in accordance with the Terms of Reference approved by the Permanent Secretaries of the Ministry of Justice and the Ministry of Labor and Social Welfare. The Committee's members were divided into four sub-committees, which operated as thematic working groups corresponding to the basic components and tools of the toolkit:

² The IAC was established based on the Regulation 'Rules and Procedures for the Steering Committee for Juvenile Justice Reforms' which was approved by the Ministry of Justice, April 2010.

- Social Welfare Issues, including Health and Education;
- Justice and Security matters;
- System development / Civil Society; and
- Resource Mobilization including Sector and Programme costing.

Several workshops were held during which each of the groups reviewed and discussed the different questions posed in the respective toolkit sections. Each sub-committee compiled information and analyzed the data and information that was eventually included in this report. Once the toolkit was completed, the consultancy firm drafted the final report with the main findings and recommendations. The information in the toolkit and the report itself have been discussed and verified by all participants in the assessment, including local and international institutions and NGOs.

Children’s Perspectives

Child participation was given a high priority throughout the process as a basic principle of children’s rights throughout any decision-making process, especially with regard to decisions that have the potential to dramatically influence a child’s life. Opportunities for consideration of children’s opinions were guaranteed through semi-structured individual interviews on specific protocols developed for children in each of the following four categories:

- Children in residential and/or foster care. Seven interviews were conducted with children age 14-17 (five in residential institution; two in foster care).
- Child labor. Three interviews were conducted with children who have been working and/or begging.
- Children in conflict with the law. Three interviews were conducted with children who were either in detention (Lipjan Correctional Educational Centre) or otherwise serving a different sentence (children from: Pristina, Peja, and Gjilan).
- Child victims or witnesses of physical or sexual abuse. Two interviews were conducted (one victim of physical abuse; one victim of sexual abuse).

Inclusion and Consideration of Minority Communities

Taking into account the different community characteristics of Kosovo’s population, special attention was placed on inclusion of the opinion and considerations of the Kosovo Serb community. To this end, meetings were held with institutional and civil society representatives from Gračanica, a Serbian-majority community. These meetings served a double purpose: (i) to complete the Toolkit with the needed information; and (ii) to verify that the information gathered for the final toolkit would reflect the opinion of different communities as well as Kosovo’s institutions.

This assessment targeted the system in general (functions, structures and capacities), as the state institutions do not distinguish between ethnic groups with regard to access to the child protection system and/or relevant provision of services.

Verification of Information

The methodology ensured that the members of the Inter Agency Committee were able to verify the information gathered during the workshops. Furthermore, international partners

from organizations such as UNDP, IOM, EULEX, and UNHCR took a prominent role in verifying the data. Within this framework, the DeLegibus team, serving as the Secretariat, organized individual and small working group meetings with professionals or other officials who were not part of the Inter Agency Committee or the sub-committees. This served to ensure that on-going collaboration and sharing of information between all levels of stakeholders and representatives of state institutions included as much feedback or input as possible from different relevant child protection system actors in Kosovo. In addition to facilitating the collection of data/information, these meetings also helped to create a setting for a transparent and constructive dialogue on related issues.

In addition, meetings and small working groups with partner and donor organizations were organized; this provided a platform for further debate on assessment results and helped to develop a common understanding of Kosovo's child protection system. They also provided a forum for gathering comments, suggestions, opinions, and in some cases verifying information, findings and results of investigations into special issues raised by the sub-committees, particularly the Resource Mobilization Sub-Committee, as reflected in the assessment.

Methodology Used for Mapping and Assessing Public and Donor Financing in regards to Child Protection/Justice and Security Sectors, including Sector and Programme Costing

The tools of resource mobilization and fiscal accountability under Section 4 of the toolkit, aimed to assess human and financial needs of the system and the degree of inclusion of child protection as a line item during the budgeting process. The various tools in this section focused on the annual budgeting process and the role and activities of donors.

The budgeting process of the child protection system in the Republic of Kosovo was conducted in accordance with the toolkit developed by UNICEF and consisted in budgeting on the basis of programmes and sectors at central and local levels. The assessment aimed to examine the current budget system, using 2010 as the baseline year and forecasting for a period of 5 years until 2015 based on the established sectors and programmes during the mapping exercise. Given the cross sectoral nature of child protection, data from almost all line ministries and independent institutions that are key in providing services for child protection were considered during the process.

The budget model provided in the original UNICEF toolkit was modified slightly to reflect local circumstances, such as the inclusion of those line items across categories of expenditures that are relevant in the case of Kosovo as per the budget structure.

The two main sectors that were budgeted are the following:

- Child Protection Sector, programmes from the MLSW, MoH, MEST; and
- Justice and Security Sector, in which programmes from the MoJ, relevant departments of the Kosovo Police, Kosovo Judicial Council, Legal Aid Commission, and the Ombudsman's Institution were included.

Since the Government of the Republic of Kosovo has no budget line specified for child protection, the group of experts developed a special methodology to identify costs related to child protection from the state budget. The methodology is based on the concepts of child protection under the UNICEF definitions. A Child Protection System consists of a series of laws, policies, regulations and services needed in all social sectors - especially social welfare, education, health, security and justice-, to support prevention and to respond to risks

associated with protection. These systems are part of social protection and are extended beyond it. At the level of prevention, their aim includes supporting and strengthening families to reduce social exclusion and the risks of separation, violence and exploitation.

Data collection

Sources for data collection included the three-year Medium Term Expenditure Framework, the annual budget and other sector documents. Categories of expenditure which were used in budgeting included: (i) personnel involved in child protection issues, (ii) operating costs such as goods and services, subsidies and transfers, municipal services and (iii) capital costs associated with existing and new construction, investment in information technology, etc.

To identify the expenses under the above mentioned categories, the sub-committee created the organizational charts for each institution at central and local levels, including the most important departments related to child protection. Then within each department an estimate was made of the percentage of time that staff dedicates to child protection, based on the job description and on cases of child protection against total cases treated by the institution. The same logic was used to calculate the operating costs and capital expenditures, whose data were obtained from budgetary and accounting documents of the institution. Initially, programmes of each institution were budgeted, which were then aggregated to develop the overall sector budget.

Methodology Limitations

The methodology used revealed some limitations with respect to the quality of official data and the knowledge and expertise of the officials that were engaged during the process. This gap was encountered due to the limited number of available studies related to child protection. The reason for these limitations is due in large part to the complexity of the assessment, which included the consideration of multiple sectors of the child protection system, including different departments within the same institutions and information from both central and local levels.

Moreover, the assessment aimed to include information for different types of services and capacities of service providers and focused on multiple target groups, including minority communities, as mentioned above. However, since the toolkit itself did not include questions related to existence of different communities in Kosovo and the region, in the future, the toolkit would need to be better adapted to suit the local context.

While one Roma, Ashkali and Egyptian-focused NGO was involved in the assessment, there were insufficient data resources available for engaging the views of other communities as part of a more comprehensive process. It is therefore important to emphasize that the toolkit should be used in the near future to assess the views of the system by specific communities at the local level. This also points to the value of using the toolkit in the future as a tool for ongoing mapping/assessment, planning, monitoring and evaluation exercises, using the current assessment as a baseline.

Similarly, the toolkit did not delineate any particular approach for including children's views in the assessment. In the future, the toolkit should be better adapted to fit the local context of Kosovo.

At the same time, some of these obstacles were addressed by designing additional methodological tools and organizing alternative activities (e.g., a protocol for gathering the children's opinions, semi-structured interviews with officials and institutional representatives who were not already included through the Inter Agency Committee, meetings with the donor community in Kosovo, and so forth).

In terms of the methodology developed by the sub-committee on resource mobilization, the exercise was positive in that it facilitated the identification of costs for different categories and allowed the analysis not only within a sector, but across other sectors emphasizing the cross sectoral nature of child protection. Likewise, this methodology collects data from the state budget and donor supported programmes related to child protection, allowing for identification of any existing funding gap in this area. Last but not least, the methodology allows assessment of the current budget situation including a 5-year forecast, which can serve all stakeholders involved including the government, to better understand the funds allocated to existing child protection programmes and to compare the forecast with an eventual defined strategy in child protection.

A challenge faced by the sub-committee on resource mobilization is the fact that child protection is a new concept for many institutions. Although the data collected by the respective institutions were reliable, they may not fully reflect the reality of budgeting for child protection. As previously mentioned this is due to the fact that there is not a special budget line for child protection and the data gathered are often assumptions, challenging the accuracy of the data. Furthermore, the budget constraints come from a lack of statistics for categories of children subject to social protection such as children raped, abused, neglected etc. These cases are not always reported and even when they are, they cannot be easily identified. Once a clear child protection programme is established by the Government, a similar budgeting exercise should be conducted. In this sense, the cost analysis was a good capacity building exercise.

On the other hand, data at the local level are virtually non-existent except for programmes of the Ministry of Labor and Social Welfare for the years 2010-2011. Therefore, this assessment could not adequately reflect the protection of children at the local level. The following four subsections present the main findings and recommendations drafted by each of the four sub-committees identified above.

4. Social welfare, health and education

The Social Welfare, Health, and Education sub-committee focused on assessment and mapping of key areas of social welfare relevant to a functioning child protection system, including responsibilities of line ministries i.e. MLSW³, MoH⁴, and MEST⁵ which are relevant to child protection. As such, the sub-committee took responsibility for completing the following tools:⁶

Tool 1b:	Basic information and country risk profile
Tool 1d:	Legal and policy context
Tool 1e:	Data for decision making
Tool 2a:	System structures, function and capacities
Tool 2b:	Specific Ministries
Tool 2b (i):	Primary Ministry mapping
Tool 2b (ii):	Secondary Ministry mapping
Tool 2b (iii)	Ministry Priorities
Section 3:	Continuum of care

Information was gathered during two workshops with the 4 sub-committees with the following objectives:

- Describe the overall context within which the child protection system operates, highlighting what is known and where gaps in the data exist;
- Identify core provisions of the global child rights regime in Kosovo, whilst reflecting the adherence of national policy to that regime;
- Gather information about data, research, analysis, and communication as they relate to child protection, especially in social welfare, health, and education sectors;
- Highlight the strengths and weaknesses of the structures, functions and capacities of the state sectors relevant to child protection;
- Map each Ministry or Agency that has a major involvement in and responsibility for child protection, especially in social welfare, health and education;
- Summarize the system building priorities;
- Describe and assess the continuum of care, identifying possible gaps and shortcomings;
- Create a vision of child protection system in Kosovo by designing an organizational chart of an ideal system of child protection at the central and local levels.

3 Ministry of Labor and Social Welfare: <http://mpms.rks-gov.net/en-us/home.aspx>

4 Ministry of Health: <http://www.msh-ks.org/en.html>

5 Ministry of Education, Science and Technology: <http://masht-gov.net/advCms/?id=101&Ing=Ser>

6 The toolkit consists of twenty separate tools, one per worksheet.

4.1 Main Findings

Based on the information gathered, the main findings regarding the social welfare, health and education issues are as follows:

1. **The Statistical Office of Kosovo (SOK) does not provide full and updated statistical data in relation to the global indicators** used to assess the child protection situation in Kosovo. In addition, no statistical data are collected in relation to categories of children who have the right to special protection e.g. children with disabilities, minority children, street/working children and children with HIV/AIDS etc.
2. **Available data on child protection is fragmented and only gathered, analyzed and disseminated on an institutional rather than multi-sectoral basis.** There exists no coordinated or comprehensive database for abused, violated and/or neglected children that would include data from MLSW, including Centers of Social Work at the local level, data from Kosovo Judicial and Prosecutorial Council and data from Police. There is also no comprehensive database for informing multiple agencies about children in conflict with the law because each institution (e.g. the Police, Judicial and Prosecutorial Council, Ministry of Justice and Probation Service, Guardianship Authority, and so forth) maintains its own data and they are not engaged in efforts to harmonize this information into a unified system.
3. **In terms of protecting children from different forms of violence, in general, there is no mechanism to trace the person who reports the act of violence,** including in cases of self-reporting of violence by children. No standard form for reporting incidents of violence is available to professionals or other persons. Furthermore, there is little to no awareness among children on how to report violence, abuse, and neglect. Similar findings were reported in UNICEF's study on Research Into Violence Against Children in Schools in Kosovo (2005), which addressed the extent to which children are able to recognize and report violence in its different forms and able to seek help.
4. **The issue of reintegrating children who are victims of violence has not been adequately addressed in the Law on Domestic Violence;** reintegration is not implemented in a coordinated manner. However, the Agency for Gender Equality under the Office of the Prime Minister is in the phase of drafting and approving the National Strategy against Domestic Violence and the Action Plan 2010-2013, which once the Law comes into force, will be entitled the National Programme for the Protection Against Domestic Violence 2011-2014. The programme's mission is to create an effective mechanism to prevent, protect, treat, rehabilitate, and re-integrate victims of violence with the third objective of the Strategy, ensuring actions to improve the quality of services for victims and perpetrators of domestic violence, which will support their full reintegration to society.
5. **Kosovo's legal framework is generally in harmony with international conventions,** as it is relatively recent and based on advanced legal models.
6. **Despite an existing National Strategy on Child Labor, the phenomena of child labor, particularly informal/unreported cases, remains a problem in Kosovo.** Child labor and employment is generally informal or in the form of street child labor or the informal engagement of children in certain sectors of work such as agriculture. Because legislation addressing labor issues only refers to formal employment, its protection mechanisms for hazardous or harmful work as well as provisions for a legal complaints system are of no use to most of Kosovo's working children.

However, in regards to prevention of child labor there are some positive reforms underway, for example, the approval of Decision No.6/2005, which established the Kosovo Committee for Prevention and Elimination of Hard Forms of Child Labor. This committee functions at the national level and sets the policies and programmatic priorities for the protection of children from harmful labor and is responsible for monitoring the situation of child labor/employment throughout the country and for coordinating necessary actions to improve the situation.

The establishment of Local Action Committees (LAC) whose main purpose is to prevent child labor at the local level is also widely seen as a good initiative and is now being recommended for expansion throughout Kosovo at the municipal level. Currently, such committees are functioning in six municipalities. However, the Institute for Social Policy (ISP) signed a Memorandum of Understanding with 25 Municipalities in 2010 to establish LACs.

Furthermore, different legal acts are in place to regulate child labor in general. For example, the Administrative Instruction 17/2008 on Prevention and Elimination of Hazardous Labor for Children in Kosovo lists the types of work considered hazardous for children in agriculture. A part from this list, Law No. 03/L-40 on Usage or Marketing of Pesticides, though with a different focus, has provisions that prohibit the sale, distribution and supply of pesticide to a person under 18 years. A Memorandum of Understanding has been signed, based on which the Ministry of Agriculture Forestry and Rural Development undertakes some of the responsibilities in supervising the hazardous work in the specific sectors. There is also the Strategy on Prevention and Elimination of Child Labor 2013-2016. Lastly, the Kosovo government and UNMIK have expressed their commitment to eliminate child labor by signing the Memorandum of Understanding with ILO for implementing ILO's International Programme on the Elimination of Child Labor (IPEC).

7. **Inter-institutional coordination among child protection actors is unsatisfactory.** Despite the existence of an agreement on child protection roles signed by MLSW, MoH, MEST, and the Kosovo Police, there is a lack of institutional referral mechanisms for children's cases. In this framework, the specialists' mandate from the ministries or institutions at the central and local level is not clear in regard to the reporting and referral of cases to respective institutions based on a standard format.

There is a lack of protocols and documentation forms for identifying cases and for inter-institutional referral. Even though the identification and referral of cases is a legal obligation for all institutional staff, there is no reference to the fact in their job description, which therefore fails to hold them accountable for implementing their legal obligations. There is a Manual on Child Protection (drafted in partnership between UNICEF and MLSW), which provides information on the identification of signs of abuse, violence, and neglect as well as instructions for actions that shall be undertaken by social workers, health care workers, police officers, and teachers in case of identification of abuse and/or neglect. However, there are no standard protocols in place based on which each of the institutions could address and manage the above-mentioned cases in an effective and multi-sectoral manner. The legislation also does not provide provisions for the category of children at risk or child witnesses of violence, which is very important in terms of preventing abuse and violence against children.

At the same time, a multi-disciplinary approach to service delivery for children at the local level is to an extent in place, mainly provided by the Center of Social Work (CSW). However, improved coordination between relevant institutions still is required. To this end, a designated structure should be established that would be responsible for coordinating actions on an 'as-needed' basis between different institutions. Some NGO-supported examples of such coordination models are available at the local level including:

- a **Task Force Model:** Task forces have been established in six municipalities in the framework of the project Developing a Child Protection Safety Net, implemented by Terre des hommes (TDH) and UNICEF. This initiative aims to strengthen case management for different categories of children and creates good practices in this regard. Each task force includes representatives from the Human Rights Unit, the Police, the Victims' Advocate Unit, the Police Domestic Violence, the Community Police, the Probation Service, the Department of Education, and the Department of Health and Social Welfare.

However, the task force mechanism established by an NGO cannot guarantee long-term institutional sustainability; the government should establish and institutionalize such referral and case management mechanisms at the municipal level as the scaling up of best practices. A social fund to guarantee the long term provision of services and to strengthen the role of social workers should be established by the government.

- b **MAG Model:** The establishment of the Municipal Action Groups (MAG) in Prizren and Gjilan Municipalities was piloted as a new model of local child protection mechanisms, foreseen within the Child Trafficking Response Programme and supported by Save the Children. Members mainly include representatives from the Police and CSWs, local HRUs, youth centers, local NGOs, Probation Service, Victims' Advocates Unit and schools. The aim is to coordinate the efforts at the municipal level in regards to child protection services for children and adolescents at risk, in order to prevent violence, exploitation and abuse and to minimize unsafe child migration and the risks of trafficking.

8. **Corporal punishment is considered a method for educating and disciplining children in both school and home environments, in spite of the fact that the legal framework in Kosovo penalizes violence.** Internal school regulations, designed to prevent the physical and psychological violence that harm the integrity of children, are routinely ignored. Yet, psychological support services have been made available in 85 schools throughout Kosovo and it is anticipated that these programmes will be extended to all Kosovo schools. Data demonstrates an increased number of reported cases of domestic violence as well as awareness among citizens as to the legal protection mechanisms foreseen by law in this regard.

Data from the Inspection Department and Commission of Appeal, under MEST, shows that in 2010 a total of nine reported cases of violence by teachers against students, as well as two cases of sexual abuse and seven cases of physical abuse, for which the necessary legal measures were undertaken. However, despite this data, the lack of unique forms of reporting violence in schools and in families, which would facilitate the identification and referral of cases to be prosecuted, remains a problem.

9. **There are few capacity building programmes for professionals especially in the social welfare sector.** Findings from the assessment show a clear need for in-service training for social welfare employees. Moreover, there is no Faculty of Social Work and the law foresees different kinds of professions that could be employed as social work officers ranging from lawyers, sociologists, social services officers, psychologist to pedagogues. An argument in favor of this provision is that social services in Kosovo are based on teamwork and on a multi-disciplinary approach. The case manager, who may be a lawyer, social worker, psychologist, pedagogue or sociologist, drafts the working

plan and based on the needs of the case establishes the team composed of different professionals. In this framework, each municipality should take into account the respective CSW's need in case of a job vacancy announcement.

Generally speaking, professionals engaged in the social welfare system are certified in modern case management based on the training programme developed as part of a three-year World Bank funded project, which was completed by a Finnish consultancy firm. However, taking into consideration the employment trend in the future, training must be organized in a continuous and adequate manner.

- 10. While there is a multi-disciplinary approach in the management of children's cases within CSWs, no institutional coordination mechanism is in place to properly engage other services needed, which the CSW teams cannot provide.** In general, the CSW collaborates with most local institutions involved in child protection and juvenile justice at the local level. However, there is no structure that facilitates the coordination. In general, existing coordination efforts are implemented on a project basis, as is the case with the task forces implemented by TDH in six municipalities of Kosovo.
- 11. The Penal Code sanctions the offences of sexual abuse and exploitation.** However, there is a need for drafting administrative instructions that determine the procedures for re-socialization and re-integrating children with their families and communities. Furthermore, as mentioned, there are no standard protocols for the appropriate treatment and obligatory service provision by all professionals involved in child protection. In terms of prevention, the school curriculum addresses issues related to abuse and exploitation. Trainings have also been conducted for teachers related to child protection and identification of signs of abuse. These training programmes include five levels, were teachers are certified upon each level.
- 12. The Ombudsperson's Institution of Kosovo established a section on Child's Rights with one person appointed, but the public has limited awareness of its role and functioning.** This is the reason why children's complaints presented to the Ombudsperson's Institution are very few in number. Moreover, the institution has limited financial resources to undertake initiatives in the area of child protection. Its financial shortfalls also have a great impact on its independence. Consequently, the Institution has established a coordination network with CSWs, the Victims' Advocates Unit and the Legal Aid Commission, for referring cases based on complaints presented by citizens, which will also benefit children. However, the necessary legal basis for such a coordination network/mechanism is missing.
- 13. According to Law No. 03/L-145 on Empowerment and Participation of Youth, state institutions are obliged to consult with young people during the drafting of legislation that relates to them.** As far as child protection issues are concerned, different mechanisms exist for enabling children and young people's participation, such as the Student Councils in secondary schools. However, such structures should be strengthened. The representation of children in the Inter-Ministerial Committee on the Rights of the Child, which includes two children as members of the Committee, is an example of good practice.
- 14. Trainings provided so far for different groups of professionals and government officials have been sporadic and not dedicated to child protection issues.** The trainings, provided in collaboration with local and international NGOs, have helped to increase the capacity of officials to better respond to and address child protection cases.

However, the government should develop training programmes on specific child protection issues, adapted to the relevant professions. Apart from MLSW employees who provide direct services and receive some training on child protection, other state institution officials (e.g. CSWs, Municipal Education Departments, Departments of Health and Social Welfare, Human Rights Units, lawyers, police etc.), should also be included.

15. As of the end of 2010, adoption is treated as an administrative procedure, with the best interest of the child standards as a guiding principle. This is reflected in the 2010 OSCE report Adoption Procedure in Kosovo. More specifically, the Center for Social Work evaluates the prospective adopted child as well as the adoptive applicants. The MLSW drafts the main adoption policies and has the mandate to monitor standards. Child adoption standards have been approved. However, starting from January 2011, child adoption will be decided through the court procedure, and there is still a need to define the coordination procedures between the courts and the CSW.

16. There is an insufficient number of alternative care options, including foster care families, and other support mechanisms for referring children in emergency cases. CSWs do place children in foster care, however, it is important to encourage the use of foster care not only for long-term custody cases, but also for emergency cases. Findings indicate that foster care families are underpaid, especially in cases of children with disabilities or special needs, because the law does not differentiate payment to foster care families based on the child's needs. It is therefore necessary to strengthen the supervision role of the Guardianship Authority, which is mandated to visit and monitor children placed in foster or residential care.

Accordingly, it is necessary to strengthen the infrastructure of CSWs with transport vehicles, which would improve the efficiency of the monitoring process, taking into account the geographical spread of foster care families. Furthermore, the selection of the foster family should take into account the child's religious affiliation and his/her origin or cultural background, which should be in compliance with that of the foster family.

17. Social re-integration of minority communities remains a challenge in Kosovo. Efforts have been made to support re-integration of children belonging to these communities. For example, MEST has attempted to facilitate the integration of Roma, Ashkali and Egyptian children into secondary school education by removing the necessary test-score required for registration into the 10th grade. The school curriculum is in the Roma language and includes Roma, Ashkali and Egyptian community history as well. There is also a Roma, Ashkali and Egyptian National Strategy in place that has been translated into the Roma language. Lastly, the two-year MEST project on writing and basic reading for 60 Roma, Ashkali and Egyptian women and girls aims to provide accelerated teaching programmes by establishing integrated classes for children that do not regularly attend a school.

18. Early marriage, under the age as determined by the Law, represents a widespread cultural practice, especially within the Roma, Ashkali and Egyptian communities. Often the phenomenon of early marriage occurs after girls complete their compulsory education after which they are considered ready for marriage. Parents often arrange such marriages, despite the fact that this contravenes Kosovo laws. Another factor is that a relatively large number of early marriages are arranged for the purpose of ensuring the necessary documents to live abroad (as an aim and primary objective of young people to migrate to western countries) or due to pregnancy out of wedlock.

19. The situation of street children represents a problem for the country due to the presence of child begging, child labor, school dropout, and child trafficking (in and out of Kosovo). There is a growing tendency of adults or parents forcing children to beg. However, children are also begging not because they are forced, but because they are too poor to support themselves and they come from poor families. These children normally have little education and limited parental supervision and/or care. Begging is tolerated by society, and even encouraged because Kosovars in general feel compassion for these children, which in turn promotes these profitable activities. This is particularly the case with children from Roma, Ashkali and Egyptian communities, which often also has cross-border elements. There are also cases of children coming from Albania who are thought to be trafficked.

In this regards, TDH conducted a study in 2010 titled The Exploitation of Albanian children in Street Situation in Kosovo, which highlights the fact that Albanian children begging in Kosovo are exposed to a wide range of violations of their rights, including: parental neglect, physical and emotional abuse, lack of access to health care and school, amongst other issues.

20. In general, birth registration in Kosovo is well regulated and supported by a well-functioning system. This is due to the presence of civil registration offices located nearby six regional maternity hospitals as well as the fact that the administrative procedure for registration is easier in case of giving birth in hospital facilities because of the received medical report. In case of birth happening outside hospitals, the procedure requires only two witnesses to the birth and there are no increased monetary obligations to be paid in this regard. However, UNICEF's 2008 study Every Child Counts: Birth Registration in Kosovo reported that as many as 8.3% of households fail to register the birth of their children. The draft Law on the Civil Status, which is soon expected to be approved, foresees financial sanctions in the case of the failure to register a birth within the legal term. Current legislation provides for birth registration within thirty days, with no fee for registration. However, in practice different municipalities charge varying fees for the issuance of the birth certificate or necessary documentation for birth registration.

Another problem is related to different communities, who experience the administrative procedures as being complicated and inflexible. This is due to the fact that in the majority of cases parents are not in possession of necessary documents to certify the birth. Birth registration abroad also continues to be a concern; especially in cases where the child or his/her parents have been repatriated and cannot be provided with the needed documents. In these cases, measures should be undertaken in order to establish and facilitate the administrative procedures for birth registration.

21. An initiative is underway to establish an inter-ministerial mechanism for issues relating to torture, in compliance with the provisions of the Optional Protocol of the UN Convention against Torture. This structure should be responsible for and have the authority to conduct independent inspections of prisons, pre-trial detention facilities, police stations, migration centers, and in all other facilities where persons are deprived of their liberty.

The Ombudsperson's Institution is working on this issue with other agencies active in this field. A working group supported by OSCE, comprised of the Ombudsperson's Institution and other key actors, has held preliminary meetings and has begun drafting a memorandum of understanding on issues relating to torture which is expected to be signed very soon. On May 11th, 2011 the Ombudsperson's Institution, Centre for Rehabilitation of Torture Victims and Council for the Defence of Human Rights and Freedoms signed the

memorandum of understanding for monitoring the places where persons deprived from their liberty are kept. This agreement presented the first step towards the establishment of a regular and sustainable transparent mechanism for monitoring of these centres, aiming to prevent the torture, abuse and possible sentencing. Based on this cooperation agreement between the signatory parties the focus will be on planning and organizing joint monitoring visits, recommending changes to the organizational structures of the monitored institutions, amendments of legislation and defining the module on national prevention mechanisms.

4.2 Recommendations

4.2.1 Recommendations to strengthen the legal and policy framework

- **Amend the Strategy of Children Rights and its Action Plan 2009-2013 to include a special chapter on Child Protection.** Despite the fact that this strategy has addressed child protection issues in a number of chapters e.g., in the Social Welfare and Juvenile Justice chapters, it is important that priorities from the assessment be incorporated in the respective chapters. The objective of these chapters is to strengthen the child protection system in a coordinated manner by considering different categories of children, such as victims of abuse, neglect or violence and /or witnesses of crime. Furthermore, additional changes should be made in the Juvenile Justice Chapter reflecting the recommendations prepared by the Sub-council on Justice and Security Matters (See recommendations in below subsection) that aim to unify and harmonize legislation. A key recommendation is to develop a law dedicated to child protection. Lastly, the updated Strategy of Children's Rights should be harmonized with other sectoral strategies, also taking into account that state institution employees tend to more easily apply provisions of their own strategies because of their working mandate.

The following amendments and drafting of laws are recommended:

1. Draft and approve sub-legal acts to shorten and ease the birth registration procedure (Finding No. 20).
2. Review and amend the labor legislation in order to harmonize it with the ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. More concretely, Labor Law No. 03/L-212 should be amended in terms of implementation of protection mechanisms for working children, including cases of informal employment (e.g. children working in the streets) as well as designating a complaints mechanism especially for children. There is a need to approve the Administrative Instruction, Establishment of the teams for prevention and action against school drop out by MEST as well as the Strategy for Prevention and Elimination of Child Labour 2010-2016 by MLSW (Finding No. 6).
3. Review legislation in order to enable a diversification of the professions that are part of CSW, thus providing for a broader diversity of professionals to form the team for case management. Furthermore, priority should be given to individuals specialized as social workers in the selection, amongst other professionals, to work as social workers (Finding No. 9).

4. Drafting administrative instructions that define the procedures for protecting children from abuse, sexual exploitation, and approving relevant protocols that guarantee the protection of and availability of services to abused children. In this regard, the National Programme for the Protection against Domestic Violence, aims to build the capacity and empower health and social services workers to provide services to victims of domestic violence; a medical protocol and standard procedures for treating child victims of domestic violence should be drafted (Finding No. 11).
5. Draft and approve detailed guidelines and/or standard operational procedures for police officials, prosecutors, judges, social workers, victims' advocates, and so forth dealing with and providing treatment to child victims of abuse, violence, and/or neglect. This is important even in the framework of the National Programme for the Protection against Domestic Violence. It aims to increase access to services for victims of domestic violence, with the objective to prevent violence, protect victims, punish and rehabilitate offenders and set up long-term treatment programmes for victims of domestic violence as a means to achieving their full integration into normal life (shelter, employment, legal protection, and psycho-social support) (Finding No. 7).
6. Complete sub legal acts or amendments to Law No. 03/-L182 on Protection Against Domestic Violence and stipulate the principles and the mechanism for referral and re-integration of child victims and/or children at risk, taking into consideration that the National Programme for the Protection against Domestic Violence is establishing effective mechanisms to prevent, protect, treat, rehabilitate, and reintegrate the victims of violence (Finding No. 4).

4.2.2 Recommendations to improve implementation of laws and policies

- **Undertake measures to ensure that professionals providing social services are properly certified or licensed.** At present, the only certification for this category of employees is made based on a three-year project supported by the World Bank (Finding No. 9).
- **To improve the implementation of the law, in a unified manner, related to birth registration:**
 - a Standardize legal provisions for registration of births, taking into account differences between municipalities and the various fees that apply to get the birth certificate and other documentation necessary for completing the birth registration process;
 - b Conduct awareness campaigns on the need for birth registration and simplified procedures, particularly in the case of children born abroad, and children who are repatriated and where they have difficulty retrieving the necessary documents. (Finding No.20).

- **Revise job descriptions, mandate and roles in line with relevant legislation for the relevant professionals involved in the child protection system.** This should include_ doctors, nurses, teachers, social pedagogues or school psychologists, social workers at the municipal level, police, victims’ advocates , and all other relevant professionals (Finding No. 7).
- **Expand psychological, pedagogic, and social support services available to children in all schools throughout Kosovo, as well as empower students to seek support from school psychologists, social pedagogues, and career counsellors.** This will help to promote early identification of cases of violence, abuse, and neglect and will help to provide the relevant services in a timely fashion. The social pedagogue and school psychologists should also cooperate effectively with parents and other relevant professionals (Finding No. 8).

4.2.3 Recommendations to improve multi-sectoral coordination and overall functioning of the system

- **Establish a coordinating mechanism for child protection at the policy level.** Considering the mandates of existing coordination structures and inputs from the Inter-ministerial Committee members regarding the potential willingness and interest of relevant institutions, it is recommended to expand the mandate of the Juvenile Justice Steering Committee under the Ministry of Justice to include child protection issues. Such a Child Protection and Justice for Children Council should be placed under the Prime Minister’s Advisory Office for Good Governance (AOGG). The AOGG should function as the secretariat of the Council and for all such mechanisms established in the area of human rights and children’s rights.

The role of the AOGG as the secretariat for such a Council will help to improve the coordination and planning of new initiatives. Therefore, the AOGG should be provided with adequate human resources and other needed capacities. The secretariat will help to coordinate and facilitate the flow of information and recommendations between the Child Protection and Justice for Children Council and the Inter- ministerial Council on Child Rights led by the Prime Minister. The AOGG will be the main actor to facilitate and address key child protection issues on the political agenda and to facilitate the approval of strategic documents and different legal acts recommended by the Child Protection and Justice of Children Council. Given that the AOGG has Human Rights Units at the local level, the AOGG will be able to coordinate actions and policies at the local as well as central level (Finding No.7).

- **Strengthen the child protection system by increasing the efficiency of the multi-sectoral functioning of institutions at the central and local levels,** this will promote the prevention, protection, and reintegration of child victims and/or children at risk of being abused, violated, neglected, or of coming into conflict with the law, as well as child witnesses of crime and other categories of children requiring special protection. These can include: children with special needs, children of ethnic minorities, or children removed from their primary care givers and all children in need of protection. To this end, it is important that both vertical and horizontal inter-institutional collaboration at central and local levels be regulated on a legal basis to enable a functional referral system, including multidisciplinary case management. The sub-committee members drafted two organograms of the child protection system at the local and central levels, which can be considered successful models of child protection (see Annexes 1 and 2)

It is important that coordination is effective at the local level, encouraging the participation of the Human Rights Units in municipalities. The position of these units is crucial because of the institutional links between the Ministry of Local Government Administration, Office of Good Governance and the municipalities. The units are the most suitable structure for coordinating child protection activities in municipalities.

Specifically, these units will have to conduct all the necessary activities for coordinating departments and agencies at the municipal level in the area of child protection. This is required in order to guarantee a multidisciplinary case management approach. The units should also report, refer, or intervene at the central level through the AOGG in case further actions and/or decisions need to be taken in coordinating different child protection aspects with relevant institutions at central Governmental level as well as with independent institutions.

- Some good practices which should be recognized include the aforementioned Task Force model, established in six municipalities. This model, aiming to strengthen case management, is part of the project Developing a Child Protection Safety Net, which is implemented by TDH and UNICEF. These task forces operate based on an agreement between TDH and the Municipal Directorates of Health and Social Welfare. Another suitable model is the Municipal Action Groups (MAG) in Prizren and Gjilan municipalities, established as part of the programme against child trafficking supported by Save the children. Lastly, the job description of the Child Rights Officers in the HRUs should be rewritten so as to strengthen their position as the coordinator for child protection at the local level (Finding No. 7). A recent Terre des hommes study Child Rights Officers in the frame of Municipalities, shows that problems exist with child rights officers performing their duties based on the mandate and responsibilities.
- **Improve data collection in child protection by adapting and harmonizing the data collection tables/forms with the global indicators in this area.** To facilitate this process, the relevant sub-legal acts should be revised. This includes regulations and instructions issued by the Statistical Office of Kosovo that set up the basis for inter institutional cooperation or data collection and based on which these data are produced (Finding No. 1).
- **Draft unique forms for referring cases of violence to be used by all mandated institutions.** More specifically, unique referral protocols should be designed for teachers and support staff in schools, doctors and nurses, social workers, police officers, victims' advocates, prosecutors, judges, and lawyers, in order to identify, refer and treat cases of violence (Finding No. 8).

4.2.4 Recommendations to address human resource capacity, situation analysis and social norms related to child protection

- **Conduct situation analyses of child begging, child labor (including rural and urban areas), street children vulnerable to economic exploitation, child trafficking, early marriage etc.** The aim should be to identify root causes and remedies to address this situation. These initiatives should be undertaken with the participation of local structures and relevant NGOs. (Finding No.6, 18, 19).

- **Implement and conduct awareness campaigns on:**
 - a communities engaged in harmful practices related to child rights. Practices to be addressed include: early marriage, the economic exploitation of children including begging and street work, and all other forms of hazardous work (Finding No. 18, 19, 20).
 - b addressing violence targeting the following groups and objectives, amongst others: (i) children – to empower them to report violence or abuse and to access complaints mechanisms; (ii) teachers - to increase their awareness about appropriate disciplinary measures; (iii) parents/caregivers – to increase their capacity in preventing violence, identify signs of violence and understand the harmful effects of violence; (iv) social workers and other child protection professionals – to increase their capacity to identify signs of violence, and to refer and treat cases (Finding No. 8).

- **Strengthen efforts for establishing a Faculty of Social Work, which will guarantee improved human resource capacities engaged in child protection.** Establishing a Faculty of Social Work will allow for a number of professionals with adequate expertise to provide appropriate social welfare services, which represents one of the main and important components of a child protection system. Measures should be taken to ensure the incorporation of trained social workers and social pedagogues into the system (Finding No. 9).

- **Organize training programmes, including the development of special training curricula for all professionals involved in the child protection system, focusing on case management of child victims of abuse, violence and neglect.** Such professionals include doctors, nurses, teachers, police officers, victims’ advocates, lawyers, judges, and prosecutors. All training modules must be coordinated with each other to ensure that all professionals are exposed to the same principles and approaches. In addition, each Ministry should have its own structure for organizing training programs, which would set up a basis for certification and licensing (Finding No. 14).

Specific initiatives are recommended as follows:

1. Establish an on-going training programme on children’s rights within the Kosovo Chamber of Advocates. This programme should be in charge of conducting specialized training courses for lawyers defending children in conflict with the law, child victims and child witnesses. Furthermore, lawyers defending children should be certified as child advocates, whose specialization should be foreseen by the law. This follows the recommendations in UNICEF’s 2010 report, Assessment of Kosovo Chamber of Advocates.

2. Create a specialized training programme for judges and prosecutors at the Kosovo Judicial Council and Prosecutor’s Council, on children’s rights and issues related to child protection, including child-friendly interviewing techniques, focusing mainly on child victims.

3. Establish on-going training programmes on child rights and child protection for the Probation and Correctional Services of Kosovo at the Kosovo Centre for Public Safety Education and Development.

4. AOGG should organize or subcontract on-going training programmes on children's rights and child protection issues for all staff of the Human Rights Units at the central and local levels.
5. The Victims' Advocates Unit should organize on-going training programmes on child protection issues for all employees and/or victims' advocates.
6. Training programmes with multidisciplinary actors should be organized in a second phase after completion of the first round of trainings, as identified above to ensure a common understanding on the subject is provided to all the actors involved.

5. Justice and Security Matters

The Sub-committee on Justice and Security aimed to map, assess and highlight the key issues on justice for children and security and to delineate the responsibilities of key line ministries, such as the Ministry of Justice and the Ministry of Interior Affairs.

In order to achieve this goal, this sub-committee was responsible for compiling information by using the following tools:

Tool 1c:	Global Context
Tool 2b (i):	Primary Ministry mapping
Tool 2c (i):	Children and Justice
Tool 2c (ii):	Justice Process
Part of tool 1b:	Basic information and country risk profile
Part of tool 1d:	Legal and Policy Context

The information was gathered through two workshops during which sub-committee members focused on the following goals:

- Provide a framework for assessing the country's degree of adherence to the global and regional rights context;
- Map the Ministry of Justice, which has a major involvement and responsibility for child justice issues;
- Describe the roles and responsibilities of each key ministry, the courts, or other agencies at each stage of the justice process (from arrest to aftercare) and for each category of children (children in conflict with the law, victims, witnesses, or children in need of care and protection, e.g. from abuse); and
- Assess the strengths and weaknesses in the justice process.

5.1 Main Findings

1. **Child protection-related legislation is fragmented and scattered.** There are multiple laws and strategies related to child protection. Pending legislation and strategies should be approved, including the draft Law on Witness Protection. Furthermore, the Strategy on Community Safety is expected to be signed and approved by the Prime Minister during 2011, and immediately following its approval, the Strategy on Community Policing will be drafted and approved. Furthermore, the Action Plan and National Strategy against Human Trafficking 2011-2014 will be approved. The Action Plan will have a special Annex on Child Protection. Lastly, the Programme for the Protection from Domestic Violence will be approved, since the Law on the Protection from Domestic Violence requires creation of such a programme.
2. **Review and amend the institutional and legal framework on child witnesses.** Currently, there is nothing in place to regulate issues pertaining to the protection of child witnesses. When the draft Law on Witness Protection will be approved, this gap should be addressed.

3. **Amend the legal provisions regarding the pre-detention of juveniles.** Under the current legal provisions on pre-detention, juveniles can be detained for a long period of time in pre-detention. Therefore, there is the need to amend provisions in regards to juvenile pre- detention with the aim to decrease the period of pre-detention in compliance with international standards.
4. **Amend the Law No. 3/L-241 on Public Procurement, dated 30.09.2010.** This law regulates the contracting of children's services that fall outside of the Ministry of Justice structures. This can include, for example, health services for victims of trafficking who are sheltered in temporary safe shelters and other services that the MoJ is unable to offer. However, the possible types of services that can be contracted should be extended to include a wider range of services. The procurement procedure must be simplified to become more efficient and to guarantee the implementation of the law regarding victims' compensation.
5. **Limited knowledge of public procurement personnel and the need for their certification in this field.** The assessment indicates that only a small number of procurement officers in government institutions have adequate knowledge on implementing legal provisions related to procurement. The General Audit has recommended the strengthening of monitoring of procurement activities.
6. **Lack of sufficient funds for providing services.** Until now the Probation Service of Kosovo lacks the funds required to implement its mandated services, largely due to the complex procurement procedures. The PS needs to provide services which are not budgeted in the Probation Service budget, further increasing the budget shortfall. Similarly, the Victims' Advocates Unit also needs to provide more services related to the protection of victims, particularly for victims of domestic violence, maltreatment, abuse and sexual abuse, who currently are not receiving any services from the MoJ. There are no available funds for compensation for victims and there is no fund for services.
The Public Procurement Regulatory Commission monitors the procurement and the Procurement Review Body handles complaints regarding the procurement procedures.
7. **The distribution of relevant Ministry of Justice structures working with different categories of children at national and local level is satisfactory.** The following structures exist: Probation Service, Correctional Service, Department for Access to Justice, Department of Legal Issues, Department for European Integration and Policy Coordination, Department of International Legal Cooperation, and Department of Forensics. An administrative instruction stipulates that under the Human Rights Unit structure, there should be a child rights officer post, which is currently vacant and needs to be filled. The Access to Justice Department manages temporary shelters, which accommodate child victims of trafficking. According to the sub-committee, the Kosovo Police has a sufficient geographic spread throughout Kosovo.
8. **The organization of the judiciary is based partially on the old Law on Courts and partially on the new one.** The new Law on Courts has partially entered into force on January 2011, and is expected to be fully implemented by 2013.
9. **There are no specialized courts for juveniles, but some judges are designated to deal with cases involving juveniles.** The new law on Courts foresees the establishment of special departments for juveniles under the basic courts and the appeal court. At the country level there are a total of 246 judges, some of whom deal with juvenile cases, in seven Municipal Courts and five District Courts, as well as one judge on the

Supreme Court. There are no special criteria for the appointment of judges for children; they are selected by the Court President. Due to the limited number of judges, the current juvenile judges must deal with both adult and juvenile cases.

10. **There is no special office for juveniles within the Prosecutor's Office.** In Kosovo there are in total 88 prosecutors, out of which only 7 are prosecutors for juveniles at municipal level and none of them at the district prosecutor's level.
11. **Judges and prosecutors do not prioritize children's cases** because they do not consider child justice as an area that can contribute to their professional development.
12. **In many courts the work conditions and infrastructure for judges are very poor and judges deal with a high case overload.** This prevents judges from acting in a timely manner on juvenile cases. Furthermore, based on a 2011 OSCE study Adjudication of Family Law case in Kosovo-Case Management Issues, there are lengthy delays in the resolution of cases due to case overload. This overload is mainly due to insufficient number of judges and prosecutors dealing with juvenile cases.
13. **There are no specialized lawyers for children.** The Kosovo Chamber of Advocates and Legal Aid Commission are not offering effective services in cases involving children/juveniles. The issue of appointing lawyers to children in conflict with the law remains problematic, as there are no specialized lawyers to defend children and there are no specific trainings on children's rights organized to strengthen their capacities to provide children and juveniles with child-friendly legal representation.

Moreover, there are no protocols, guidelines, or manuals explaining how lawyers must perform their duties in juvenile cases, including when the lawyers are appointed ex-officio. Children in conflict with the law who were interviewed for the purpose of this assessment reported that they met the lawyer only in the court session and that they were interrogated in the absence of the lawyer during pre-trial detention. Neither parents, nor the psychologist or a social worker was present during interrogation. Furthermore, the defense of the lawyer was based neither on a strategy nor on a previous preparation to ensure the juvenile's opinion is taken into account.

The Kosovo Chamber of Advocates plans to advocate with the KJC for greater resource allocation to help create and strengthen a scheme for administrating the appointment of an ex-officio lawyer in cases when protection is mandatory. The scheme's main beneficiaries will be children in conflict with the law and victims.

14. **Juveniles are separated from adult inmates during the detention period in Correctional Service's in Lipjan Educational Correctional Facility.** Correctional Service staff ensure the separation of minors from adults and between different categories of groups of minors taking into account the phases of the judicial procedures (e.g. minors who are awaiting trial, minors who have been sentenced with imprisonment, and minors sentenced to certain educational measures). The Correctional Facility has professional staff dedicated to work only with juveniles.
15. **The Probation Service executes the alternative measures and punishments for juveniles and prepares the social inquiry report for juveniles including the pre-sentencing report.** The Probation Service (PS) performs the function of aftercare and follow-up for the released juveniles by offering them aftercare services, in collaboration with the Correctional Service (CS) and the community. However, a further specializa-

tion of the staff from the agencies within the MoJ is needed, in regards to the issues of children in conflict with the law.

16. **There is lack of designated staff to work with juveniles within the Probation Service and Victims' Advocates Unit.** The general job descriptions include responsibilities for both juvenile and adult cases.
17. **The civil service is subject to continuous turn-over of staff dealing with juveniles.** The main reason is the low salary and the more favorable working conditions in other agencies. This is relevant mainly for PS, CS, and the Victims' Advocates Unit. Moreover, the continuous turn-over of staff is also reflected in other sectors, including the Police.
18. **The Ministry of Internal Affairs and Kosovo Police (KP) have approved the administrative instructions regarding children in conflict with the law as well as the Operational Standard Procedures regarding the approach to children/juveniles, based on the Law On Kosovo Police.** The Kosovo Police through its community police structure has conducted several campaigns for raising the awareness among children. Furthermore, KP has developed certain projects regarding security issues in communication and road safety as well as projects against use of alcohol and begging.
19. **Good cooperation exists between the police, CSW at the local level, courts, prosecutors, directorates of education, NGOs, and media within the Child Protection System.** However, there is a lack of financial resources to perform needed activities and programmes. Consequently, there are insufficient means to undertake activities and programmes, to advance training of police officers who deal with investigation of children in conflict with the law, and there are no specialized units to deal exclusively with child victims. The 2011 OSCE report Adjudication of Family Law cases in Kosovo-Case Management Issues, highlights the inadequate judicial oversight of the role of CSW in the judicial cases. The 2010 OSCE report Ineffective legal representation highlights similar problems.
20. **There is a functional identification and referral system in place for child victims within the Kosovo Police.** This system allows for the police to immediately support the children that are victims and to refer them to CSW and the Victims' Advocates Unit. At the central level, coordination is realized in the framework of the Directorate of Serious Crimes including the Unit against Trafficking of Human Beings, Narcotics, and Domestic Violence. All of these units have specialized sections for juveniles.
21. **The investigation and operational actions for children are conducted by specially-appointed police at the local level.** There are separate investigative units of police in Police Stations, which are responsible for the investigation of the children in conflict with the law.
22. **Insufficient training opportunities exist for police officers** who deal with the investigation of crimes by and against juveniles and children.
23. **Seven child-friendly interrogation rooms exist in seven police stations,** as part of a pilot project which should be extended throughout Kosovo. Despite this good initiative, limited funds and space in police stations are preventing this from happening elsewhere. Furthermore, there is lack of adequate space for children detained in the police stations.

- 24. Institutional collaboration and coordination.** There is advanced collaboration within MIA agencies, between its departments and other relevant agencies. For example, children cannot be interviewed without the presence of the Guardianship Authority. However, the number of social workers is not always sufficient and after the process of the decentralization they are now under the authority of Municipalities. There are no referral protocols, and limited information sharing takes place during the case management process. This has a detrimental impact on institutional collaboration. The lack of an integrated database within all law enforcement and other juvenile justice agencies is an additional contributing factor to the lack of coordinated actions during the case management process. An integrated database on trafficking of human beings is in place under the MIA, which contains data on child trafficking.
- 25. Collaboration and institutional coordination between the MOJ and other institutions should be strengthened.** Despite the demonstrated steps undertaken for enhancing cooperation, there is a need for further strengthening of the collaboration between the Ministries and other agencies. Despite the existence of few signed MOUs, this cooperation was not always effective as they were not implemented properly due to an unclear legal framework. However, the establishment of the Department for European Integration and Policy Coordination at the MOJ which is responsible for coordinating the EU integration process, strategic planning, policy development and donor assistance, can improve the situation in this regards.
- 26. Lack of donor coordination.** Despite the availability and presence of international assistance, coordination among donors in the area of child protection remains weak and always caused a challenge for MOJ and Government. However, the Government is in the process of establishing improved donor coordination mechanisms.
- 27. Difficulties exist in the implementation of aftercare reintegration programmes for juveniles who are released from the Correctional Facility.** The aftercare assistance for juveniles after their release is crucial for their reintegration and re-socialization in society. Relevant state structures should establish appropriate programmes or services to include this category of juveniles in the employment schemes and to facilitate the establishment of any possible employment for them. Pre-trial detention and custodial institutions do not have the necessary financial means to offer the above-mentioned services. The above-mentioned situation of children is hampered considering that the labor market possibilities in Kosovo are unfavorable, even after having received vocational training during custody.
- 28. Limited cooperation between all the juvenile justice stakeholders.**
 There is limited cooperation between PS, CS, courts, prosecutors, and lawyers.
- 29. Some agencies are involved in monitoring the rights of children deprived of liberty** such as, the Kosovo Rehabilitation Center for Torture Victims, the Council for Protection of Human Rights and Freedoms, other NGOs, and the Ombudsperson's Institution, which regularly visit juveniles to monitor their treatment and conditions to help ensure their legal rights are respected. In this aspect, the mandate of the HRUs, as part of the AOGG, should be strengthened.
- 30. Trainings for judges and prosecutors.** The Kosovo Judicial Institute (KJI), together with the Kosovo Judicial Council and Kosovo Prosecutorial Council, is responsible for training judges and prosecutors, future judge and prosecutor candidates, lay-judges as well as the training of other professionals within the judicial and prosecutorial system

that are identified by KJI. KJI has been efficient in the development and organization of trainings within the Continuous Legal Education Program (CLEP) for judges and prosecutors, Training of Trainers Program for Promotion (TPP) and trainings in the Initial Legal Education Program (ILEP). KJI regularly organizes training of KJI trainers in all related fields including the Juvenile Justice area. KJI within CLEP has conducted regional trainings on the changes in the Juvenile Justice Code and organized a concluding conference. KJI continuously reviews its programs and training curricula in accordance with the needs and changes in legislation. CLEP trainings are currently not mandatory, however, they will be from January 2013. In this context it is necessary to develop appropriate programs and curricula and to allocate the funds needed for their implementation.

- 31. Specialized capacities for providing juvenile justice trainings.** In practice, experienced judges and representatives from the Probation Service, Centers for Social Work, Kosovo Police and the Department for Access to Justice took part in these trainings in order to strengthen the cooperation and coordination of stakeholders in the juvenile justice sector. Good cooperation exists with local and international partners in providing material and technical support for conducting such trainings, e.g. the UNICEF and EU joint project: Support to Juvenile Justice Reforms in Kosovo. The trainings also serve as forums for the solving of important issues, especially taking into consideration the lack of legal commentaries and other guidance. The SOS line is established in the MOJ with the aim of creating community awareness and in order to report crime cases.
- 32. Different institutions have their own unique data on categories of children in conflict with the law or who are identified as victims or witnesses.** This results in fragmented data, with each responsible governmental institution conducting its own data collection and analysis. Data are not integrated and the evaluation indicators vary from agency to agency. The above-described trafficking database under MIA could serve as a good model.
- 33. Mechanisms for monitoring the work of juvenile justice institutions do not exist.** To date there are no efforts being made to systematically monitor the implementation of the CRC's principles with regards to judicial decisions (e.g. it is unclear to what extent the 'best interest of the child' standard is being used).

5.2 Recommendations

5.2.1 Recommendations to strengthen the legal and policy framework

- **Legislation in the area of child protection should be harmonized,** through the promulgation of child protection law or codification of the child protection legislation.
- **Amend and/or complete legislation with sub-legal acts, draft new laws, and approve the draft-laws and the strategies already prepared,** such as the Law on Witness Protection, Law on Public Procurement, and the Strategy on Community Safety (Finding No.1, 2, 4).
- **Amend penal legislation to shorten the period of pre-trial detention for juveniles.** Based on the current provision on the pre-trial detention of juveniles, detention may be extended for a significant period of time, which is in violation of international standards. In this context, the relevant provisions of the Juvenile Justice Code should be amended (Finding No.3).

- **Amend the legal and institutional framework for child witnesses.** Considering that the draft-Law on Witness Protection will soon be approved, it is recommended that all interested stakeholders be consulted in order to ensure that optimal regulation of cases and protection mechanisms are applied to this category of children during the judicial process (Finding No.2).
- **Improve the legal and institutional infrastructure for outsourcing and subcontracting of services needed in the Justice system,** including increased fund allocation to support such services (Finding No. 4, 6).

5.2.2 Recommendations to improve the implementation of laws and policies

- **Establishment of juvenile departments within the basic and appeal courts, as well as the juvenile sections within the prosecutors' offices.** The establishment of relevant departments for juveniles under the basic and appeal courts should be encouraged. These can be realized once the new Law on Courts is in force by 2013. Similarly, such sections should be established within the prosecutors' offices. Because of this, there is an urgent need to appoint juvenile judges and prosecutors and to fill the vacant positions of professional judges and prosecutors to deal with juveniles cases. In this regard and based on, an important recommendation from the 2011 report OSCE Adjudication of Family Law case in Kosovo-Case Management issues, the Kosovo Judicial Institute should continue trainings for both, current and candidate judges. (Finding No.8, 9, 10).
- **A wider application of alternatives to detention, diversion and educative measures should be imposed by the courts and prosecutors.** Taking into consideration the positive impact of these measures on juveniles in conflict with the law, the courts should consider imposing alternative measures for all the cases that fulfill the legal criteria in this regard. (Finding No.9)
- **Increase the number of adequate child friendly spaces for interviewing within the police stations, based on the pilot project model.** (Finding No. 23, 20, 21)
- **The work of juvenile justice system actors should be better monitored, with a particular focus on the judicial decision-making process.** Some of these standards include: best interest of the child principle, consideration of child views and opinions, and whether the child is an offender, victim or witness (Finding No.32).

5.2.3 Recommendations to improve multi-sectoral coordination and overall functioning of the system

- **Increase the budget allocation for providing services to children in the justice system.** The following funding mechanisms should be created: a specific fund for compensation of victims; an emergent fund for required services for crime victims; and funds for supporting re-socialization and reintegration programmes for juveniles. (Finding No.6)
- **Institutional cooperation and coordination between authorities should be strengthened.** Despite positive steps towards improved cooperation undertaken so far, there is a continued need for increased efforts to strengthen the cooperation between ministries and other agencies within or outside the formal justice system and within the

civil society. Generally, it is recommended to make the necessary assessments and to take adequate steps to improve the collaboration. Meanwhile, the positive models of cooperation should be consolidated as examples of good practice so they can be replicated and expanded (Findings No.19, 24, 25).

- **Collaboration between all the stakeholders involved in the juvenile justice system should be strengthened.** This applies especially to the collaboration between PS and CS, courts, prosecutors, lawyers, social workers, and the Department for access to justice (Finding No.28).
- **An integrated database system should be established between all law enforcement agencies.** Generally, it is clear that data continues to be collected in a fragmented manner on a per institution basis. Consequently, institutions are producing their own statistics using different indicators. The above described database model of trafficking should be viewed as a good practice (Finding No.24).
- **Improved donor coordination is required at the central level with ministries and the Government** (Finding No.26).
- **Appropriate measures and actions should be taken by relevant institutions regarding the reintegration of juveniles after their release (post penal aid) and for the victims of trafficking after their departure from Temporary Safety Homes.** This can be achieved by providing the children with appropriate services after their release as well as by facilitating job placement. This approach can also be applied as part of the assistance for victims of trafficking after they leave the Temporary Safety Homes (Finding No.27).
- **There is a need to strengthen the monitoring mechanisms for the conditions and treatment of children by relevant institutions** as mechanisms that have an important role in monitoring the relevant institutions mandated to deal with juveniles in the justice system. The AOGG and Human Rights Units should play a greater role in this regard (Finding No.29).

5.2.4 Recommendations to address human resource capacity, situation analysis and social norms related to child protection

- **Fill the vacant positions within the police structure with qualified staff to deal with juvenile justice cases.** The number of police officers qualified to deal with children should be increased to help respect children's rights in conformity with international and Kosovo legal standards (Finding No. 17,18, 22).
- **Working conditions for judges and prosecutors as well as the judicial infrastructure should be improved, to comply with child rights standards** (Finding No.11, 12).
- **The system for lawyers to deal with cases of children should be restructured. Lawyers should be specialized to work with children and juveniles and should be certified by the Kosovo Chamber of Advocates (KCA).** There is a need to improve the access and the quality of legal services provided by the KCA and the Legal Aid Commission. The quality of protection and legal aid services remains a concern based on the 2010 UNICEF report, Assessment of Kosovo Chamber of Advocates on Capacities to Fulfil the Child's Rights to Legal Defense. The same was noted by the 2010 OSCE

report, Ineffective Legal Representation, which recommends an increase of trainings for lawyers who are dealing with juvenile justice cases (Finding No.13).

- **The number of social workers at the local level who are engaged with following up juveniles in conflict with the law should be increased.** Social workers should be specialized, and the same recommendation applies for the staff of the Probation Service as well as for the staff of the Department for Access to Justice, mainly at the local level (Finding No.7, 15, 16, 24).
- **Continuous training should be provided for staff involved in the overall juvenile justice system, including the Police, due to the high turn-over of specialized staff.** Relevant staff dealing with children in all the juvenile justice structures and the Police is subject to a high turnover due to low salaries and other professional reasons. Accordingly, the overall working conditions should be improved to help motivate and retain specialized staff (Finding No.15, 17).
- **There is a need to conduct training programmes on topics relating to justice for children,** based on handbooks and standard protocols to be drafted for each group of actors involved in the justice system including: police and probation officers, correctional staff, social workers, victims' advocates etc. There is also a need to increase the number of trainers and experienced staff to train relevant staff working in the justice system dealing with children. Furthermore, additional funds need to be allocated to support the organization of training programs and production of training materials. (Finding No.31)
- **There is a need to initiate awareness campaigns for children and the general public to encourage reporting of crimes by using the SOS line established within the MOJ**

6. System development and civil society

The sub-committee on System Development and Civil Society aimed to map, assess, and demonstrate the capacity of communities to respond to child protection needs. The role of civil society organizations in responding to child protection issues was also considered.

In order to achieve this goal, this sub-committee was responsible for completing the following tools:

Tool 2d:	Community Structures, Functions and Capacities
Tool 2e:	Civil Society and Public Accountability

Information was collected during two workshops with participation of the sub-committee members. The objectives were to:

- Describe the key players in child protection at the community level;
- Describe the referral mechanisms in place at the community level;
- Provide an organizational chart of a 'typical' child protection system at the community level;
- Describe the overall coordination among the civil society community in the area of child protection;
- Assess the strengths and weaknesses in the child protection system at the community level.

6.1 Main Findings

1. **The role of local government (municipalities) in child protection:** Municipalities have full authority regarding the promotion and protection of human rights and for providing family and other social welfare services, including early childhood care. Despite this legal provision, there is no clear reference made to children that would allow treating them as a special category enjoying the focus of municipal activities. Furthermore, Law No. 03/L-040 on Local Self-Government, foresees the establishment of Community Committees, responsible for ensuring adequate protection of the rights of communities, which can play a key role at the local level. However, these committees do not have an explicit obligation to protect a target group such as children.
2. **The Center for Social Work plays a key role in the child protection system at the local level.** The Center for Social Work is responsible for providing social and family services, including child protection. The CSW has a dual dependence both with the Department of Social Welfare, under the MLSW, and the Department of Health and Social Welfare at the municipal level. The CSW cooperates with the NGO sector in fulfilling its mandate. However, CSWs suffers from insufficient human resources and inadequate infrastructure in general which prevents them from coordinating better with other structures at the local level. A study programme for social work should be developed and the profession should be licensed. Moreover, CSWs do not have social workers designated to work on child protection issues.

3. **There is limited coordinated interventions provided by NGOs at the local level.** The Human Rights Unit at the municipal level was found to be the most appropriate structure for coordinating and supervising child protection structures. Despite a hierarchical supervision from the central to the local level, there is a lack of local structures that can play a monitoring role. In practice, there appears to be an overlap of interventions due to the lack of coordination between NGOs that sometimes provide the same services, creating the perception that there is a favorite target group or community for provision of aid and support services. There is therefore a need to ensure coordinated intervention in provision of services at the local level. Moreover, the assessment revealed a lack of monitoring and evaluation of NGO providers, which is accompanied with a lack of transparency regarding dispensation and use of funds.
4. **Coordination exists between public sector and civil society,** particularly between the state structures and NGOs in the provision of funds to support various activities offered by civil society. However, at the local level, MLSW and DHSW have clear criteria for providing grants based on the Law on Procurement. Social services cannot a priori be purchased only when there is a need and such services are not provided by public services. A rule for purchasing services exists and is determined by the law. This happens through tendering such services for which there is a need of purchase.

NGOs deliver different type of support and they provide direct services independently from the other public institutions. The way of purchasing the services consequently establishes a partnership between social public services and NGOs. The Law on Family and Social Services, permits MLWS to subcontract and outsource services from NGOs (limited to a certain percentage), while the other funds needed are covered by the NGOs budget.

Furthermore, the MLWS has the right to sign a Collaboration Agreement with NGOs that have received donations for providing different kinds of services. Taking into consideration the absence of licensing of the NGOs, services can be provided by the NGOs outside the agreement framework with the MLSW. However, just as the collaboration between the public sector and civil society promotes social activities and is used as a basis for broader coordination and information exchange between both sectors, the collaboration also helps to better address the needs of communities and families.

It should be noted, however, that support from the public sector to civil society has been sporadic and did not provide sufficient means. This is partially due to the lack of a consolidated legal basis in this regard. Finally, there is a practice of subcontracting of social services from the MLSW, mainly for residential and family care services.

5. **Standards do not exist for regulating the licensing of NGOs.** NGOs are encouraged to provide social and family services, either on their own initiative or based on contracts. The contracting of services is performed at the municipal level throughout Kosovo. NGOs that provide social services nationwide are required to conclude agreements with DSW, under the MLSW. However, there is no licensing procedure in place for NGOs.

A registration procedure exists for programmes and NGOs, which is implemented at the Ministry of Public Administration. Registration is provided for at the national level and the licensing will also be provided at national level. The lack of standards has also impacted the evaluation of the quality of services and monitoring of NGO performance of activities.

With the aim of measuring the quality of family and social services for service providers, the MLSW is currently in the process of drafting minimum service standards. Until now

five standards have been developed and in the future additional ones will be drafted. In this regard, a General Council of Social and Family Services within the MLSW has been established, which is in charge of drafting the standards for licensing social service providers.

6. **Coordination exists amongst civil society members in the field of child protection** through the establishment of the NGO Coalition for Child Protection, composed of 14 organizations. Another initiative for coordination exists between NGOs in Kosovo, which is based upon the type of activity, such as the Shelters Coalition (eight shelters).
7. **NGOs were extensively involved in the legislative process regarding policies, legislation, and programmes for child protection at the national level.** NGOs in Kosovo clearly have access to policy-making processes. Involvement of civil society in the legislative process in Kosovo is an obligation set forth by law. The study *Civil Society and the legislative process in Kosovo* (2008), sets out that consideration of NGOs opinions in this process is based on the following reasons: (1) representation of those who are less represented, as NGOs are intended to bring forward the voice of those who are deprived from the right to vote or who otherwise cannot voice their concerns and experiences; (2) promotion of dialogues without risk; and (3) provision of expertise and different alternative solutions. In this framework, a good example of government's cooperation with NGOs is the National Council of Persons with Disabilities, whose role is to coordinate and monitor and provide opinions for policies in this area.
8. **Local NGOs in Kosovo are not equipped in terms of having their own resources.** A key factor that shapes civil society activities in Kosovo is that they are established based on donor agendas and on a small number of donors who are interested in long-term sustainable support to the child protection system. This support is more focused on sectoral or thematic areas rather than on a systematic approach. However, there are also NGOs that have operated for a longer period of time and have a clear strategy and adequate resources to fulfill their strategic activities and actions.

6.2 Recommendations

6.2.1 Recommendations to strengthen the legal and policy framework

- Finalize and approve standards and criteria for licensing of non-governmental organizations (Finding No. 5).
- Define clear criteria for local organizations to receive government funding. In this framework, at least 30% of the needed funds for social services should be provided for by NGOs in their varying projects (Finding No. 4).

6.2.2 Recommendations to improve implementation of laws and policies

- Establish and empower legal and institutional mechanisms for monitoring the performance and quality of services provided by civil society organizations (Finding No. 3 and 5).
- Create and update an active NGO register indicating the categorization/field of activity of each NGO (Finding No. 5).

6.2.3 Recommendations to improve multi-sectoral coordination and overall functioning of the system

- Provide institutional support to organizations by implementing sustainable project initiatives in order to decrease the phenomenon of donor driven NGOs. Priorities should be given to support project initiatives of NGOs in collaboration with the local government, aiming to decrease the operational costs, to establish good practices and to increase capacity building of local government (Finding No. 8).

7. Main Findings and Recommendations on Financial Resources/Programmes & Sector Costs

The Sub-committee on Resource Mobilization and Sector/Programme Costs aimed to map, assess and highlight key issues related to financial sources and sectoral and programme costs.

The main objective of this sub-committee was to complete the following tools:

Section 4:	Resource Mobilization and Fiscal Accountability
Tool 5c:	Sector Costing Tool
Annex A1:	Capacity Building Costing

The work of this sub-committee focused on gathering relevant information and completing the toolkit in order to:

- Document cross-cutting issues on child protection financing and budgeting;
- Map MoJ, MEST, or MIA, which have major involvement in and responsibility for child protection;
- Review the public financing and budgeting of the overall child protection sector/programme as well as the specific costs of capacity-building through technical assistance, training, equipment, and other investments.

7.1 Main Findings on Public Finance

- 1. There is a Medium-term Expenditure Framework in place (MTEF)**, which foresees a summary of valid resources designed to finance the priority policies of the Government. This framework forms the guidance for the annual budget discussion.
- 2. The provision of services for children is included in the MTEF, but there are no specific objectives or activities with a special focus on child protection.** Meanwhile, the Government has made an effort by preparing a draft document on social policies (education, health, social protection), which will be completed and approved. This document foresees the following in terms of child protection: (i) subsidies for children in the context of social assistance, but with the condition of school attendance; and (ii) direct benefits in the medium-term budgetary framework. This draft document does not, however, include reference to the multi-sectoral aspects of child protection.
- 3. The Republic of Kosovo has adopted Law No. 03/L-049 on Local Government Financing and Law No. 03/L-040 on Local Self-Government that both define common and shared competencies between the two levels of government.** Based on both laws, capital expenditures for construction of new buildings and purchase or sale of public assets are managed and controlled by central government agencies at the local level. Other costs such as salaries for employees, costs of maintenance of buildings/facilities, pre-university expenditures, and health services are managed by the municipalities, but the execution of the functions delegated by law are monitored by relevant ministries within the framework of the law.

In the field of social welfare, all cash benefits are covered by the central level, while other costs are covered by local government funds. In the education sector, operating expenses and construction of facilities are the responsibility of the local government, with only a part of capital expenditures being the responsibility of the central government.

While these laws define the competencies between the two levels, it is evident that the decentralization process has not yet been completed and that the progress made is different depending on the sector. Specifically, the decentralization process is more advanced for social services, while positive dynamics are evident for the education and health sectors.

As for the justice sector, decentralization seems unlikely to take place in the short-term. Consequently, the definition of financing of social protection including child protection is insufficiently defined and understood.

4. **The funding source for social services relating to child protection has been defined through general grant schemes; work is under way on the funding formula.** What is evident is that even though some municipalities have some regulations in place on how to spend funds, their capacities at the municipal level are weak, and professionals from different institutions are not clear as to how to address child protection issues. For this purpose, it is necessary to first strengthen the decentralization process. What is also clear is that the Ministries of Health and Education, Science and Technology have specific grants, but that the funds are not allocated sufficiently at the local level for child protection.
5. **Although there are capacities in line ministries which have the mandate to prepare budget proposals,** it cannot be assessed whether they are able to articulate good proposals, especially for child protection. This is because there have been indications that the system lacks recognition of the concept of child protection. Moreover, the staff is not specialized in budgeting for child protection programming.
6. **Capacities to develop, execute and monitor child protection policies do exist, but are not harmonized or sufficiently functional.**
7. **Costing of strategies is the weakest point evidenced during the evaluation process.** There is no strategy on child protection, although many of the child protection aspects are included in the Strategy on Children's Rights 2009-2013 and in other strategies. Areas covered in this strategy are: education, health, governance, budgeting, social welfare, juvenile justice and other inter-sectoral issues. But the government has no specialized financing scenarios. Budgeting is based on previous experience regardless of new priorities, without making an assessment of costs and previous performance. Donor assistance regarding financing of strategies is not coordinated, which represents a problem for the responsible structures indicated in the strategy.
8. **There is no specific structure within the government to advocate on priorities of child protection and its budgeting.** Within the government the following structures are established namely: (i) the Inter-Ministerial Committee for Children Rights; and (ii) the Office for Good Governance in the Prime Minister's office, and (iii) Human Rights Units in each line ministry and Municipality. These structures are not effective enough in advocating for improved programmes, policies and greater resource allocation related to child protection and the Inter-Ministerial Committee rarely meets (only twice a year). Lastly, when it is convened discussions do not include budgetary issues.

9. **There is limited dialogue between donors when it comes to agreeing on priorities in child protection.** In general, UNICEF has worked with the Office of Good Governance on child right priorities, including child protection but with limited consultation with other donors. Priority might be prevention of violence in the family as a best way for the prevention of child trafficking. United Nations has understood that there must be further cooperation and UNICEF is clear on its priorities and advocacy. Similarly, USAID has supported victims of trafficking and of violence. UNDP has given support in aspects of policies against violence in family and trafficking. The ECLO is managing a project to strengthen the MLSW's cash assistance scheme while DFID is working to develop a fund formula from central to local level for social services, including child protection.

There are future plans to extend cooperation and to include other donors in other fields of child protection. A joint UNKT Common Development Plan 2011-2015 will help to address budgetary shortfalls for different programmes including child protection programmes.

10. **The government and various NGOs, provide services in the area of child protection, which are often supported financially by different donors. Public sector services are mostly free of charge,** even though there are certain services that require payment. Services offered by the private sector that are part of child protection are not fully regulated in legal terms in regards to licensing or determination of cost. Types of services in the private sector may include: the establishment of kindergartens, day care centers, shelters, and so forth, which do not necessarily receive funds from the MLSW or other agencies. However, in this context, it is expected that such issues will be clarified during the process of licensing. Service delivery regulation for all providers will be further clarified once licensing procedures are in place and service standards, currently under development, are in place.

7.2 Main Findings on Donor Financing

1. **There is insufficient coordination in child protection between the Government and the donors and the financing mechanism of donors is not the result of a broad consultation.** Even when consultation exists before financing, it appears that this is temporary. In practice, the Government does not present donors with financing plans when requesting funds. Therefore, donors frequently offer funding support without sufficient government consultation. From now the Ministry of European Integration will coordinate donor financing. With regard to the social welfare sector, donors had a round table discussion in April 2011. The Ministry of Labor and Social Welfare agreed on a consultative agreement with the EU, determining the EU's financing intervention and what and how much will be covered by the Ministry.

Furthermore, even in cases where Ministries require funds based on the Ministry's priorities, they are faced with donor restrictions. For example, the Ministry of Justice requested support for capacity building through the IPA funding mechanism, and financial support from USAID, but it was not granted because the donors had their pre-determined specific programmes to support with funding. In these cases, the Ministries go directly to the Embassies and do not notify the Ministry of European Integration about these actions. A key reason for limited coordination lies in the multi-sectoral nature of child protection, which makes coordination more challenging.

2. **Sectoral groups and -sub groups exist to promote donor and Government coordination** such as in the areas of: (i) anti-corruption and organized crime; (ii) visa, asylum, border management, customs and police; and (iii) rule of law. However, in the field of child protection such coordination mechanisms do not exist. While a subgroup on child protection is established, it does not function, and during 2010 this subgroup organized only one meeting. The lack of coordination is due to the insufficient number of line ministry staff, despite an approved Government Decision for the establishment of a Coordination Unit for donor funds in each line Ministry.
3. **While donors do demonstrate interest in funding child protection programmes, the focus is more often on issue-based programmes that include all age groups, such as anti-trafficking and domestic violence.**

7.3 Main Findings on Budgeting at Sectoral and Programme Levels⁷

1. Budget Analysis of the Child Protection Sector

The child protection sector⁸ represents 1.5% of the total budget of the Republic of Kosovo for the period 2010-2015. Overall, the budget trend for the sector has been increasing except for the years 2013 and 2014 where a decline is anticipated.

The most important programmes of the child protection sector are those of the MLSW with a budget that on average accounts for 67% of the total budget of the sector for 2010-2015 and 0.9% of the total budget of the Republic of Kosovo for the same period.

Budgeted programmes of the MLSW include:

- Social Assistance
- Social Services
- Institutional Care
- Institute of Social Policy
- Labor Inspectorate
- War Invalids Scheme

Programmes with the highest share in the budget of MLSW are social assistance and social services, which accounts for respectively 27% and 21% of the total sector. The education programmes account for 27% of the total budget for child protection.

⁷ For a more detailed presentation of the budgeting data, please refer to the Section 5C and annexes of the toolkit, which is found on the attached CD.

⁸ See the Child Protection System organogram in Annex 1

The budgeted programmes of the Ministry of Education, Science and Technology are:

- Education with special needs
- Pedagogical Institute
- Central Administration
- Training of teachers
- Development of draft programmes

The most significant programmes of the total budget for education are the central administration costs, which in total represent 17% of the sector.

The programmes of the Ministry of Health represent 7.8% of the total social protection budget where the biggest share is represented by the programme for Mother and Child with a share of 2.3% of the total sector.

The budgeted programmes of the Ministry of Health are the following:

- University and Clinical Centre of Kosovo (UCCK)
- National Institute of Public Health of Kosovo (NIPHK)
- HIV/AIDS programme
- Treatment outside the country
- Mother and Child programme
- Mental health services

In conclusion, given the fact that the Republic of Kosovo has not yet prepared a specific strategy for child protection, it is difficult to judge whether the budget adequately reflects the priorities in this area. However, the weight that this sector has in the total budget of Kosovo shows that there are attempts by the government to allocate funds for child protection.

What is evident is that the capacity building programmes of MLSW, MOH and MEST have sufficient resources to cover costs either from the state budget or from main donors that finance child protection such as UNICEF and the EU.

2. Budget Analysis of the Justice and Security Sector

The justice and security sector represents about 0.5% of the total budget of Kosovo for the period 2010-2015.⁹ Although according to data, the trend of this budget sector is declining, this is not an accurate reflection because the Ministry of Justice, has recorded all the needed data, and other institutions involved are unable to provide forecasts for future years. This is because compared to the institutions, that provide social assistance for children who are subject to child protection such as the abused, abandoned, or neglected, etc., the institutions operating in the field of justice and security cannot estimate the size of the group of children in contact with the law who would require services.

Programmes more in line with the security and justice sector are represented by programmes of the MOJ with a budget that represents on average 81% of the entire sector budget for the years 2010-2015 and 0.5% of the total budget of the Republic of Kosovo.

⁹ See Annex 3 for the Justice and Security sector as it relates to children.

3. Suggested Use of Budget Analysis by the Government and Donors

The process of assessing the child protection system and budgeting is considered innovative for the Government of the Republic of Kosovo because it is the first assessment ever undertaken and because it is comprehensive. This process helped to:

1. Identify institutions involved in child protection and the relevant cross sector collaboration.
2. Understand how important child protection is from a budgetary perspective. For example, if allocation to child protection is low, the question can be asked whether it is because no priority has been given, or when related strategies exist there may be insufficient coordination between relevant structures to ensure proper budgeting. Lastly, the lack of fiscal space in Kosovo is a key reason for insufficient budget allocation.
3. Understand the long-term budget forecast for a 5-year period at central and local levels. It serves as a good framework as it provides a clear projection of which areas have more budget and which do not, and it serves as a basis for checking whether there is compliance between the established priorities for these areas and budget capacity.
4. Assess the scope of the entire budget for a possible increase and identify programmes that are financially supported and have elements of child protection. Also, it aims to analyse, in particular, child protection programmes (cash and noncash services) by looking at existing programmes and their adjustment to child protection and the necessary implication for the budget.

The costing analysis also serves the donors to see where they stand with their funding, to help them coordinate efforts so that there are no duplications in funding and as a result help them to plan future funds. Finally, this comprehensive budgeting serves the Government to coordinate efforts within its own structures and with the donors.

The Government can use the costing tables found in the toolkit¹⁰ during the process of developing strategies that have child protection elements and whenever it decides to undertake a new strategy on child protection.

7.4 Recommendations

7.4.1 Recommendations to strengthen the legal and policy framework

- **In case the Law on Local Finance is amended, necessary changes should be made to provide for a child protection funding source in relevant sectors.** The responsible body for implementing this recommendation should be the institutions responsible for coordination regarding child protection. Government in cooperation with relevant donors should update on a yearly basis the budgetary data to ensure compliance between set priorities and relevant funding. (Finding No.3)

¹⁰ Data and information that refers to the system on Financial Resources/budgeting of programmes and sectors are taken from specific tools of the Toolkit, used and completed during the work with relevant members and actors of the inter-ministerial council relevant in the area of financial resources.

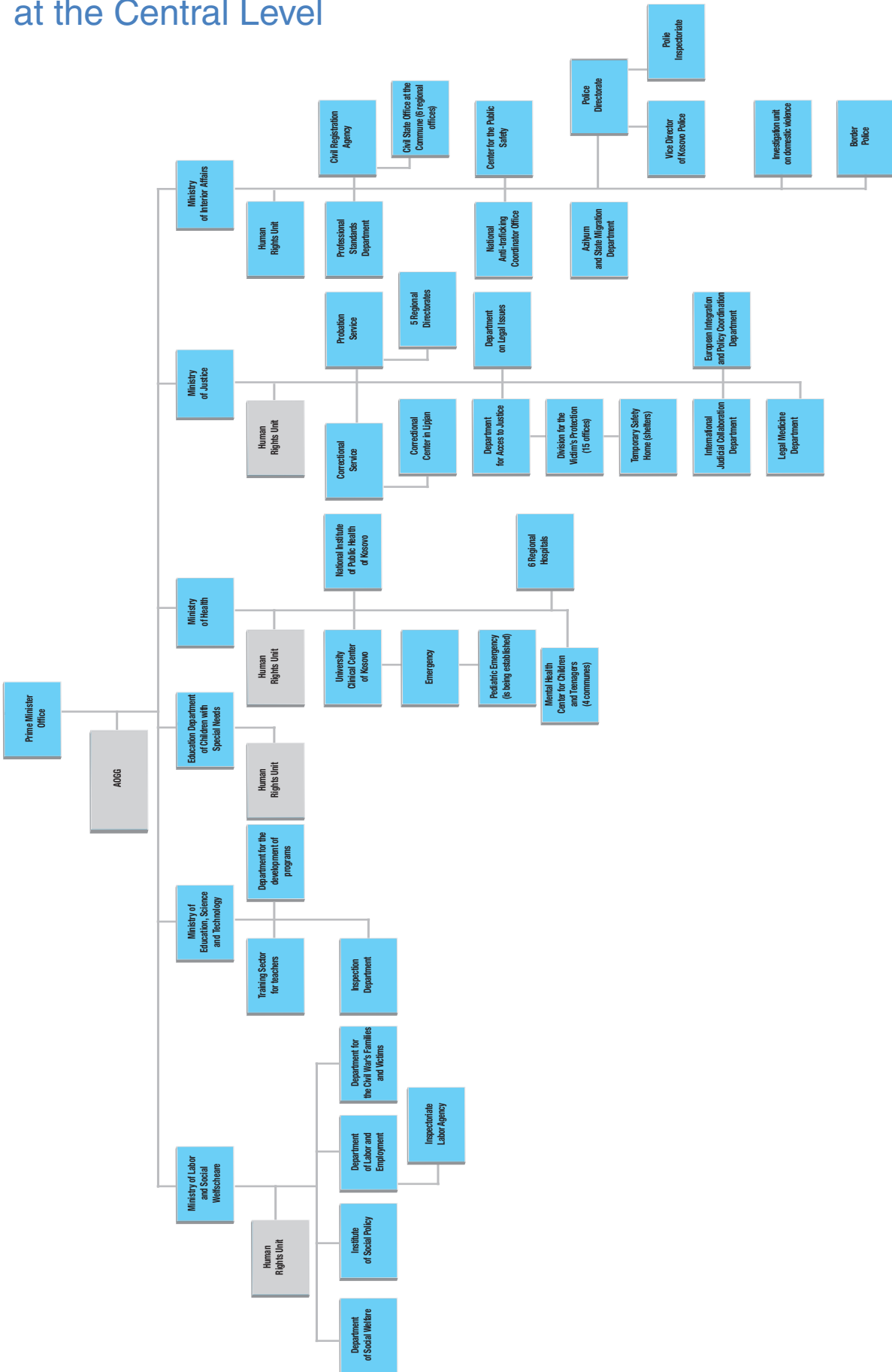
7.4.2 Recommendations to improve multi-sectoral coordination and overall functioning of the system

- **Regarding provision of services, the Ministry of Health and Ministry of Education, Science and Technology in the context of a specific grant, should create a new policy for child protection and make additional budget transfers** available at the central and local levels.
- **The Office of the Prime Minister, in cooperation with the Ministry of European Integration, should establish an Inter-institutional Group** for donor coordination in the area of Child Protection.

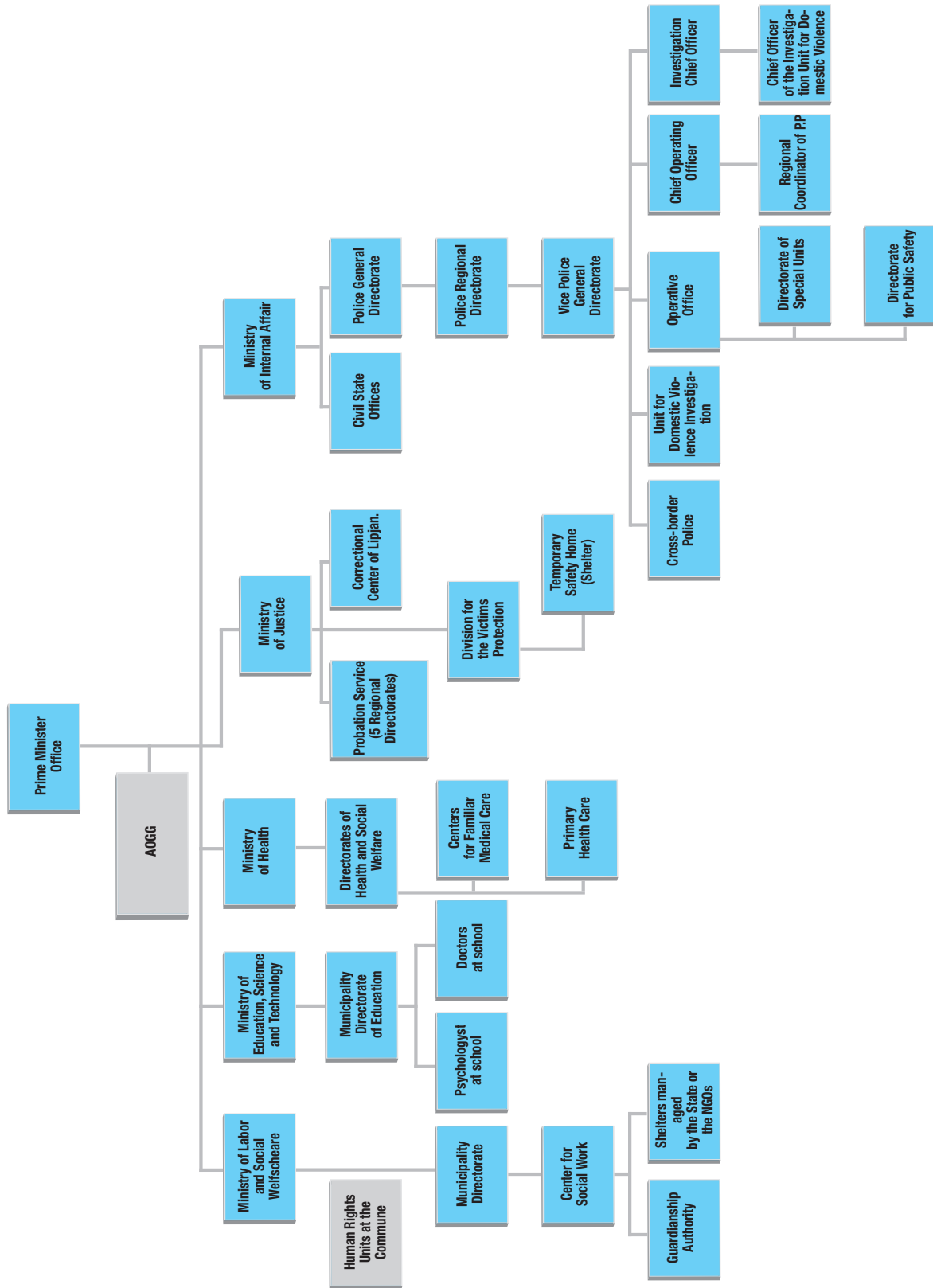
7.4.3 Recommendations to address human resource capacity, situation analysis and social norms related to child protection

- **Strengthen the capacities of the new proposed Council on Child Protection and Justice for Children** in order to ensure the identification of evidence based priorities and adequate budgeting, enabling improved reporting and institutional accountability.
- **There is a need for professional training for key positions in line ministries related to budgetary issues**, such as the chief financial officer, administrative and other officials involved in budgeting, since these positions are key in the planning and execution process.
- **The Ministry of Local Government Administration should play an active role to strengthen and build capacities of municipalities and Human Rights Units, towards a system approach of child protection and appropriate budgeting for this system.** The MLGA – Department for Human Rights, advises and provides guidance to municipalities for budgeting their activities deriving from the Strategy and Action Plan for the Rights of Children, approved by the Government of the Republic of Kosovo. Municipal Human Rights Units now have their own budget sub-accounts, such as: Vitia, Vushtrri, Drenas, etc.
- **The Advisory Office for Good Governance and Human Rights Units in line ministries and municipalities should be allocated sufficient budget** to help them fulfill their mandate, including child protection.
- **Stimulate the payment of services based upon contract and working performance** for child protection at the municipal level.

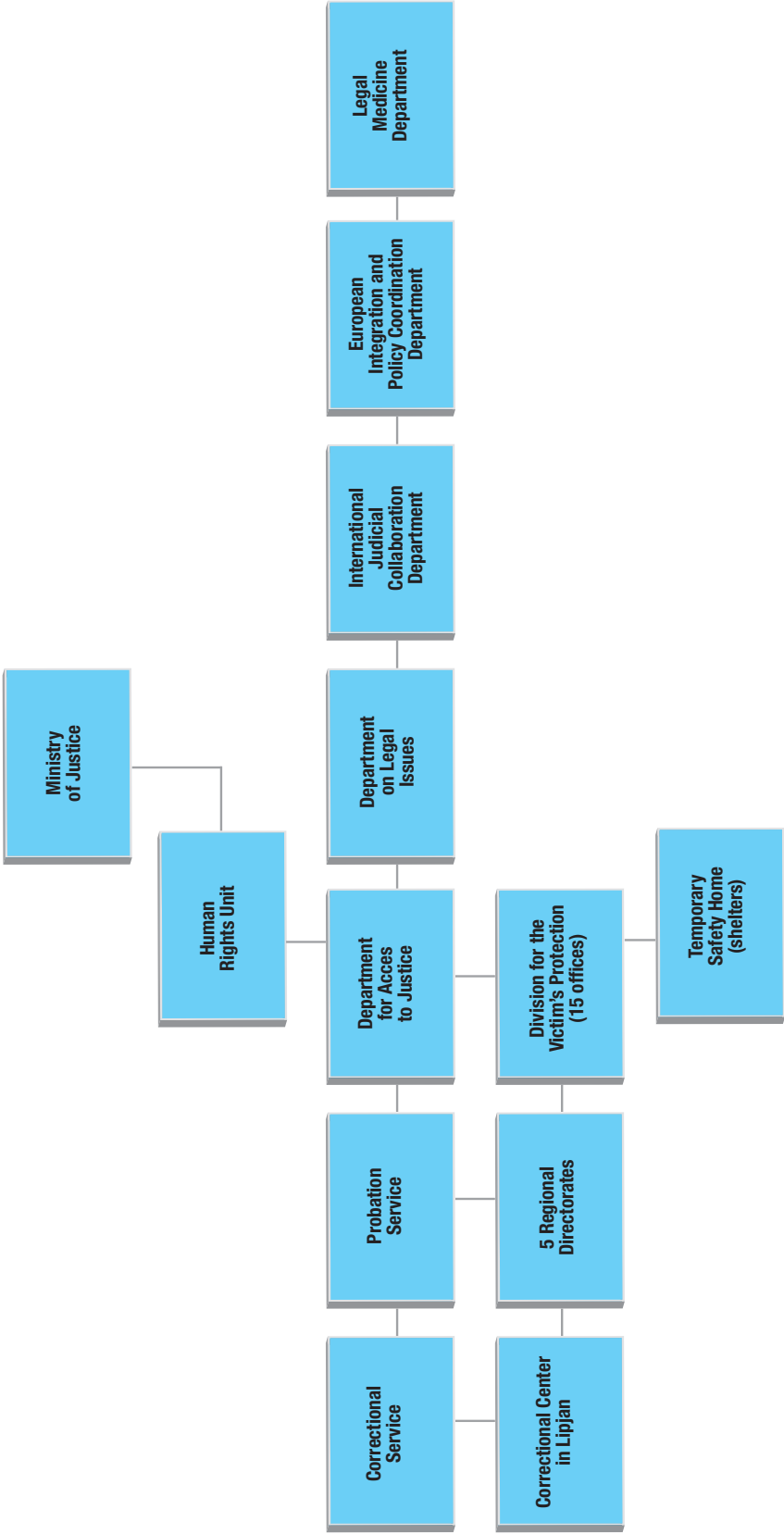
Annex 1 - Organogram of the Child Protection System at the Central Level



Annex 2 - Organogram of the Child Protection System at the Local Level



Annex 3 - Organogram of the Justice and Security System as it relates to Children



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