KOSOVO
EU PROGRESS REPORT AND CHILD PROTECTION INDEX
HIGHLIGHT KEY WEAKNESSES IN THE CHILD PROTECTION SYSTEM
**ChildPact** is a regional coalition of 650 civil society organisations that advocates for greater child protection reform in the Southeast Europe and South Caucasus sub-regions. Established in 2011, ChildPact is a coalition of coalitions: its members are national networks of child-focused civil society organisations from 10 countries within the European Union’s Enlargement and Neighbourhood zones.  
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The Coalition of NGOs for Child Protection in Kosovo* (KOMF) is a coalition composed of 22 local and international NGOs working in the child protection field, with a joint mission to advocate for and protect the rights of children in Kosovo. The mission of the Coalition of NGOs for Child Protection is to promote protection, respect, well-being and the advancement of the rights of children. Together, we will advocate to and lobby institutions of influence to promote and develop the rights of the child in accordance with the UNCRC.

KOMF members include • Associazione Amici dei Bambini • Asociacioni për Trajnime Sociale • Hulumtime dhe Avokim – ASTRA • Action for Mothers and Children • Balkan Sunflowers Kosova • Iniciativa 6 • Kosovo Education for Sustainable Development • Kosovo Rehabilitation Center for Torture Victims KRCT • Organizata Rinore Akti, One To One Kosova – Qendra e Këshillimit për Familje • One to One Children’s Fund • OPFAKKOS • Programi për të Drejtat Civile • PL4Y International • Qendra për Edukim e Kosovës – KEC • Qendra për Mbrojtjen e Viktimave dhe Parandalimin e Trafikimit me qenie njerëzore – MVPT • Qendra për Studime të Avancuara FIT • Save the Children • SOS Fshatrat e Fëmijëve Kosovë • Shpresa dhe Shtëpi për Fëmijët Kosovë • Terre des hommes • VoRAE dhe World Vision  
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*This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*
Kosovo has walked a long way towards achieving the principles set by the United Nations Convention on the Rights of the Child (UNCRC), but much remains to be done. The EU Progress Report for Kosovo and the results of the Child Protection Index (CPI) provide an excellent opportunity to compare and deepen the child protection recommendations regarding the further enhancement of Kosovo’s child protection system. Both documents highlight similar issues, and include recommendations on how to deal with them. This report proposes a cross-comparison that follows the outline of the EU Progress Report on child-related issues as it intersects with those indicators of the CPI where Kosovo scored a negative result (score 0 - thus not complying at all with envisaged standards).

Kosovo must include strong financial investment to build adequate capacity to close the gap between legislation and implementation. Kosovo has to build a plan for sustainable and fair financing of social services through the establishment of specific grant for social services. Kosovo has to create consistent, independent monitoring and inspection mechanisms to review the quality of service provision. Research and data collection should be prioritised to determine the prevalence of different issues in Kosovo.

Kosovo still has to put more efforts in tackling child trafficking and child labour issues, in enabling a more effective coordination within the child protection system, in providing better care for children with disabilities and in collecting relevant data and monitoring the child protection system. In addition, the present report includes information on how other countries in the region introduced key reforms in areas where Kosovo’s current policies do not comply with the UNCRC.
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“KOSOVO HAS TAKEN MANY POSITIVE STEPS TO ESTABLISH NATIONAL POLICIES AND A LEGAL FRAMEWORK FOR CHILD PROTECTION. HOWEVER, WEAK POINTS REMAIN; KOSOVO MUST NOW IMPLEMENT LEGISLATION AND PROVIDE ADEQUATE RESOURCES TO SOLIDIFY CHILD PROTECTION. FURTHER, CENTRAL AND LOCAL LEVEL INSTITUTIONS ARE NOT YET SUCCESSFULLY PROVIDING SUFFICIENT SERVICES”

Donjeta Kelmendi
Executive Director of Coalition of NGOs for Child Protection in Kosovo, KOMF
Kosovo has gone a long way towards achieving the principles set by the United Nations Convention on the Rights of the Child, but authorities have the responsibility to do more to protect the most vulnerable children. The European Union's progress report for Kosovo for 2016 highlights some of these shortcomings, and outlines key reforms that need to be implemented. Reading the sections of the progress report that deal with child protection issues in conjunction with the Kosovo report based on the CPI allows to highlight sectors where more reforms are needed Kosovo authorities in order for them to comply with their international commitments, as part of the integration process with the EU. Even if Kosovo has not yet ratified the UNCRC, the Article 22 Constitution of the Republic of Kosovo stresses that international agreements and instruments including the UNCRC, are directly applicable in Kosovo, and in the case of conflict, they have priority over provisions of laws and other acts of public institutions.

The results of the Child Protection Index and the information from the Progress Report provide an excellent opportunity to compare and deepen the recommendations regarding the reforms that Kosovo needs to put into practice in order to further reform its child protection system. Although the Index comprehensively looks into 623 child protection indicators, this cross-comparisons will strictly follow the outline of the EU Progress Report on child-related issues as it intersects with those Index indicators where Kosovo scored a negative result (score 0 – not complying at all with envisaged standards). In addition, the Child Protection Index will show how other countries in the region implemented better measures for those unmet UNCRC requirements in the Kosovo case and what Kosovo could learn from its neighbours.
The Child Protection Index is an instrument created jointly by World Vision and ChildPact that measures a country’s child protection system against a common set of indicators. The Index is based on the prescriptions of a set of articles from the UNCRC as well as on the principles of a systems approach to child protection. The results from each country illustrate the government’s actions towards child protection through the lens of policy, service delivery, capacity, accountability and coordination. Thus, the Index does not measure the well-being of children directly, but it focuses on government policy, investment, and services. The Child Protection Index has been piloted in 9 countries through the work of more than 70 experts involved in data collection and analysis, the use of more than 600 indicators, and the issue of more than 100 policy recommendations. In Kosovo, the Child Protection Index has been implemented by the Coalition of NGOs for Child Protection – KOMF.
CROSS-COMPARISON ON BUDGET EXPENDITURE FOR CHILD PROTECTION

The EU Progress Report 2016 for Kosovo recommends to the authorities in Kosovo to "ensure an adequate budget for the new draft law on child protection to be effective, once adopted." Furthermore, it stresses that the municipalities should have sufficient resources in order to deliver social services. Thus, "Kosovo needs to implement the necessary changes in the law on local finance to ensure the transfer of competencies for management and the delivery of social and family services to the municipalities. A lack of clarity among municipalities in relation to the local budget available for social services resulted in a considerable variation in the levels of support to social service delivery. Therefore, the specific funding of social services from the general grant should be included in the upcoming draft law on local finance."

With regard to budgetary expenditure for child protection, the Child Protection Index shows that Kosovo’s expenditure on social protection is low in comparison to other Index countries. With such limited allocation of funding towards social protection, it is strongly recommended that Kosovo increase its expenditures on social protection.

Therefore, the Index recommendations emphasise that regular conversation between finance and social protection authorities should take place. Without an established mechanism to review budget and expenditure on a yearly basis, officials may be limited in their ability to set accurate and aligned budgets. Budget analysis for all child protection issues should review the proportion of overall budgets devoted to children and identify any disparities between Kosovo’s Municipalities, rural/urban areas and particular groups of children. It is important that officials are able to verify that sufficient funding reaches the most disadvantaged groups of children.

Both the Child Protection Index and the EU Progress Report outline the necessity to build a plan for sustainable and fair financing of social services through the establishment of specific grants for social services within the Law on Local
Governance Finance. In addition, the Index strongly recommends the adoption of financial standards to adequately resource services and align with quality standards.

Kosovo’s donor dependency is acknowledged by the EU Progress Report: "Kosovo should take full ownership of the measures needed to support the Roma, Ashkali and Egyptians communities with a view to reducing donor dependency."

The EU Progress Report recommends that the Ministry of Labour and Social Welfare must ensure adequate financing for shelters housing children who are victims of violence and trafficking. At the same time, the Index states that the government sponsors a variety of services for children in situations of violence through partnership with civil society and international donors. Due to economic shortfalls, however, the state does not fully sponsor such services and thus there is a reliance on foreign aid to bridge the gap. It is recommended for the state to adopt further responsibility in funding and supporting civil society as a next step toward meeting obligations under the UNCRC. Along with financial standards, it will be important to make budgetary decisions both nationally and regionally in alignment with the prevalence of issues at the local level, based on disaggregated data including disability and local level risk factors. Because Kosovo’s system of services and case management is highly structured, the inadequacy of resources has become the main obstacle to child protection.

GOOD PRACTICES IN THE REGION

According to the Child Protection Index, two other countries in the region received better scores at the indicators related to the adoption of financial standards to adequately resource services: Romania and Bulgaria. In Bulgaria, every year there is a decision made between the Ministry of Finance, MLSP, and the National Association of the Municipalities in the Republic of Bulgaria, which regulates the financial standards for all the services that the state should provide. Financial standards are available for the services delegated by the state to various providers as per the Social Assistance Act (of 1998, last amended in 2013). Every financial year the Government passes regulation on the financial criteria and standards for these services. The state delegates activities as a basis for the funding of services from the state budget. The standards are based on the per capita allowances and the number of the beneficiaries.
CROSS-COMPARISON ON CHILDREN WITH DISABILITIES

The EU Progress Report for Kosovo recommends that Kosovo improves the inclusion of children with disabilities in the education system by increasing the number of professional staff and personal assistants and by ensuring that children with disabilities go to public school and learn alongside their peers.

The Child Protection Index shows that Kosovo scores 0.359 out of a possible score of 1.0 on its actions to protect children with disability. Overall, Kosovo ranks eighth out of the nine Index countries. Although the country scores relatively high in law and policy actions for disability (0.688), its services (0.375), capacity (0.100) and accountability (0.167) scores are significantly lower. Coordination mechanisms, like law and policy, speak to Kosovo’s strong legal and regulatory provisions (0.667).

Kosovo’s legal framework addresses discrimination against persons with disability, requires an inclusive setting for education and other services (including recreation) and sets forth adequate accessibility directives for buildings and constructions. Standards are now in place to regulate services for children with disability. It is recommended to create financial standards for services designed for children with disability. Without financial standards, services are much less likely to be adequately resourced. This recommendation pertains to Kosovo’s poor capacity score for children with disability and suggests a further recommendation: prioritise the protection of children with disability by increasing financial investments to actions in health, social welfare and education that are meant to include children with disability.

By law, schools are inclusive venues of education, but teachers do not yet have the requisite training and resources to consistently include children with disability. It is recommended that the supply of trained and qualified specialists within education is increased with the aim of effectively integrating children with disability into the school system. A welcome next step would involve efforts to reform teaching pedagogy and
curriculum to promote greater inclusion.

Physical barriers to inclusion are also significant. There are public institutions, including schools, courts and CSWs that do not have the necessary lifts, ramps and auxiliary equipment (in bathrooms, for example) that would facilitate use by all persons with disability.

Municipalities, according to their legal mandate, must develop social services based in the community for children with disability. The establishment of day care centres is a fundamental need for treatment, rehabilitation and reintegration of children with disability. These services, public and private, should be managed and monitored according to quality and financial standards.

Among issues of concerns emerging from CPI indicators related to disability, is the lack of an independent complaint mechanism. To the indicator based on Article 23.1 of the UNCRC "Does the state provide an independent complaints mechanism in situations of discrimination for children with disabilities and their representatives?" Kosovo scores 0. Thus, there are no complaint mechanisms available to children with disabilities for their protection.

GOOD PRACTICES IN THE REGION

According to the Child Protection Index, 4 other countries in the region had better scores at this indicator: Romania, Moldova and Serbia. In Romania, the institution responsible for receiving petitions on this issue, is the National Council for Combating Discrimination. In Moldova, there is an antidiscrimination hotline that is free and confidential, and can be called from all over the country.
CROSS-COMPARISON ON EFFECTIVE COORDINATION IN THE CHILD PROTECTION SYSTEM

The EU Progress Report 2016 for Kosovo stresses that "While Child Rights Officers have been appointed in most municipalities, their impact is limited." In addition, "The Ombudsman Institution should further engage in promoting the rights of children."

Equally, the Child Protection Index attests that Kosovo has mandated a human rights ombudsman’s office that promotes the rights of children. However, it recommends increased human and financial resources for the Ombudsman's Office in order to broaden its activities in this field. Otherwise it may be difficult to lodge complaints against various government bodies when there are allegations of child rights violations.

Moreover, to enable coherent and successful decision making, Kosovo has created a number of coordination bodies. Such bodies should be strengthened in order to further secure the place of children within the realm of debate and accountability. The Parliament should also establish a formal body on child protection with a clearly defined mandate to monitor child protection in Kosovo and respond to specific issues when they arise.

The CPI offers a clear instance of lack of coordination with potential consequences on Kosovo’s child rights commitments. In an indicator related to Article 33.1 of the UNCRC "Does the state provide a central coordinating body for all engagement between various agencies and issues on protection of children from drug abuse?" Kosovo scores 0. Thus, there is no coordinating body in Kosovo to deal with protecting children from drug abuse.

GOOD PRACTICES IN THE REGION

According to the Child Protection Index, 6 other countries in the region had better scores at this indicator: Albania, Bosnia, Bulgaria, Georgia, Moldova and Romania. In Albania, in 2010, the Ministry of Interior lead the process that aimed to further regulate the country coordination mechanism in the field of drugs and related issues. In 2011, a decision to establish an Inter-ministerial Committee for the Fight against Drugs,
supported by a secretariat and a National Centre of Information on Drugs under the auspices of the Institute of Health was adopted by the Council of Ministers. The main function of the Inter-ministerial Committee for the Fight against Drugs is to assure coordination and exchange of information among different sectors involved in the field of drug control. In Romania, the National Antidrug Agency is dealing with protecting children from drug abuse, while in Moldova, the National Council for Child Protection is considered a central coordinating body for social protection of all children, including those that use the drugs.
The EU Progress Report for Kosovo emphasises that "As regards children’s access to justice, little progress has been achieved in legal and capacity development for proper implementation of child-friendly proceedings in civil and administrative cases. Good progress has been made through a referral protocol to ensure free legal and professional services for child victims and witnesses. While current provisions in the Juvenile Justice Code are not in line with the UN Committee on the Rights of the Child concerning pre-trial detention (12 months instead of 6), in practice in the last 2 years no juvenile has been detained for more than 6 months. As a result, deprivation of full liberty has become a measure of last resort and is used for the shortest appropriate time.”

The Child Protection Index stresses that in situations of criminal justice, the law limits detention to a “last resort” act and determines time served in proportion to the severity of the offense. Because detention can become a form of violence, it is important that Kosovo goes further in the case of children; the legal framework needs to be revised to adapt to UNCRC requirements and reduce pre-trial detention to six months in the case of children. The Index also reveals that there are a limited number of judges trained in child rights (3.31 specialised judges per 100,000 people) in Kosovo. Without specialised judges it is less likely that judicial proceedings and outcomes will align with UNCRC provisions.
The EU Progress Report 2016 for Kosovo emphasises that in the field of child rights while "Kosovo’s legal framework is largely in line with international requirements, implementation remains a challenge". It also notes that a lack of data and monitoring mechanisms is lacking from the child protection system of Kosovo: "Municipalities do not have accurate data on the population number disaggregated into gender, age groups, ethnicity, ability or vulnerability, which has a negative impact on planning and implementation of activities." Thus, the Progress Report recommends that: "Data and monitoring mechanisms to assess progress in implementing child rights need to be improved."

According to the Child Protection Index, Kosovo ranks sixth out of the nine in the category of "governance environment". It scores 0.525 out of a possible 1.0 as compared to Romania who ranks first at 0.742. The score reflects Kosovo’s limited consolidation of laws that protect children and the weakness of the formal bodies that monitor and hold accountable actors tasked with child protection.

Kosovo’s new legislation on child rights will consolidate a series of over 14 laws that regulate actors and set policies for children. With regard to their implementation, Kosovo has made it compulsory for all state officials and professionals with the duty to care for children - in the sectors of health, education and justice - to report allegations of violence to the appropriate Centre for Social Work or Kosovo police authorities. Despite this effort, referrals from these institutions remain low, especially in cases of violence in schools. Therefore, the Child Protection Index report recommends that Kosovo introduces trainings and awareness actions to remind state officials and professionals of their duty of care to report situations of alleged violence against children.

With regard to data and monitoring, Kosovo has created

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CROSS-COMPARISON ON GOVERNANCE ENVIRONMENT FOR CHILD PROTECTION AND ON DATA & MONITORING & REPORTING MECHANISMS
reporting mechanisms for children. A national hotline allows for peer-reporting and for children to self-report through the Victim’s Advocate Office. The Centres for Social Work (CSWs) located in all municipalities also have complaint boxes, but as is the case with the hotline these boxes are open to all citizens, not specifically to children, and are located in Centres rather than school settings. Thus, there is a need to provide children with more accessible child friendly venues for self-reporting. The results of the Index recommend that the national hotline create a free-of-charge line accessible to children. The new line should be staffed with experts that are able to support, counsel and serve this vulnerable group, and it should be promoted through awareness campaigns directed specifically at children.

Accountability for decision making and services for all the categories of children in need for protection remain limited. Kosovo’s new monitoring and evaluation unit within the Ministry of Labour and Social Welfare represents a strong step forward in creating accountability mechanisms for quality control. The unit has the ability to recommend new policy steps based on grassroots level actions. However, this is not an independent body that stands apart from political actors and political incentives. It is recommended that Kosovo create an independent inspection body to monitor the quality of service provision.

GOOD PRACTICES IN THE REGION

According to the Child Protection Index, 4 other countries in the region had better scores at the indicators related to state-supported hotlines: Bulgaria, Moldova, Romania, Serbia.

In Bulgaria, for instance, there is a hotline established since 2009 by the State Agency for Child Protection. Even more, since 2014, a national system for early submission of signals of missing and abducted children is functioning, connected with the national emergency hotline 112. In Romania there is the National Child Helpline 116111. Most of the DGASPCs (General Direction for Social Assistance and Child Protection) across Romania developed their own hotlines for children (88.64%). The emergency number 112 is also connected to child helplines. In Serbia there is one SOS line intended for children and partially financed by the Ministry of Labor, Employment and Social Policy. The hotline receives reports on different forms of violence against children, and provides psychological counselling. A similar hotline has been operating in Moldova since 2013, with government funding.
Kosovo still has to put more efforts in enabling a more effective coordination within the child protection system, in providing better care for children with disabilities and in collecting relevant data and monitoring the child protection system parameters. It must do so in line with its international commitments, including the United Nations Convention on the Rights of the Child, and within its integration process with the European Union.

- Adopt financial standards to adequately resource services and align with quality standards. Without financial standards in place, it is difficult to secure consistent and sufficient budgets for services. Unsecured and insufficient funding has an overall negative impact on the structure/quality of staff and availability of equipment. This, as a consequence, lowers the quality of the services provided.

- Create consistent, independent monitoring and inspection mechanisms to review the quality of service provision and administer licensing. Monitoring should review both private and public sector services (CSWs). It will be necessary to introduce compulsory licensing, linked to quality and financial standards, for all service providers. Monitoring is necessary to ensure quality and competence of all service providers. The Law on Social and Family Services provides for the inspection of such services, but it is not yet common practice. Inspections should be regulated by year and service.

- Create a permanent parliamentary body mandated to assess and solve child protection issues, in order to introduce an additional check on public sector authorities and serve as a voice for citizens.

- Establish a free, national level hotline designed with and for children. The service should take calls and provide support, counseling and networking for children in situations of violence, abuse, neglect, drug abuse, abduction, trafficking and other forms of exploitation.

RECOMMENDATIONS

CONCLUSIONS
• Further development of quality standards may be required for specialised counseling services, helplines/hotlines and emergency intervention services. Research and data collection should be prioritised to determine the prevalence of different issues in Kosovo. This data should include the number of children with disability, children engaged in hazardous labour, children who are victims of violence and children abusing drugs. Such data should be disaggregated by age, gender, types of disability and municipality.

• Specific to children with disability, create adequate accessibility and inclusive settings for rehabilitation services, education, health care and recreation. The scale or reach of services to rural and sub-urban areas is still a concern. It is necessary to build a plan for sustainable and fair financing of social services across Kosovo through establishment of specific grant for social services within the Law on Local Governance Finance, to respond the needs of children.

RESOURCES

Kosovo 2016 – Measuring government efforts to protect girls and boys by Jocelyn Penner Hall & Andy Guth: http://www.childprotectionindex.org/country/kosovo


For more detailed information on how Kosovo can improve its child protection system, read the briefing of the Child Protection Index results and recommendations for Kosovo available here. Find more about the Child Protection Index at: www.childprotectionindex.org