

LAW NO. 06/L-084

ON CHILD PROTECTION

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON CHILD PROTECTION

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. This law intends to:

1.1. protect the child by completing the legal and institutional framework for the implementation of the Constitution of the Republic of Kosovo, the United Nations Convention on the Rights of the Child, the international acts in this field and the legislation in force;

1.2. protect the child from all forms of physical and mental violence, abuse, misuse, exploitation, neglect or any other form that endangers the life, safety, health, education, and child development;

1.3. guarantee and ensure the responsibility of parents, family, guardian body, society and state in the care, protection and development of the child based on the best interest of the child;

1.4. determine the main underlying principles of national policies on the rights of the child, effective mechanisms, and the responsible authorities at central and local level and their competences in relation to the rights and protection of the child;

1.5. guarantee the well-being and the improvement of quality of life of the child, by promoting and enabling their development in the society, the effective assistance and care to the child whose health and well-being is at risk;

1.6. take measures to ensure that the child exercises their rights, in compliance with the gradual development of child's skills, based on the best interest of the child;

1.7. take measures to ensure subsistence, wellbeing and development of the child;

1.8. ensure cooperation between institutions at central and local level, as well as between the child protection organizations;

1.9. determine effective mechanisms and functioning of mandatory institutions and to take concrete measures to prevent, respond and protect the child;

1.10. to set up an integrated and functional child protection system, for the prevention and effective response to all the forms of violence, abuse, exploitation and negligence.

2. This Law is in accordance with Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA.

Article 2 **Scope**

1. This Law shall apply to:

1.1 a child with Kosovo citizenship, stateless child, unregistered child, asylum-seeker, refugee or child with foreign citizenship who is staying within the territory of the Republic of Kosovo; and

1.2. a child with Kosovo citizenship, staying outside the territory of the Republic of Kosovo.

2. Provisions of this Law shall not be taken as restriction or reduction of existing child rights as provided by the Constitution of Republic of Kosovo, Convention on the Rights of the Child or international acts in this field, and other applicable legislation.

Article 3 **Definitions**

1. Terms used in this Law shall have the following meanings:

1.1. **Child** – shall mean any human being under the age of eighteen (18), excluding the cases when the adult age is reached earlier, in compliance with the legislation he/she is subject to. In cases when the age of the person is not fully determined, but there are reasons which imply that the person in question is a child, this person is considered as a child and benefits from this Law until his/her age is fully determined;

1.2. **Children with Disabilities** - shall mean child with long-term physical, mental, intellectual or sensory impairments which, in interaction with different barriers, may hinder its full and effective participation in society just as the rest of the society;

1.3. **Minor** – shall mean the child who is between the age of fourteen (14) and eighteen (18) years;

1.4. **Parent** - shall mean a person or persons who have given birth to or have adopted a child, as a couple or alone, whether married or not, or who have acknowledged maternity or paternity of the child born out of wedlock;

1.5. **Parental responsibility** – means the parent's obligation to ensure the rights and duties aimed at ensuring the child's emotional, social and material well-being, by caring for and maintaining relation with the child and the obligation to provide upbringing, parenting, education, legal representation, and property management of the child;

1.6. **Guardian** – shall mean the person as it is defined in the Law on Family;

1.7. **Child protection** - shall mean the prevention of and response to violence, maltreatment, abuse, exploitation and negligence, kidnapping, sexual abuse, trafficking of the child and child labour in and outside the house;

1.8. **Victim's Advocate** - shall mean the official public person who represents the damaged party in court and administrative proceedings, including the child. The Victim's Advocate shall provide support and assistance to crime victims, represent the victim in

proceedings before the court, notifies the victim of his/her rights, represent the victim's interests before the court and the prosecution and acts on behalf of the victim, when appropriate, in accordance with the applicable laws;

1.9. **Child-friendly justice** - shall mean the justice system that ensures observance and effective implementation of the rights of children at the highest level, primarily taking into account the best interest of the child, non-discrimination, dignity protection, and child participation by giving the proper attention to the level of maturity and understanding of the child, and to the circumstances of the case;

1.10. **Child in need of protection** - shall mean the person under eighteen (18) years of age, irrespective of having the capacity to act, according to the legislation in force, who may be a victim of abuse, negligence, exploitation, discrimination, violence or any criminal activity, and also the individual under the age of criminal responsibility, who is alleged to have committed or accused of the commission of a criminal offence, and the children in conflict with the law;

1.11. **Child displaced within the territory of Kosovo** – shall mean a child who, due to various reasons, migrates from one municipality to another and needs protection service(s);

1.12. **Work allowed for children** - shall mean the participation of the child in economic activities that are not harmful to the development and health of the child, especially if they do not prevent them from attending school and using leisure time. Allowed is also the work that is part of the professional internship and under the respective supervision after all the risks have been identified and eliminated;

1.13. **Work forbidden for children** - shall mean the work or activity that harms the safety, health, morale and psycho-physical development of the child as a result of lack of experience and knowledge for performing the work tasks and duties;

1.14. **Dangerous forms of child labour** - shall mean the works that can result in death, (often permanent) injury or (often permanent) illness of the child as a result of the inconsistency of the nature of work with the age and psychophysical development of the child, and as a result of insufficient safety at the workplace;

1.15. **Children at risk** - shall mean any child experiencing an intense and/or persistent risk factor, or a combination of risk factors in personal, environmental and/or relational circumstances that prevent them from pursuing and fulfilling full potential development;

1.16. **Child without parental care** - means a child whose parents are not alive, or whose parents are unknown or missing, or whose parents for whatever reason temporarily or permanently fail to perform their parental duties or parental care;

1.17. **Family in need** – shall mean any family where one or both of the parents, the guardian and the caregiver need assistance in taking care of the child because of their condition or child's condition, in circumstances where the child is suffering serious injury due to being neglected or abused by his/her parent(s)/guardian, or due to his/her parent(s) or guardian inability to adequately take care of him/her, or in circumstances where he/she is exposed to the possibility of experiencing such a thing;

1.18. **Legal representative** - shall mean a parent or guardian who, within the responsibilities conferred by the legislation in force or by the court, protects the child's interests by performing or not the legal actions on behalf of the child;

1.19. **Child protection services** – shall mean all services the purpose of which is to

provide protection to the child according to the principles foreseen in this Law;

1.20. **Professionals for child protection** - shall mean all persons who, within the mandate of their work and in the context of their work, are in contact with the child in need of protection, or whose duty is to meet the needs of the child under this Law or any other applicable law, and national or international standards;

1.21. **Trustworthy person** - shall mean any person, other than the parent or legal guardian, who takes care of the child as a result of a professional or non-professional relationship;

1.22. **Violence** – shall mean all physical and/or emotional forms of maltreatment, sexual abuse, negligence or negligent treatment, commercial exploitation or any exploitation resulting in a potential or actual harm to the child's health, survival, development or dignity in terms of responsibility, trust, or power. Violence includes but is not limited to intentional acts or actions of a person to another, such as: the use of physical force, the psychological pressure, any act that causes or leads to physical and psychological pain; causing a sense of fear, personal danger, violation of dignity; physical attack regardless of the consequences; offending, insulting, calling by insulting names and other ways of harsh harassment; continuous repetition of behaviours in order to humiliate another person; putting another person in a position where he/she is afraid of the physical, emotional and economic condition;

1.23. **Violence against the child** – shall mean any intentional act or omission through which any form of physical or mental violence, injury or abuse, negligence or negligent treatment, maltreatment or exploitation, including sexual abuse is caused;

1.24. **Psychological violence**– shall mean the acts that cause or are likely to cause harm to the health or to the physical, mental, spiritual, moral or social development of the child. These acts may be under the control of the parent or of a person who has the responsibility, is entrusted with or has power, and includes the restriction of movements, mockery, denigration, blaming, threat, intimidation, discrimination, sneering, or other non-physical forms of hostility or rejecting treatment;

1.25. **Physical violence** – shall mean any form of physical abuse including beating by any means, slapping with hands or with other means, grabbing by the throat and any other acts that cause physical pain;

1.26. **Corporal punishment** – shall mean any form of punishment in which physical force is used and intended to cause pain or discomfort to the child, by any person who is legally responsible for the child. Corporal punishment includes the following forms such as: smacking, torturing, shaking, pushing, burning, slapping, and pinching, scratching, biting, scolding;

1.27. **Child negligence** – shall mean the omission, whether or not intentional, by a person who is responsible for the upbringing, care or education of the child, as a consequence of which the life, physical and mental well-being and development of the child may be at risk;

1.28. **Abuse** - shall mean any act or omission, whether or not intentional, by a parent, guardian, trustworthy person or any other person in the position of trust or authority, that causes or is likely to cause physical, psychological, emotional or social harm to the child;

1.29. **Maltreatment** - shall mean all forms of physical and/or emotional maltreatment, sexual abuse, negligence or negligent treatment or commercial exploitation, or any

other exploitation that leads to real or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power;

1.30. **Child prostitution** – shall mean the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party;

1.31. **Child pornography** - shall mean any visual image or visual depiction or representation, including any photograph, film, video, picture or computer generated image or picture, whether made or produced by electronic, mechanical or other means, which shows or represents: the genitals (vagina, penis or anus) or the pubic area of a child primarily for sexual purposes; a real child engaged in actual or simulated sexually explicit conduct; a person appearing to be a real child engaged in actual or simulated sexually explicit conduct; or realistic images of a non-existent child engaged in actual or simulated sexually explicit conduct;

1.32. **Child abduction** - shall mean the illegal departure of a child from his/her place of residence by force, threat, fraud, abuse of power or seduction, into a place under the control of a perpetrator or a third person, or illegally taking the child from the parent, guardian, or trustworthy person, regardless of whether this is done, facilitated or coordinated within the territory of the country or involving transit to or through the country;

1.33. **Child trafficking** - shall mean the recruitment, transportation, transfer, accommodation, taking children for the purpose of exploitation or acceptance of persons, including the exchange or transfer of control to such persons, by threat or use of force or other forms of coercion, abduction, fraud, misuse, abuse of power or misuse of a sensitive position or by giving or receiving payments or benefits to obtain the consent of a person having control over another person for the purpose of exploitation;

1.34. **Exploitation** - includes, but is not limited to, exploitation of prostitution of others, pornography or other forms of sexual exploitation, charity, services or forced labour, slavery or acts similar to slavery, removal of body organs or cells;

1.35. **Child sexual abuse** - shall mean the expression of abuse within the home or the family, but does not exclude cases of abuse by persons outside the family by taking advantage of either social or official position for sexual benefit from the victim of abuse. Sexual activity which implies sexual intercourse and any other form performed by, with, and before the child, where the presence or the participation of the child is for the purpose of sexual satisfaction of the other person;

1.36. **Institution** – shall mean all public, central and local institutions, as well as other private legal persons in the Republic of Kosovo, who have the responsibility for the child protection under this Law and the legislation in force;

1.37. **Child Protection System** - shall mean the specific formal and non-formal structure with general and unified functions and capacities to prevent and respond to violence, abuse, negligence and exploitation of the child. In general terms, the child protection system consists of the following components: human and financial resources, laws and policies, governance, monitoring and data collection, protection and response services, and case management. The system also includes different stakeholders such as children, the family, the community, the civil servants and officials of the central and local level, not excluding those working at international level. The functioning of the system depends on the interaction and the relationships between the components and stakeholders within this system;

1.38. **Committee** - shall mean the Inter-Ministerial Committee on the Rights of the Child;

1.39. **Council** - shall mean the Council on the Rights of the Child;

1.40. **Team** – shall mean the Team on the Rights of the Child;

1.41. **Multidisciplinary Roundtable for Assistance in Case Management** - shall mean a multidisciplinary group that includes professionals from relevant child protection institutions and other stakeholders representing a variety of disciplines, who are responsible for child protection, interact and coordinate their efforts to address specific cases of child abuse, child ill-treatment and neglect based on the best interests of the child;

1.42. **Relevant Unit for Good Governance** - shall mean the Office for Good Governance within the Office of the Prime Minister;

1.43. **Case manager** – shall mean the responsible officer, appointed by the Guardian Body, for case management of a child, who, in cooperation with relevant stakeholders, assesses needs of the child and drafts care plans;

1.44. **Centre for Social Work (CSW)** - shall mean the public professional institution at municipal level, competent for protection of the child in need;

1.45. **Guardian Body** – shall mean the body responsible for child protection, which acts within the Centre for Social Work;

1. 46. **Social Service Official** - shall mean the social and family service professional with adequate qualifications in the field of social work, psychology, sociology, justice, pedagogy or any other field closely related to social and family services, who is licensed and registered in the register of General council for social and family services.

CHAPTER II CHILD PROTECTION PRINCIPLES

Article 4 Right to life, survival and development

1. Protection of life of the child should be the main obligation for every person, institution or other body.

2. The child's right to survival and development, which means the child's right to physical, mental, emotional, educational, health, social development and well-being, must be protected to the maximum extent possible by any person, institution or any other body.

Article 5 Best interest of the child

1. The best interest of the child shall prevail and have the highest consideration regarding all child-related actions and decisions that are taken by parents or guardians, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies.

2. This law, and other legal acts that regulate the matters relating to child protection, as well as any other individual act based on them, is subject to the principle of the best interest of the child.

3. The best interest of the child requires a comprehensive effort to ensure the child's physical, psychological, moral and spiritual integrity and promotion of human dignity, by taking into account the individual characteristics and the child's social condition.

4. In order to ensure the best interest of the child, the following principles should be observed:

4.1. the family is primarily responsible for caring for and protecting the children; institutions help families with this obligation and intervenes only when the family is unable or incapable or needs help to protect the child;

4.2. sustainability should be a key goal, by choosing the intervention that least interferes with the child's life to ensure the stability of the child's personal relation with society, environment and guarantee the continuity of child education, training or employment;

4.3. administrative and judicial decisions affecting the child must be taken and enforced promptly and without unreasonable delays;

4.4. parents, guardians and the child shall take part in all stages of the procedure unless it is in contradiction with the child's best interest;

4.5. views of the child depending on age and maturity of the child to comprehend the situation;

4.6. background of the child considering special situations of abuse, negligence, exploitation or other forms of violence against the child and the potential risk of occurrence of similar situations in the future;

4.7. continuity of personal relations between the child and persons with whom they have kinship, social and/or spiritual relations, and all decisions and initiatives that are subject of this Law, should consider the individuality, age and maturity, mother tongue, sex, gender, identity, health condition and special abilities of the child in order to preserve ethnic, racial, religious and cultural identity of the child, in line with the circumstances.

5. Interpretation of the child's best interests should be in full compliance with the Convention on the Rights of the Child and no supposed interpretation of what is in the best interest of the child can justify the violation of any right recognized by the Convention.

Article 6

Gradual development of skills

The principle of gradual development of skills should be taken into account in accordance with the development of child skills, the proper orientation and direction for the exercise of the rights acknowledged by the legislation in force and the Convention, and provide due importance regarding all child-related decisions and actions that are taken by parents or guardians, other trusted persons, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies.

Article 7

Observing the child's point of view

1. In all actions and decisions that have to do with the child, taken by parents or guardians, institutions, child protection services, child protection professionals, courts, administrative authorities or legislative bodies, have the obligation to guarantee the child who is capable of having his or her views, the right to freely express such views on any matter pertaining to him/her, by assessing them in accordance with his/her age and degree of maturity, either directly, either through a representative or an appropriate body, in accordance with the rules of procedure of the legislation in force.

2. In all actions undertaken in accordance with this Law and the applicable legislation, especially in administrative matters and court proceedings, the views and wishes of the child should be considered in accordance with the age and degree of maturity of the child.

3. This requires:

3.1. the child to receive adequate information about the procedures and decisions, the right to express his/her views and the potential importance and effects of his/her participation in the manner and language the child can understand;

3.2. the child to have the opportunity to express views and wishes and to obtain the necessary help to do so in a convenient and encouraging environment;

3.3. adequate importance to be given to the child's view and wishes when a case-by-case analysis is conducted and to show that the child is able to form their views in a reasonable and independent manner;

3.4. the child to be informed about the results of procedure and is given the opportunity to respond to the procedures and decisions; and

3.5. the child to receive free legal aid in accordance with the legislation in force.

4. A child who is unable to have his or her views, the child protection services, institutions, child protection professionals, courts, administrative authorities or legislative bodies are obliged to guarantee the same protection to the child as in cases where the child is able to express his or her views in accordance with the rules and procedures of the legislation in force.

Article 8 Non-discrimination

1. All children are entitled to the same rights recognized by the applicable legislation and the Convention and shall be guaranteed such rights without any distinction, regardless of race, colour, gender, language, religion, political or other affiliations, national, ethnic or social origin, property, disability, family background or any other condition of the child or his parents or his/her legal representatives.

2. All institutions, service providers, child protection professionals must take all appropriate measures, in order for the child to be protected from all forms of discrimination.

3. Parents or guardian, family members, trusted persons, professionals for child protection who consider that the principle of equal treatment has not been applied to the child, may initiate the procedure and submit facts before a competent authority in accordance with the provisions of the respective Law on protection from discrimination.

CHAPTER III INSTITUTIONAL MECHANISMS ON THE RIGHTS OF THE CHILD

Article 9 Authorities for the rights of the child

1. The institutional structures and mechanisms for the rights of the child at the central level are:

1.1. Ombudsperson Institution;

1.2. Relevant ministries, based on their scope covering the rights of the child;

- 1.3. Relevant unit for Good Governance within the Office of the Prime Minister;
 - 1.4. Inter-ministerial Committee on the Rights of the Child;
 - 1.5. Council for the Rights of the Child.
2. The institutional structures and mechanisms at the local level include:
- 2.1. Municipality;
 - 2.2. Relevant department based on their scope covering the rights of the child;
 - 2.3. Centre for Social Work;
 - 2.4. Team for the Rights of the Child.
3. The institutional mechanisms and structures at both central and local level shall cooperate and coordinate their work in terms of implementing this law, legislation in force and state policies on the rights and protection of the child. The coordination of their activities on issues related to the rights of the child, set out in this law, shall be determined by a sub-legal act, adopted by the Government, upon proposal of the Office of the Prime Minister.
4. The institutional structures and mechanisms shall cooperate with non-governmental organizations in terms of implementing policies on the rights of the child, as well as providing necessary child protection services, determined by a sub-legal act, adopted by the Government upon proposal of the relevant Ministry for Social Welfare, in cooperation with the Office for Good Governance.

Article 10

Role of Ombudsperson Institution in child protection

1. Ombudsperson is an independent institution which among other things protects the rights of the child, foreseen by the Constitution, laws and other acts as well as by international instruments of the human rights, in particular with the Convention on the Rights of the Child.
2. A deputy Ombudsperson within the competencies delegated by the Ombudsperson shall also be responsible for protecting the rights of the child.
3. Every child, person or group of persons may file a complaint to the Ombudsperson regarding the protection of rights of the child according to the procedures set forth in the applicable legislation. Ombudsperson shall issue a Regulation on the manner of appeal of the child, as set forth by this Law.
4. Associations, organizations or other legal entities may initiate or support complaints on behalf of the applicant, upon obtaining the consent of the parents or guardian, as well as the child's opinion when he/she is able to provide it, for conducting the proceedings at the Ombudsperson's office.
5. When the Ombudsperson initiates the procedure on his/her own initiative regarding the violation of the rights and freedoms of a large number of children, the consent from paragraph 4. of this Article is not required.

Article 11

Role of central institutions in child protection

1. Central institutions are obliged to develop and implement policies and programs for supporting

children and their guardians, with a view to providing child protection, preventing threats to their life, violence, neglect, abuse, mistreatment, abandonment and exploitation. They shall ensure enforcement pursuant to appropriate standards of these policies and programs by institutions and other organizations providing child protection services.

2. Institutions shall take all legislative, administrative, social, education and health measures for the prevention, reporting, referral, investigation, treatment, and prosecution of child abuse cases described in paragraph 1. of this Article, and shall provide support to children and their guardians to ensure the protection and well-being of the child.

3. All institutions and services that are responsible for the care and protection of the child shall, while exercising their duties and drafting policies and legislation, act in accordance with the principles and provisions of this Law, and shall be responsible to ensure the staff capable of performing the duties and responsibilities set forth in this Law.

4. The Government, through ministries and relevant units, is responsible for drafting the policies and standards for ensuring that families have access to various forms of child protection support regarding all support measures and programs in local level.

5. When the family places the child in risk of being abandoned, abused, neglected, mistreatment or exploited, or exposes the child to acts of exploitation and abuse, the relevant institutions shall have the responsibility to protect the child and provide appropriate alternative care in compliance with applicable legislation.

6. Relevant ministries, in accordance with the scope and responsibilities defined by applicable legislation, shall be responsible for drafting policies in the field of child protection and ensure their implementation by the responsible institutions at the central and local level, as well as other organizations providing child protection in accordance with the applicable legislation.

7. Relevant ministries shall cooperate with municipalities, relevant municipal units, academia, other ministries and stakeholders to formulate policies and legislation to ensure the maintenance and advancement of child protection.

Article 12

Role of the relevant Unit for Good Governance

1. In terms of implementation of this Law, the relevant Unit of Good Governance within the Office of the Prime Minister is responsible to:

1.1. support the Committee for coordination of institutions and mechanisms that deal with the rights and protection of the child, and monitor and report the implementation of the Committee's recommendations;

1.2. provide recommendations to Committee and the Government on issues related to child protection;

1.3. recommend and advise the Prime Minister and relevant ministries in accordance with the principles of this Law and the Convention on the Rights of the Child, as necessary, on issues related to the rights and protection of the child;

1.4. drafts and ensure the compatibility of strategic policies, programs and legislation with standards related to the rights and protection of the child and good governance practices;

1.5. drafts standard operating procedures for prevention, identification, reporting, referral, investigation, treatment and persecution of child abuse cases to ensure protection of the child;

- 1.6. implements promotional projects to promote public awareness on international standards on child rights, applicable legislation, child education in the spirit of peace, dignity, tolerance, freedom, equality and solidarity and promotes any new form of child protection;
 - 1.7. establish a monitoring system for implementation of the rights of the child under the framework of children's rights indicators;
 - 1.8. cooperate with relevant government bodies of other states as well as with international organizations in matters concerning the rights and protection of the child;
 - 1.9. prepare a report on the implementation of the Convention on the Rights of the Child for the Committee on the Rights of the Child in Geneva, which is approved by the Committee. After approval by the Committee, the report shall be made public;
 - 1.10. submit an annual report to the Government of the Republic of Kosovo on the implementation of this Law, and may also draft special reports regarding its implementation.
2. Necessary human resources shall be provided to the respective Unit for Good Governance, in order to fulfil the mandate defined by this law.
 3. All ministries and municipalities are obliged, within their respective units, to assign an entity or relevant officer to coordinate and report the implementation of this Law and are obliged to cooperate with the relevant Unit for Good Governance.
 4. The relevant Unit for Good Governance shall establish cooperation with civil society organisations that deal with child protection.

Article 13

Role of the relevant unit for Social Welfare

1. In terms of implementation of this Law, the relevant unit for Social Welfare within the relevant Ministry for Social and Family Matters is responsible to:
 - 1.1. support the responsible institutions at the central and local level and other organisations that provide protection for children, in accordance with the legislation in force in the process of drafting and implementation of policies in the field of the child protection;
 - 1.2. provide and take measures in capacity building in the field of child protection of all institutional structures that have the duty and responsibility of child protection at the central and local level;
 - 1.3. generate data on the exact number of children by age and other necessary data on beneficiaries of social and family services;
 - 1.4. establish a consolidated monitoring and inspection system for the quality of social and family services, as well as review second instance complaint;
 - 1.5. cooperate closely with the relevant unit for Good Governance;
 - 1.6. exercise other competencies according to applicable legislation.

Article 14

Role of the Municipality

1. Each municipality is responsible for providing preventive, protection and reintegration measures and services for child protection within its territory according to standards and policies determined by the Government or the relevant Ministries.
2. Municipalities shall take steps to identify the nature and extent of the need for child protection within their territory.
3. Municipalities shall prepare annual plans and financing for the development and maintenance of child protection services.
4. Municipalities are obliged through respective directorates, to determine at least one child protection officer, who shall be obliged to cooperate, exchange information and data with the relevant Unit for Good Governance.
5. During the preparation of their annual plans, municipalities are obliged to consult widely with the relevant unit for good governance, relevant ministries, civil society organisations and other relevant groups and professional groups in their territory on the development, planning and delivery of child protection services.
6. Each municipality should have at least three (3) foster families for children without parental care, who are evaluated, trained and approved according to the standards set forth by the relevant Ministry of Social Welfare.
7. In order to realize common objectives and interests related to child protection competences, two or more municipalities may enter into cooperation relationships in compliance with applicable legislation.
8. Develops programs and projects to ensure the rights and welfare of the child, prevent and reduce factors endangering the life and moral, physical, psychological and emotional integrity of the child;
9. For the purpose of community awareness and achievement of concrete and certain results for children who do not have access to existing services, municipalities should organize information, education meeting and training for child protection, by coordinating and harmonizing actions through integrated services of the education sectors, social services, health and other governmental, non-governmental and community organizations.

Article 15

Role of the Centre for Social Work

1. In terms of implementation of this Law, the Centre for Social Work within the municipality is responsible to:
 - 1.1. coordinate and organize the integrated child protection system within the municipality;
 - 1.2. implement national and local child protection policies, including the implementation of interventions and measures to prevent and protect the child from abuse, negligence, mistreatment and violence;
 - 1.3. serve as an information centre where children and families within the municipality can be informed or referred to other support services or institutions, according to their needs;
 - 1.4. each Centre for Social Work shall designate at least one relevant responsible and

specialized officer to coordinate child protection measures and interventions. It shall also exercise other competencies as defined by the legislation in force.

Article 16 **Inter-ministerial Committee on the Rights of the Child**

1. The Inter-Ministerial Committee on the Rights of the Child is established to communicate and coordinate the policies, programs and processes related to the issue of the rights and protection of the child between the institutions of the Government of Kosovo, to facilitate the realization of the rights of the child and to offer them equal opportunities for active participation in society.
2. The Committee shall ensure the implementation of policies, programs and processes related to the rights and protection of children.
3. The Committee shall provide advice and ensure the coordination of state policies to ensure the rights and protection of children in all areas, in particular in the area of education, justice, social services, health and culture.
4. The Committee shall have the following responsibilities:
 - 4.1. coordinates all the institutions and mechanisms that deal with the rights and protection of the child;
 - 4.2. debates on policies and legislation in the area of the rights and protection of the child;
 - 4.3. supports the development and implementation of public information campaigns and other pilot projects to raise awareness on the standards of the rights and protection of the child;
 - 4.4. facilitates and monitor the implementation of policies, programs and other adopted measures regarding the rights and protection of the child;
 - 4.5. defines the priorities and measures to be taken to improve the current situation regarding the rights and protection of the child;
 - 4.6. approves the state report on the implementation of the Convention on the Rights of the Child for the Committee on the Rights of the Child in Geneva;
 - 4.7. takes decisions and provide recommendations for improving the protection of children's rights;
 - 4.8. approves the annual report on the rights of the child in the Republic of Kosovo;
 - 4.9. maintains links and cooperate closely with organizations representing children and other relevant factors in the field of the rights of the child;
 - 4.10. establishes working groups needed for dealing with issues related to the rights and protection of the child.

Article 17 **Composition of the Inter-ministerial Committee on the Rights of the Child**

1. The Committee shall be headed by the Prime Minister and represented by ministries at ministerial level.

2. The composition of the Inter-Ministerial Committee on the Rights of the Child is determined by a Government decision base on the proposal of the Prime Minister.
3. In the quality of observer members shall be: the representative of the relevant Parliamentary Committee on Human Rights, Gender Equality, Missing Persons and Petitions, the Ombudsperson, two (2) representatives from student councils, the Head of the UNICEF Office in the Republic of Kosovo and a civil society representative.
4. The relevant Unit for Good Governance shall serve as the Secretariat of the Committee, coordinating, monitoring, developing and maintaining necessary activities for the Committee's work.
5. The child shall be selected by Student Councils pursuant to the legislation in force.
6. The civil society representative shall be a citizen of the Republic of Kosovo who has knowledge of and has participated in outstanding activities in the field of protection of the rights of the child. He/she shall be selected through open, transparent and democratic procedures.
7. The Committee shall meet at least two (2) times a year.
8. The members of the Committee shall be responsible for ensuring representation of the relevant ministry in the work of the Committee and to carry out the duties arising from this Committee.
9. The ministries shall provide proposals, advice, suggestions and recommendations to the Committee and the Government of the Republic of Kosovo in relation to the development of policies related to the rights and protection of the child.
10. Representatives of independent institutions, civil society organisations, heads of the respective directorates, central and local level, as well as experts and representatives of other institutions and persons that have responsibilities in the field of child protection shall be invited to participate in meetings of the Committee.
11. All institutions are obliged to cooperate and to implement the recommendations of the Committee and to provide information required by the relevant Unit for Good Governance, on behalf of the Committee.
12. The Committee shall cooperate and coordinate its work with other relevant government bodies and the National Coordinator against Domestic Violence.

Article 18
The Council for the Rights of the Child

1. The Council for the rights of the child shall have the following responsibilities:
 - 1.1. defines the priorities and necessary measures to be taken for improving the current situation regarding the rights and protection of the child, and coordinate the activities necessary for their implementation;
 - 1.2. advises the Committee on all aspects of the rights and protection of the child;
 - 1.3. coordinates and monitors the development and implementation of relevant policies and measures for implementation of this law and the strategy and national action plan on the rights of the child;
 - 1.4. analyses and evaluates the implementation of development policies and legislation related to improving the situation of the rights and protection of the child;

- 1.5. recommends to competent institutions undertaking further actions necessary to realize the rights and ensure the protection of the child in accordance with the legislation in force;
 - 1.6. provides relevant recommendations on cross-sector prevention measures for child protection;
 - 1.7. promotes and develops activities aimed at increasing the participation of the child in the decision-making process related the rights and protection of the child;
 - 1.8. implements information campaigns and other promotional projects to raise awareness on the standards of the rights and protection of the child;
 - 1.9. advances cooperation on the rights and protection of the child at the central and local level with civil society and relevant agencies with the aim of implementing relevant documents (national and sector strategies, programs, action plans, etc.);
 - 1.10. performs other functions that may be defined by sub-legal acts issued for the implementation of this Law.
2. Rules of procedure of the Council for the Rights of the Child shall be regulated by a sub-legal act proposed by the relevant Unit for Good Governance and approved by the Government.

Article 19
Composition of the Council for the Rights of the Child

1. The council shall have the following composition:
 - 1.1. Director of the OGG/OPM, chairperson;
 - 1.2. Director of Department EUCP/MJ, vice chairperson;
 - 1.3. Head of Division SS/MLSW vice chairperson;
 - 1.4. Senior officer for RCH.OPM, member;
 - 1.5. Coordinator HRU/MJ, member;
 - 1.6. Coordinator HRU/MLSW, member;
 - 1.7. Director of Correctional Center-Lipjan/MJ, member;
 - 1.8. Head of Division of AMD/MJ, member;
 - 1.9. Senior legal officer, MJ, member;
 - 1.10. Head of Legal Division in KCS/MJ member;
 - 1.11. Legal officer in Secretariat, KJC, member;

- 1.12. Coordinator of the Program, KJI, member;
 - 1.13. Member from the Community Police, KP, member;
 - 1.14. Finance officer from DSW/MLSW, member;
 - 1.15. Coordinator of HRU/MEST, member;
 - 1.16. Coordinator of HRU/MF, member;
 - 1.17. Manager for Protection of Victims, MJ, member;
 - 1.18. Officer for Health of MCH/MH, member;
 - 1.19. Director of Department for EI/MIA, member;
 - 1.20. Head of Division for RLGA/MALG, member;
 - 1.21. Executive Director/Kosovo Bar Association, member.
2. In the quality of members, external consultants are:
- 2.1. Officer for Protection of the Child, UNICEF, member;
 - 2.2. Officer for Protection of the Child, DM/UNICEF, member.
3. In the quality of observer members, are:
- 3.1. Officer for Protection of the Child/Ombudsperson, member;
 - 3.2. Representative of the administration of the Parliamentary Committee on Human Rights, Gender Equality, Missing Persons and Petitions, member;
 - 3.3. Director of the Office for Strategic Planning, OPM, member;
 - 3.4. Representative of the Coalition for Protection of Victims, member;
 - 3.5. Director of TDH/NGO, member.

Article 20
Team for the Rights of the Child

1. This law shall establish the Team for the Rights of the Child at the political decision-making level in all Municipalities of the Republic of Kosovo.
2. The team shall be responsible to:
 - 2.1. define the priorities of the municipality and necessary measures to be taken to improve the current situation regarding the rights and protection of the child and to coordinate the activities necessary for their implementation;
 - 2.2. coordinate and monitor the implementation of policies and relevant measures for the implementation of this Law;
 - 2.3 ensure the implementation of the recommendations and decisions issued by the structures foreseen under this Law on Child Protection;

2.4. assess and ensure the compliance of policies, legal acts and other measures taken by the Municipality with legislation, policies, strategy on the Rights of the Child and international standards on child rights and protection;

2.5. develop programs for preventing child involvement in potential negative phenomena and reduce risk factors that could endanger children;

2.6. recommends the Mayor to undertake further actions necessary to realize the rights and ensure the protection of the child in accordance with the legislation in force;

2.7. the manner of establishing and functioning of the Team for the Rights of the Child shall be regulated by a sub-legal act approved by the Government upon the proposal of the respective Ministry of Local Government Administration and the relevant Unit of the Prime Minister`s Office.

3. The Municipality shall create all the necessary conditions for the Team for the Rights of the Child to perform activities under paragraph 2. of this Article.

Article 21

The establishment of Multidisciplinary Roundtables for Support in Case Management

1. Multidisciplinary roundtables for assistance in case management shall be established in the municipalities of the Republic of Kosovo, at the professional level.

2. Working procedures in multidisciplinary roundtables for assistance in case management, led by the case manager, in coordination and interaction with the structures and services responsible for child protection, shall operate based on detailed procedures that will be determined by a sub-legal act, proposed by the relevant Ministry of Labour and Social Welfare and approved by the Government.

Article 22

Formal institutional system and phone line for children

1. The Government shall be responsible for establishing a functional institutional formal system to identify and coordinate the protection and care in any case where a child is suspected or identified as abused, neglected, mistreated or trafficked.

2. Child Protection System includes legal framework, structures, measures and actions which coordinate interventions to prevent, identify in time, evaluate and intervene through a multi-disciplinary action plan and aimed at protecting the child and his/her best interest.

3. Formal system for child protection on responding to cases of children at risk is directed and implemented by specialized workers of services for child protection.

4. Relevant Unit for Good Governance establishes the free-of-charge line for Child Protection. The free line will serve children who need to ask and receive advice, and to report cases of violence, abuse, negligence and trafficking. Children should be provided with support, counselling and services pursuant to their needs and in accordance with their best interest.

5. Relevant Unit for Good Governance, in order to fulfil the goal of the free-of-charge line shall cooperate closely with public institutions, in particular with the relevant Ministry of Labour and Social Welfare.

Article 23

The role of natural and legal persons in provision of services for child protection

1. Natural and legal persons can provide child protection services.

2. Natural and legal persons including officials employed by institutions that provide child protection services must be licensed under applicable legislation and must meet the conditions and criteria defined.

3. A municipality may contract only natural and legal persons licensed or that meet the conditions and criteria to provide special services for child protection, which can not be provided by the municipality within their territory, on behalf of the municipality, provided that such contracts are in compliance with the annual plans of the municipality for the services of child protection in its territory, through procedures of commissioning and contracting under the legislation in force.

4. Relevant ministries may enter into contract with natural and legal persons and may grant funds and provide any other material assistance, including premises, natural and legal persons licensed or that meet the conditions and criteria to provide special services for child protection in the level of Kosovo through procedures of commissioning and contracting, which can not be provided by the respective ministry.

CHAPTER IV CHILD PROTECTION MEASURES

Article 24 Prevention

1. The risks that endanger the well-being and development of the child must be prevented in order to ensure the rights and well-being of the child. Prevention shall include the perception of child-threatening situations and events at the earliest time possible as well as their response, including the identification of child development and behavioural problems, problems occurring in the family environment, the identification of abuse and the increase of protective measures that promote the well-being and development of the child.

2. Public and private institutions and non-governmental organizations, according to their mandate, should develop measures to prevent the child's need for assistance and to reduce existing problems. Measures should be based on the needs of the child, support the relationship between the child and the persons raising the child, and support social behaviour. Such measures should be achievable, timely, and have a positive long-term effect.

Article 25 Legal protection measures

1. The Centre for Social Work and the Police assist and intervene in families, on referral basis or in cases when the family is unable or when there is a grounded suspicion that the family is unable to protect the child from the risk against his or her life, violence, negligence, maltreatment, abuse and exploitation.

2. Child protection shall be realized through undertaking protective measures, implementing interventions to respect the rights of the child and provide services, as needed, which aim at the development and well-being of the child in his or her family environment or by placing him/her in alternative care, when the child is temporarily or permanently deprived of the care of the parents or when, due to his best interest, he or she cannot be left under the care of the parents.

3. Competent institutions support the parents or guardian in raising their child and should try to provide the necessary assistance to the family in need, even in the early phases when such a thing is necessary and to refer the child and family to the child protection services.

Article 26

Legal requirements for reporting

1. Any person who notices or has information of a situation or act that a child may be subjected to or becomes aware that the child has been subject to any form of physical or mental violence, mistreatment, abandonment, abuse, neglect and exploitation is obliged to report the case by writing or verbally to the Police or the relevant Centre for Social Work.
2. If a parent or guardian as well as any other person has a reason to suspect that a child is subject to violence, is abused, mistreated, exploited, then he is obliged to report the case in written or verbally to the police or at the Centre for Social Work.
3. Child protection professional that included but is not limited to: educators, teachers, doctors, dentists, nurses, psychologists, social workers, police officer, any provider of public or private child protection services or representatives of non-governmental organizations for the protection of the child, and whoever has reason to suspect that a child has experienced violence, abuse, mistreatment, abandonment, exploitation or neglect is obliged to report the case, in written or oral form to the police, to Office for Protection and Assistance of Victims or at CSW.
4. CSW has the duty to inform the police in any case of referral of protection of the child or otherwise, the police has the obligation to inform the Centre for Social Work, in any case of reporting cases identified as suspected or abused.
5. Every person that reports information with credibility to institutions and formal mechanisms should be excluded from any civil or criminal obligation, or an obligation that could be related with the act of reporting. They should have the right to special protection, if necessary, to ensure the safety of the person.
6. The Government of the Republic of Kosovo upon the proposal of the relevant Ministry of Labour and Social Welfare and relevant Ministry on Internal Affairs, issues a sub-legal act that regulates the effective procedures for identifying, reporting, and referral of exploitation, neglecting and abuse of the child as well as for protection of the child in road situation.

Article 27

Separation of the child from the family

1. The child shall not be taken away from the care of a parent or parents or guardians without their consent or without a court order.
2. Exceptionally, whenever the guardianship body has grounded reasons to believe that there is serious direct risk to the child's health, safety or well-being, the guardianship body may enter any facility and take the child to a safe place, where he/she will have care for a period not exceeding seventy two (72) hours.
3. Before the seventy two (72) hour period has expired, the guardian body must present the case to the competent court, which decides on the custody of the child. If the circumstances so require, the court may issue an assessment order for a period of twenty one (21) days to allow for further investigation and evaluation, to which time the case must be referred to the court for further consideration.
4. A child cannot be separated from his/her parents or guardian against his/her will and desire, except in cases when such separation is in the best interest of the child, the child is at risk, or such separation is inevitable, and if this separation is required by law or by a final court decision. If the child is separated from his/her parents or guardian, child's opinions and desires should be taken into consideration and documented in the documentation that is developed for this purpose. The opinion of the child should be heard and documented by social services or the court.

5. In all procedures pursuant to paragraphs 1. and 2. of this Article, all interested parties shall have the opportunity to participate in the proceedings and give their opinions.

6. A child who is separated from one or both parents has the right to maintain personal contact and regular direct meetings with both parents unless this is not in the best interest of the child.

7. Where such separation results from any action initiated by competent institutions, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that institution, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. Institutions shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

8. The decision on the placement of the child in alternative care, shall be executed, monitored and reported by the Centre for Social Work and reviewed regularly as foreseen by applicable legislation or court decision.

Article 28

Protection of children without parental care

1. The protection of children without parental care is realized through the basic forms of family and legal protection, as follows:

- 1.1. guardianship;
- 1.2. family housing;
- 1.3. residential shelter/community-based houses, adoption and;
- 1.4. independent supervised living.

2. Institutions shall provide forms of protection for children without parental care, based on the legislation in force.

Article 29

Child protection while staying in a family shelter

1. The relevant Ministry of Labour and Social Welfare and the Municipality are obliged to provide material support to the sheltering family for taking care of the child while staying in a family shelter.

2. Sheltering family is not allowed to share any information with unauthorised persons, media and others related to the child during his/her stay and after leaving the family shelter.

Article 30

Child Protection Houses

1. This law establishes homes for the Protection of Children from the respective Ministry of Labor and Social Welfare, under the relevant Law on Local Self-Government, under the Centers for Social Work where relevant basic and prosecution courts operate.

2. The Ministry of Labour and Social Welfare sets standards and approves the establishment of the Child Protection Houses.

3. Child Protection Houses shall provide emergency child protection services, no longer than three (3) days.
4. The houses shall also serve as centres for conducting the procedures in all cases of violence, with special emphasis on offenses against sexual integrity, when the child is a victim or a witness. Provide counselling services, especially for different therapies, and shall also serve as temporary shelter for children who are unable to return home, children who cannot be accommodated in family shelters or children who are at home but are required to leave from there because their lives or health are highly endangered.
5. The priority of these centres shall be the implementation of the concept of friendly approach, urgent response, interdisciplinary action and coordination between institutions and stakeholders involved in service delivery and case resolution in the shortest time possible.
6. Child Protection Houses shall be funded by the Budget of the Republic of Kosovo and by donors.
7. The organization and scope of the Child Protection Houses shall be regulated by a sub-legal act proposed by the respective Ministry of Labour and Social Welfare and approved by the Government.

Article 31 **Monitoring of protection measures**

1. The Case Manager in the CSW and the child Guardian are responsible for monitoring the child protection measures and at least once a month, review the progress, advancement of the measure and/or the need to amend or change it, in consultation with other professionals of the Guardian Body.
2. The Case Manager on Child Protection shall have the consent of Guardian Body for the removal of the protection measure and the return of the child to the family, proving with relevant documentation that the parents are able to care for the child and the return of the child in the family is in his/her best interest.
3. If the protective measure is imposed by the Court, the Case Manager submits a request to the court for the removal of the protective measure.
4. If the parent, in the framework of the Individual Protection Plan, is obliged to attend parenting courses, or perform any other activities, the relevant child protection officer shall verify the successful fulfilment of these obligations by the parents and include the relevant information in the proposal to remove the protection measure.

Article 32 **Parenting skills measures**

1. The relevant child protection officer, in collaboration with the Multidisciplinary Table, has the duty to assess the family situation of every child in need of protection and, in any case, with priority, aim at ensuring child protection within the family.
2. If the protection measure for placing the child in alternative care is taken, the child protection officer, when possible, shall draft a Parenting Skills Plan, which is part of the Individual Protection Plan for the child and aims at preparing the parents for the return of the child in the family, once the protection measure terminates.
3. The Parenting Skills Plan may contain, but is not limited to, measures obliging parents to attend parenting skills courses, psychological counselling for anger management, medical treatment against alcohol or use of narcotic and psychotropic substances, mental health treatment,

as well as interventions to support the family for registration with the civil registry office, the economic aid scheme, employment services, health services, and any other interventions that would improve family situation and guarantee the child protection within the family.

4. Implementation of the Parenting Skills Plan shall be monitored by the child protection officer, in collaboration with the Team for the Rights of the Child.

CHAPTER V CHILD PROTECTION IN FAMILY AND COMMUNITY

Article 33

The right to a name, citizenship, knowing his or her parents and preserving the identity

1. Pursuant to the applicable legislation, the child is entitled to:

1.1. register for free, immediately upon birth. This right is also granted to children born outside the territory of the Republic of Kosovo, upon request by the parent or guardian, according to the rules set forth in the legislation in force;

1.2. have a name;

1.3. acquire citizenship;

1.4. know parents and be cared for by his or her parents.

2. The child has the right to preserve the identity, including the determination of the surname, acquisition of citizenship and recognition of family relations in accordance with the applicable law without unlawful interference.

3. If a child is unlawfully deprived of one or more elements of his/her identity, he or she shall be provided with the appropriate assistance to restore him/her to identity, including ensuring the care of state institutions, give him/her with the opportunity of practicing religion, culture and language of origin. Assistance may include the provision of genetic information for:

3.1. finding the parents;

3.2. finding relatives or family members of the child, refugees and asylum seekers for the purpose of family reunion;

3.3. registration of any change of the child's identity, such as name, citizenship, parental rights.

4. The registration and confirmation of the fact of birth shall be made in accordance with the criteria, rules, and procedure provided for with the applicable legislation.

5. If not possible to determine the identity a child found or abandoned in the facilities of the healthcare institutions, or the identity of the child's parents, one or more employees of the institution where the child is found or abandoned shall be immediately appointed to take care of the child until the necessary measures are taken in accordance with the applicable legislation.

6. When the child is abandoned by his/her biological parent/s, or the same declare that they will abandon the child, the social and medical staff in the maternity or other healthcare institutions shall, within twenty four (24) hours, notify by phone and in writing the Centre for Social Work in the respective municipality.

7. In cases of child abandonment by unknown parents at the premises outside healthcare

facilities, whereby the life and health of the child is threatened, the Centre for Social Work, in cooperation with the Police, prepare a written report on the abandonment of the child, which is signed by both sides.

8. The Centre for Social Work, in the capacity of the Guardianship body, shall take the necessary measures to protect the child based on the child's needs assessment.

9. If one of the parents is identified, the Centre for Social Work in the respective municipality shall, with the purpose of taking the necessary measures to return the child to the biological family and issues a birth certificate, advises the parent on the importance of taking the biological child in parental care and the legal consequences of abandoning a child. If the child's mother is not identified after the police investigation, the child protection official in the municipality where the child was born prepares the file containing the act of birth, the report prepared according to paragraph 6. of this Article, the decision on the child protection measure and the information sent by the police about the outcome of the investigations carried out.

10. All legal and natural persons, in particular healthcare institutions, social services, residential services that identify pregnant women or children without identification documents, notify the Centre for Social Work in the municipality where they are operating. The Centre for Social Work in cooperation with other institutions in the municipality takes concrete actions to determine the identity of the pregnant woman or the child according to the legislation in force.

Article 34 **Family responsibilities**

1. The family, being a fundamental unit of society and the natural environment, has as its main responsibility the growth, well-being, education and child protection. The family should ensure that the child grows up in an atmosphere of happiness, love and understanding that promotes the development of the full potential of the child.

2. Parents, other family members and guardians must protect the child's life and development and respect the dignity, values and personality of the child. Educational methods should evaluate and protect the child's individuality, sex, health status, disability, and the ethnic, racial, religious and cultural identity of the child. The child's opinions and desires should be taken into account in accordance with the age, maturity and gradual development of the child's ability to make decisions that affect his or her life.

3. Parents, other family members and guardians are responsible for protecting children from all acts and situations that put the child at risk of all forms of physical and mental violence, neglect, abuse, maltreatment, and exploitation.

4. Parents, other family members and guardians shall be obliged to:

4.1. provide good advice and guidance and assistance to the child in accordance with his/her development to prepare him/her for an independent and responsible life in society;

4.2. take into account the position of the child and his/her desires in accordance with his/her age and maturity;

4.3. respect and promote the right of the child to health, education, social welfare and participation;

4.4. protect the rights and interests of the child protected by law and the Convention;
and

4.5. ensure that in the temporary absence of parent or guardian, the child has adequate care by the designated person, parent, guardian or competent body.

Article 35

Institutional responsibilities

1. Parents or guardians shall be entitled to support from institutions to fulfil the responsibilities specified in this article. Institutions must respect the primary responsibility of the parents or guardians for education of the child and the relationship between the child and the parents or legal guardian, while at the same time respecting and taking into account the gradual development of skills of the child.
2. Institutions should undertake all necessary measures to ensure that the parents or guardians, who are unable to perform their responsibilities, receive the necessary support to fulfil their responsibilities and provide the necessary infrastructure and services in this direction.
3. When a family fails to protect or places the child at risk of all forms of physical and mental violence, negligence, abuse, sexual abuse, maltreatment, abandonment, economic exploitation and all other forms of exploitation by parents, other family members and guardian, the competent municipal institution is responsible for protecting the child and ensuring the appropriate alternative care or permanent legal care with the legislation in force.
4. Only in cases when support measures available to the families under paragraph 1. of this Article prove to be insufficient in preventing violence, disregard, negligence, abuse, maltreatment, exploitation or when the child is at high inevitable risk, institutions shall be responsible to intervene with the measures provided by this law and the legislation in force and to ensure the safety and well-being of the child.

Article 36

Individual responsibility

Every legal and natural person shall be responsible pursuant to the provisions of the present Law and relevant legislation when, by his actions or omissions, he or she violates the Law.

Article 37

Education

1. It is prohibited to deprive a child of his/her right to education.
2. The respective ministry of education should provide inclusive and equal access for all students in quality and free education on the basis of equal opportunities and non-discrimination, in accordance with age and ability to understand at all levels of pre-university education. This right shall also be granted to a child who is willing to continue education upon completing compulsory education.
3. A child attending all forms of pre-university education shall be protected from all forms of physical and mental violence, abuse, maltreatment, exploitation, corporal punishment, negligence or any other form that puts at risk the life, safety, health, education and development of the child. The child shall be protected from violence exercised by the educational personnel, their peers and any other person within the educational system. During the educational process, it shall be forbidden to promote hate speech, violence, intolerance, or discrimination and other forms which incite human conflict.
4. The parent or guardian shall take appropriate measures in order for the child to attend the compulsory education or other levels of education, according to the child's desires, and to ensure their regular and unobstructed attendance.
5. The Ministry responsible for education, as the responsible public authority, and the local education units shall take concrete measures in order to:

- 5.1. encourage lifelong learning, develop the child's respect for cultural identity, language and national values, respect for different cultures and environmental preservation;
 - 5.2. enable the child access to preschool education as well as compulsory free education for all children, even in cases where the children may have passed the age for compulsory education but have been unable to attend it;
 - 5.3. develop parental education programs, in cooperation with relevant institutions, including programs for preventing domestic violence;
 - 5.4. organize special lesson plans for a child who fails to reach the appropriate levels of the curriculum, in order to prevent the barriers to further education of the child;
 - 5.5. identify and address the cases of children at risk of dropping-out and undertake concrete actions according to national policies for dealing with cases at school and municipality level;
 - 5.6. organize special education learning plans for drop-out children, children who never attended school or returning from abroad, in order to integrate them into the national education system;
 - 5.7. monitor the child's right to rest, as well as the right to participate in cultural and artistic activities;
 - 5.8. address the prevention of child involvement in serious and dangerous labour, addressing this issue with curricular, cross-curricular and extracurricular approaches;
 - 5.9. provide effective mechanisms for prevention, treatment within the school and reporting situations of violence and other negative phenomena to responsible authorities;
 - 5.10. foresee and enforce appropriate sanctions for educational staff in cases where it exercises, allows, encourages, tolerates or does not report violent actions in educational institutions, according to this law;
 - 5.11. ensure child protection on the Internet, promoting the use of Information and Communications Technology in a useful and responsible manner;
 - 5.12. address the prevention of child trafficking by raising awareness, and treating children at risk of being trafficked with a proactive approach;
 - 5.13. include modules for protection against the risk of abuse and sexual exploitation in pre-university and higher education institutions curricula;
 - 5.14. relevant Ministry on Education, Science and Technology to guarantee attendance to primary and secondary education institutions for children of families who are in enmity.
6. In cases when a child not attending compulsory education, due to non-registration in the civil status offices or other reasons, are identified, the appropriate child protection officer within the relevant Directorate in Municipality shall take immediate measures to register the child at school, according to the legislation in force.
7. During the educational process, the child is treated with dignity by the teachers and the staff, and is informed about his rights and means of exercising them, according to this law.

Article 38
Prohibition of physical punishment

1. Physical punishment and disciplinary measures that undermine and weaken the child's human dignity, including forms of physical and mental violence, as well as behaviors that degrade, disgrace and put the child into a difficult situation are prohibited in any environment at home and families, educational institutions, care institutions, law enforcement and justice systems, working environments and community.
2. It is prohibited for a child to be subjected to torture and non-human, non-dignified treatment, corporal punishment and degrading treatment by any person.
3. Educational personnel and school related personnel should not use corporal punishment as a means of discipline and rule, but rather should work and build on the basis of respect and justice.
4. The Municipal Directorate of Education and the Education Inspectorate shall take disciplinary measures against the educational personnel and reports the cases of corporal punishment of the child to the investigative bodies in accordance with the laws in force.
5. The relevant ministries shall provide the issuance and establishment of awareness-raising programs regarding the harmful effects of corporal punishment and design and create:
 - 5.1. education and awareness-raising regarding the degrading consequences of corporal punishment;
 - 5.2. parenting programs that promote non-violent methods of disciplining in family and educational institutions and in care institutions.

Article 39
Protection of the right to privacy

1. A child's right to privacy, respect of private, family life, housing, and correspondence is guaranteed and must be protected from malicious, arbitrary and unlawful interference affecting the morality and dignity of the child.
2. The child's privacy includes the right of the child to have an opinion and to be protected in all situations, within the family and healthcare, social and service institutions.
3. No child shall be subject to illegal or arbitrary intervention to his/her private, family life or correspondence, nor attacks to his/her reputation and dignity.
4. A child's privacy shall be respected in all stages of court or administrative proceedings, including their publication in the media.
5. Such actions are punishable under the legislation in force.

Article 40
Leisure and play

1. A child shall have the right to rest, have fun, play games, and recreational activities and to participate freely in the cultural, artistic and sports life, in accordance with the age of physical and mental development.
2. Institutions at central and local level shall take concrete measures, within their competencies, to create adequate spaces and equal opportunities for practicing cultural, artistic and recreational activities for all children. These measures include:

- 2.1. approval of the urban regulatory framework as well as acts of local self-government bodies to guarantee adequate urban space and secure access to sports facilities, playgrounds or other recreational facilities for all children regardless of age, gender, race, ethnicity, ability or social economic conditions;
- 2.2. setting security standards and access to all recreational facilities and playgrounds, in order to protect the child from possible health damage;
- 2.3. creation of appropriate facilities to enable the safe and inclusive exercise of sports, cultural and entertaining activities at school and community environments;
- 2.4. drafting a school curricula that allows children sufficient time for games, recreation and sporting activities.

Article 41 **Harmful practices**

1. Child is protected from any social, cultural, customary, rituals and traditional practices which damage security, health, development or the child welfare.
2. In particular, discriminatory practices and habits against child based on gender or any other status contrary to Article 8 of this law is prohibited.
3. Child that has experienced and passed through a harmful practice will have full and free access to social, legal, health care and other services provided by applicable legislation.
4. The relevant unit of Good Governance in cooperation with other institutions and civil society organizations, in central and local level, in order to protect children conducts assessments, studies and programs for raising awareness in order to influence the reduction and eradication of traditions and practices that are harmful for children as well as to promote healthy models and positive alternatives.

Article 42 **Healthcare**

1. A child's right to a free-of-charge healthcare and the benefit from high standards disease treatment and health recuperation services is guaranteed. This right cannot be limited, regardless of whether the child is registered or not in the civil status register, or for any other reason.
2. This right is guaranteed by the ministry responsible for healthcare, which takes measures to:
 - 2.1. reduce infant and child mortality;
 - 2.2. provide the child with free and quality healthcare, with emphasis on the development of primary healthcare;
 - 2.3. combat disease and malnutrition, by taking measures for the security of the food products, clean drinking water and taking into account the risks of pollution of the natural environment;
 - 2.4. provide the proper health care to mothers before and after childbirth;
 - 2.5. enable, in cooperation with the ministry responsible for education, that all social groups, and in particular parents and children, receive information, have access to education and are support on health and nutrition of the child, advantages of

breastfeeding, hygiene and environmental improvement and prevention of accidents;

2.6. develop preventive health care ensuring optimal development of children, parental and child counselling, education, and reproductive health services for parents and children, depending on age and ability to comprehend;

2.7. ensure periodic verification of treatment provided to a child in health care institutions or in temporary or permanent protection, by a court decision;

2.8. protect confidentiality during and after the child's medical examination against third parties, except in cases where the health or life of the child is endangered, in accordance with Article 23 of this Law;

2.9. provide health care services for children with disabilities, aimed at rehabilitation, equal integration in society.

2.10. early identification of health issues of children through home visits and their referral to other relevant sectors for cross-sector treatment.

3. Parents have the obligation to seek medical care in order for the child to enjoy the highest standard of health and prevent situations that may be hazardous to the child's life, growth and development.

4. Regular home visits to pregnant woman and children to the age of three (3) years are mandatory. They are conducted under the standards of these visits and carried out within the basic package of the primary health care services. Home visits aim to protect the mother's and child health, including counselling for proper child development, preventing and avoiding abandonment, abuse, exploitation and neglect or any other kind of violence against the child.

Article 43

Protection of children from harmful and prohibited substances

1. Children must be protected from use of narcotic substances, alcohol, tobacco products, toxic products, psychotropic substances and other substances that are declared harmful by the relevant authorities.

2. Every person and economic operator shall be prohibited to sell and serve the children, until the age of eighteen (18), alcohol, tobacco products, products containing toxic substances and other substances that are declared harmful by the relevant authorities, otherwise will be sentenced under the legislation in force.

3. Use or engagement of a child in production, distribution or trafficking of such substances is prohibited and sanctioned by the relevant legislation in force.

4. Adequate protective and preventive measures, including advocacy of a way of healthy living and discouraging of any kind of abuse with drugs and psychotropic substances shall be regulated by a sub-legal act approved by the Government with a proposal by the relevant ministry of health.

5. Treatment of children who are addicted to drugs and abuse of other narcotic substances should be offered a closed environment only as a last resort and only with the consent of the legal representative or a court order.

Article 44

Prohibition to attend nightclubs and games of chance

1. Children are not allowed to enter nightclubs, games of chance facilities, have access to

online games of chance and adult entertainment centres or similar facilities. Children are not allowed to sell and buy products that are dangerous to their health and safety.

2. The relevant municipal body should impose the request to an operator of a public event to limit access to the child in general or to a child under the certain age, if the event is likely to adversely affect the physical or psychological well-being of the child.

3. If the child is present in a place described under paragraph 1. of this Article, the service provider of child protection should request to remove the child from that place and handle the case in accordance with the legislation in force.

4. Adequate protective and preventive measures, for the prohibition of a child in facilities referred to in paragraph 1. of this Article shall be regulated by a sub-legal act adopted by the Government upon proposal by the relevant Ministry of Internal Affairs.

Article 45

Protection of children in mass media

1. Child is protected from publications, films, video games, music, broadcasting, or other types of electronic or print media which are harmful to their health, welfare or development.

2. No person or organisation is allowed to show, sell, lease, or distribute through books, newspapers, magazines, and other types of publications, including films and recordings of pornographic, erotic or violent content, or those that promote atrocities or discrimination, including racial, religious, sexual, national and ethnic or any other type of discrimination that are harmful to the child. It is prohibited for child to participate in any presentation of such materials.

3. Mass media, including printed and electronic media, publications, television, radio, advertising, cinema, internet and online media, portals, are obliged to contribute actively to affirm child protection through awareness-raising activities and by advising the public on the potential negative impacts that exposure to the media can have on the child.

4. The Government should encourage: production and distribution of children books; distribution of media information and materials of social and cultural benefit to children, which promote the mentioned values.

5. The Government, through incentive measures, encourages mass media to have useful childcare schemes, taking into account the language needs of children belonging to minorities.

6. The media are obliged to report in an ethical manner by protecting the dignity of the child and taking into account the best interest of the child.

7. Independent Media Commission (IMC) based on the relevant Law on Independent Media Commission has the legal mandate to ensure the protection of children and minors from harmful program contents transmitted by the licensees of the IMC, as audio and audiovisual media service providers and distribution operators.

8. The IMC, in cooperation with other institutions, with sub-legal shall define the ways of protection of children in the mass media, with special emphasis for children who are under the institutional care.

Article 46

Protection of Children with Disabilities

1. A disabled child enjoys all the rights provided for in this law in full and equally to other children.

2. Child with disabilities must be provided a normal and good life and conditions that guarantee the dignity that promote self-confidence, rehabilitation and reintegration and facilitate the active

participation and physical access of the child in the community.

3. The child with disabilities shall be entitled to health, social, educational, and any other service, as needed, determined by the structures responsible for assessing the disability. The responsible institutions shall ensure that these services are provided as close as possible to the child and free of charge whenever possible, taking into account the economic situation of the parent or guardian.

4. A child with disabilities may be provided with educational, health or rehabilitation services, in accordance with his or her specific needs, in a municipality other than where he or she lives that satisfies the criteria for such purpose. In this case, the expenditures are covered by the budget of both local self-government units. The rules and procedures for covering these expenses are determined by a sub-legal act approved by the Government with the proposal of the relevant ministry for social affairs, in cooperation with the relevant ministry of health and the ministry responsible for education.

5. Child with disabilities should be protected from discrimination, all forms of physical and mental violence, neglect, abuse, maltreatment and exploitation, and stigmatization. This requires among other things:

5.1. promoting the respect for disparities and the acceptance of people with disabilities as part of human diversity and humanity, as well as developing the skills of child with disabilities;

5.2. provision of qualified assistance and medical treatment, including appropriate corrective and rehabilitation methods and equipment;

5.3. provision of early identification and intervention programs as well as services designed to minimize and prevent further limited abilities;

5.4. provision of treatment, equipment and programs that allow children with disabilities to maintain maximum personal mobility and independence;

5.5. provision of alternative communication means for children with disabilities;

5.6. provision of help and special care in accordance with the specific needs of the child, namely to the child and his or her parents or guardians.

5.7. competent institutions are obliged to periodically review the treatment of all children placed in institutions for treatment or rehabilitation purposes.

6. One of the parents of the child with disabilities or a child in need of special care has the right to work half-time until the child reaches two (2) years of age. Also, in coordination and with permission from the institution, organization or company where he/she works, he/she can use flexible forms of employment as described in the relevant legislation.

7. The responsible authorities, according to this law, shall eliminate all infrastructure, social, environmental, institutional and legal barriers in the areas of education, employment and vocational education, health care, rehabilitation, cultural, recreational and sports activities so that children with disabilities exercise the rights provided for in this law.

8. The responsible authorities' guarantee the participation of children with disabilities at all levels of policy-making and legislation by providing tailored information based on the type of disability, age, and children's comprehensive abilities.

9. The relevant Unit for Good Governance and other institutions for the protection of the child, promote the elimination of discrimination and prejudice against children with disabilities.

10. The principles set out in paragraph 2. of this Article apply to all natural and legal persons.

Article 47

Prohibition of Abduction, Sale and Trafficking in Children

1. Abduction, sale and trafficking of the child for any purpose or in any form is prohibited and is a criminal offence. The punishments provided must be strict and proportionate to those foreseen for comparable serious offences.

2. The child is protected from abduction, trafficking, selling and any form of sexual exploitation and abuse, including illegal sexual activity, exploitation of the child in prostitution or other illegal sexual practices, exposure, appearance or involvement in pornographic material or sexual abuse of children, according to the provisions of the Criminal Code and other applicable laws.

Article 48

Protection from all forms of violence

1. A child shall be protected against all forms of physical and mental violence, abuse, negligence, mistreatment, exploitation, trafficking, kidnapping, pornography, sexual abuse, and other forms of violence, regardless of where it is performed, according to the applicable legislation.

2. The child's parents or guardian, in cooperation with institutions that provide child protection services, shall take all necessary measures to enable physical, psychological and emotional rehabilitation as well as the social integration of the child victim of violence, negligence, mistreatment, exploitation or abuse, according to the legislation in force.

3. The subjects mentioned in paragraph 2. of this Article shall provide all necessary conditions for the purpose of integrating the child into a normal life and respecting the dignity and views of the child in accordance with his/her age.

4. Corporal punishment or some other form of punishment, which has implications on the child's physical and mental development, is prohibited.

CHAPTER VI

CHILD PROTECTION FROM ECONOMIC EXPLOITATION

Article 49

Principles of child labor

1. The child is entitled to decent work. The child allowed labor should not endanger any of the rights set forth in this law, including the right to physical and mental well-being, the right to education, health and the right to leisure and play.

2. A child employed in accordance with legislation in force has the right to receive adequate remuneration for the work performed.

3. The Labor Inspectorate is responsible for monitoring the employment of the child to guarantee decent behavior, safety and working conditions.

4. This chapter will apply, also, to private employment agencies. The private employment sector as defined in Article 1. of Convention 181 of the International Labor Organization is responsible as a legal person for any violation of this law.

Article 50

The minimum age for the child's employment

1. The minimum age for employment is determined by law, taking into account the time required for the child to achieve the appropriate physical and mental maturity and to complete basic education. It is forbidden to engage a child under the minimum age for employment in any paid or non-paid employment relationship.
2. No employer can hire and enter into an employment contract with any child under the age of fifteen (15).
3. The employment relationship can be established with a child from fifteen (15) to eighteen (18).
4. The child can only be employed in economic activities that are not harmful to the development and health of the child, especially when they do not prevent them from attending school and use of leisure time, and if such labor is not prohibited by the legislation in force. The labor that is part of the professional practice and under the respective supervision, after all risks have been identified and eliminated, is also allowed.
5. In regards to the payment of contributions and other legal obligations, the employer shall be obliged to register the employed child in the Tax Administration of Kosovo, and other institutions that manage and administer mandatory pension schemes and others.
6. Preventing and Prohibiting Dangerous Forms of Child Labor in Kosovo is regulated by an administrative instruction issued by the Government upon proposal by the relevant Ministry of Labor and Social Welfare.

Article 51

Prohibited labor for children

1. It is prohibited to hire a child in activities that impair safety, health, morale and psycho-physical development of the child, as a result of lack of experience and knowledge to perform the tasks and duties.
2. A child under the age of eighteen (18) cannot work in hazardous work, as follows:
 - 2.1. all forms of slavery or similar practices such as the sale and trafficking of children, slavery due to debts and compulsory or forced labor, including compulsory or forced recruitment of children to engage them in armed conflict;
 - 2.2. use, provision or offering of a child for prostitution, production of pornographic materials or pornographic performance;
 - 2.3. use, provision or offering of a child for illegal activities, especially for the production and trafficking of narcotics, as defined under the relevant international treaties;
 - 2.4. labor which, by nature or the circumstances in which it is carried out, may harm the health, safety or morale of children.
3. Dangerous forms of child labor are prohibited, especially all forms of slavery or practices similar to slavery. These include, but are not limited to, compulsory or forced labor, debt servitude, slavery, sale and trafficking of children for the purpose of economic exploitation and for the purpose of sexual exploitation.
4. Children victims who have been subject to allowed child labor or the child labor that is not in compliance with this law and applicable legislation shall be provided with medical and

psychological assistance, rehabilitation and reintegration measures, legal aid and the right to compensation in accordance with the law on Crime Victim Compensation.

CHAPTER VII SPECIFIC CHILD PROTECTION FORMS

Article 52 Protection of a child from pornography

1. Any appearance, in any manner, of a child involved in explicit real sexual activities or simulated or any appearance of intimate parts of the body of a child is prohibited.
2. The relevant authorities are authorized to close the premises used for the production of child pornography or for pornographic performances involving the child even in the absence of a criminal conviction.

Article 53 Measures against websites of pornographic content and those that damage the health and life of the child

1. Responsible institutions shall provide a safe internet in public spaces, including filtering and restrictions on sites containing non-adequate content for children.
2. Internet cafes and video games service providers must ensure that:
 - 2.1. the content of these services is appropriate for the age of a child and in accordance with international norms;
 - 2.2. spaces in which these services are provided comply with the standards and do not harm the child's health;
 - 2.3. the time available for games is limited, according to the age of the child.
3. Upon proposal by the relevant Ministry of Internal Affairs, the Government shall issue a sub-legal act, regarding the protection of children from internet cafes and video games, including specific measures against pornographic content, punishing online child abusers, reducing child's access to health and life-threatening material, providing assistance to a child at risk due to all forms of online violence.

Article 54 The child's capacity to take legal actions

1. Parents have the right and obligation to legally represent their child.
2. In case of absence or incapacity of parents to exercise parental duties, a guardian is appointed to protect the rights and interests of the child during the legal procedures.
3. Child legal representatives are obliged to take into account opinions and the best interests of the child when deciding how to represent his or her interests.
4. Courts and other authorities are obliged to give due importance to the opinions of the child and are obliged to provide professional assistance to the child to understand the nature and the possible consequences of procedures as well as their role thereto.

Article 55
Child-Friendly justice

1. Child friendly justice applies to criminal, civil or administrative proceedings and ensures all the rights of the child in such procedures are fully observed, maintaining the right balance with the rights of the other parties involved.

2. The child friendly justice in particular is:

2.1. age appropriate;

2.2. fast;

2.3. cautious;

2.4. tailored and

2.5. focused on the needs and rights of the child.

3. Child friendly justice sustains the child's rights, including the right to a fair trial, to participate and understand the procedures, to respect the private and family life, integrity and dignity.

4. The Government shall, upon the proposal by the Ministry of Justice in cooperation with relevant Ministry of Internal Affairs and the Ministry of Labour and Social Welfare, adopt a sub-legal act that will regulate the rights of the child in administrative and judicial proceedings. Also, on legal assistance and access in the justice bodies, for realization of the legal aid respectively for child friendly justice, based on the guidance of the Council of Europe on Child-Friendly Justice.

5. Any child, whose age and maturity allow the said child to provide comprehensible and reliable evidence, with or without appropriate forms of assistance, must be considered as a witness or a competent party.

6. Interviews and other investigative acts should be conducted in a sensitive and respectful manner by trained professionals.

7. Interventions should be made in an environment that meets the particular needs of the child.

8. Professionals working with children should coordinate their actions to ensure continuity and avoid the child being subjected to unnecessary interventions.

9 Child victims and witnesses must have access to assistance and support services, whereby services should provide a child friendly interview room including financial, legal advisory services, medical, social and psychological services.

10. Supporting persons must be allowed to accompany and when appropriate, to help the child during the preliminary interviews and during the testimony.

11. The child victim and witness should be allowed to testify and to be questioned away from the alleged perpetrators.

12. Investigations, procedures and enforcement of judicial rulings, which include a child victim, should be given priority.

Article 56**Legal assistance and access to justice bodies**

1. A child victimised by a violation of the applicable law shall be provided with free legal assistance for the realization and protection of his/her rights.
2. Legal assistance includes legal representation and advising on human rights and best interests of the child in legal procedures.
3. A child victim, perpetrator or witnesses, and his or her parents or guardians shall be informed immediately on the rights of the child during the proceedings, with regard to the availability of support services, the role of the child, the ways in which he or she will be questioned before and during the trial, place and time of the sessions/hearings and other important events, the progress of the issue, and all important decisions taken and mechanisms or procedures available to request a review of decisions.
4. A child should be allowed to freely express his/her thoughts and their concerns about his or her involvement in the justice process, including concerns about safety in relation to the accused, the manner in which he/she prefers to give testimony and his/her opinion on the outcome of the process, attention should be paid to the views and concerns of the child and to the extent to which it is not possible to consider them, reasons must be explained to the child.

Article 57**Medical and psychological assistance, rehabilitation and measures for reintegration**

1. Victimized child is supported with free medical assistance in order to regain mental and physical health and be rehabilitated from physical and mental trauma that he/she might have experienced.
2. Medical assistance includes the proper emergent treatment for physical health and psychological counselling, as well as for long-term rehabilitation measures.
3. Child victim of abuse and other illegal abusive actions shall receive specialized medical treatment free of charge covered by the state.
4. It is prohibited for a child victim of abuse to be left alone, except in cases when the child so requests with his/her will and this is considered appropriate by the psychologist of the child, who is specialized in the field of child protection.
5. Child victim of abuse should not be left without psychological assistance or other forms of assistance.
6. Child victim of abuse should not be left to face, have contacts with the abuser for as long as he/she is not sufficiently psychologically prepared to do so.
7. Child victim of abuse should not be subject to pressures or other manipulative forms to obtain the necessary information.
8. The child receives continued assistance to be reintegrated into society. These measures of reintegration should be developed based on specific needs of the child and specific forms of harm caused to the child. The ultimate goal of rehabilitation should be dignified family reunion, when possible and in the best interests of the child, reintegration in the community and social life. These measures include medical and psychological care, as well as educational support, vocational training and continued counselling until full rehabilitation of the child has been achieved. The child is offered constant support and counselling to avoid re-victimization and social exclusion.

9. The measures prescribed in support of the child in this chapter shall be taken in a favourable environment to the safety, health and welfare of the child and provide careful treatment of child privacy. Measures should include child protection from confrontation with the offenders/abusers, accommodation in a safe place and psychological preparation for the future.

10. The relevant unit of Health, Labour and Social Welfare, within the municipality, is obliged to provide a budget for a special fund to address emergency cases of children in need of protection and establishment of emergency services according to standards defined by sub-legal act approved by the Government and proposed by the relevant Ministry of Health.

Article 58

Persons sentenced for sexual abuse or exploitation of child

1. Persons sentenced for sexual abuse, child exploitation, enabling prostitution and child pornography shall not be allowed to exercise their professions that include any contact with children, in accordance with the provisions of the Criminal Code of Kosovo.

2. Kosovo Judicial Council by a sub-legal act defines the rules and procedures for maintaining the database of the DNAs of persons convicted for criminal offences against sexual integrity. The DNA database should include persons convicted for these criminal offences, regardless of whether their victims are children or adults.

3. The relevant Ministry of Education and relevant Municipal Education Directorates should make sure that the persons sentenced of sexual abuse or child exploitation are not included in the educational system through employment.

Article 59

Child participation in armed conflict

Child participation in armed conflicts and in any form of regular or irregular armed group, as provided in the Optional Protocol of the Convention on the Rights of Children in involvement of Children in Armed Conflicts, is prohibited.

Article 60

Protection of children affected by armed conflicts

1. The child affected by armed conflicts enjoys special protection to guarantee his/her safety and welfare. Child should be provided with all special measures of protection and regardless of whether he or she has or has not been directly part of the combat.

2. No war crimes or crimes against humanity should be conducted against a child, and especially children should not become victims of sexual abuse, sexual exploitation and forced labour, economic exploitation, abduction, trafficking in human beings, or internal displacement.

3. Children should be provided with basic food and clothing.

4. Children should be moved away from the area where war is taking place and sent to a safe area, accompanied by persons responsible for their safety and welfare and, when possible with the consent of their parents or guardians/s.

5. Children must have continued access to institutions and educational vocational programs.

6. Competent authorities shall undertake all necessary measures to facilitate the reunion of temporarily separated families.

Article 61
Protection of internally displaced children

Internally displaced children shall be given special protection to guarantee their safety and welfare and enjoy all the rights defined by this Law and relevant applicable legislation.

CHAPTER VIII
PUNITIVE PROVISIONS

Article 62
Cases of violations with minor offenses elements

1. In cases of violations of this law, and which constitute a minor offense apply the following fines:

1.1. a fine in the amount of thirty (30) up to six hundred (600) Euros shall be imposed against a natural person who commits, invokes or incites the violations defined in Article 44 of this Law. Independent Media Commission imposes the fine in accordance with the relevant applicable law on minor offence;

1.2. a fine in the amount of 30 (thirty) up to 600 (six hundred) Euros shall be imposed against a natural person for the minor offence of violating the provisions of Article 36 and 47 of this law. The fines are imposed by the relevant inspectorates within the ministries mandated to provide child protection and relevant inspectors within the municipality.

1.3. a fine in the amount of five hundred (500) up to twenty thousand (20.000) Euros shall be imposed against the economic operator who violates Article 42 of this law. The relevant labor inspectorate within the relevant ministry of labor and social welfare and the relevant municipal inspectorate shall impose fines in accordance with the applicable legislation.

1.4. a fine in the amount of five hundred (500) up to twenty thousand (20,000) Euros shall be imposed against legal persons, persons in charge or bodies with public authority for the violations set out in Articles 50, 51, and 52 of this Law including sanctioning actions in case of violations or omissions. The competent body within the relevant ministry of labor and social welfare and the competent body within the relevant ministry of internal affairs shall impose a fine in accordance with the legislation in force.

1.5. a fine in the amount of one hundred (100) up to two thousand (2.000) Euros shall be imposed against a natural person for the violations set out in Articles 50, 51 and 52 of this Law including sanctioning actions in case of violations or omissions. The competent body within the relevant ministry of labor and social welfare and the competent body within the relevant ministry of internal affairs shall impose a fine in accordance with the legislation in force.

2. The funds collected from the fines are transferred to the Fund for Compensation of Victims under the relevant law on Crime Victim Compensation.

CHAPTER IX
TRANSITIONAL AND FINAL PROVISIONS

Article 63
Education on child protection

1. In the framework of their responsibilities and obligations, the respective institutions are obliged to implement educational programs to sensitize the protection and care of the child. In schools

and respective education institutions, learning tools and school curricula used as applicable in all levels should be orientated in protection and care for the child.

2. Compilation, adoption and implementation of educational program, drafting of materials, textbooks and revision of the existing materials and texts must be done with the inclusion of the child protection perspective and the elimination of negative, gender stereotypes, prejudices, and other practices that are contrary to the principles established in this Law and the development of guidelines for child protection from harmful information and materials.

3. Institutions, at central and local level, shall provide human and financial resources for implementation of policies necessary in preparing, implementing and supervising the development and education of a child in early childhood in Kosovo.

4. Responsible institutions such as relevant unit for good governance, Kosovo Institute for Public Administration, Academy of Justice and Academy for Public Safety, should prepare specific programs for professional capacity building in the field of child protection with the purpose of implementing this Law.

5. The relevant Ministry for education within three (3) years after the publication of this Law is obliged to harmonize all textbooks and curricula with the provisions of this Law.

6. Government, upon proposal of the relevant Ministry for Education Science and Technology, shall issue Administrative Instruction regarding the realization of the rights defined by this Law, and provides programs that promote education, raise awareness regarding the degrading consequences of bodily punishment and parental programs that promote non violent methods of discipline in the family and school, as well as child protection from violence and abuse.

Article 64 **Public awareness**

At the latest one (1) year following the publication of this Law, the Government is obliged to launch a campaign to promote and develop a program to raise the public awareness on the present Law. The campaign is prepared by the relevant Unit for Good Governance in cooperation with relevant institutions that under this law have the obligations for protection of a child.

Article 65 **Sub-legal acts for implementation of the Law**

Sub-legal acts for implementation of this Law shall be issued within one (1) year from entry into force of this Law.

Article 66 **Entry into Force**

This Law shall enter into force one (1) year following its publication on Official Gazette of the Republic of Kosovo.

Law No. 06/L-084
27 June 2019

Promulgated by Decree No.DL-146-2019, dated 12.07.2019 President of the Republic of Kosovo Hashim Thaçi.