



An EU funded project managed by the European Union Office in Kosovo

CHILD PROTECTION INDEX 2.0

Kosovo 2017

Measuring government efforts to
protect girls and boys

www.childprotectionindex.org



Implemented by the Coalition of
NGOs for Child Protection – KOMF

ChildPact



The member organisations of Coalition of NGOs for Child Protection in Kosovo include:

Coalition of NGOs for Child Protection Kosovo is a coalition composed of 27 local and international NGOs working in the field of child protection, with a joint mission to advocate for and protect the rights of children in Kosovo. The Coalition works to promote protection, respect, well-being and the advancement of the rights of children.

Together, we will advocate and lobby toward institutions of influence to promote and develop the rights of the child, in accordance with the UNCRC. www.komfkosova.org

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ChildPact

ChildPact is a regional coalition of 650 civil society organisations that advocates for greater child protection reform in the Southeast Europe and South Caucasus sub-regions. Established in 2011, ChildPact is a coalition of coalitions: its members are national networks of child-focused civil society organisations from 10 countries within the European Union's Enlargement and Neighbourhood zones. www.childpact.org

World Vision International

World Vision International is a Christian relief, development and advocacy organisation dedicated to working with children, families and communities to overcome poverty and injustice. World Vision International's Middle East and Eastern Europe Office is the official partner for the Child Protection Index. www.wvi.org/meero

December 2017

Child Protection Index series 2.0 is implemented in Kosovo.

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The content and view of the "Child Protection Index 2.0" report are the sole responsibility of Coalition of NGOs for Child Protection KOMF, and do not necessarily reflect the official opinion of the European Union.

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Abbreviations

CEE/CIS	Central and Eastern Europe/Commonwealth of Independent States
CPI	Child Protection Index
ILO	International Labour Organisation
MLSW	Ministry of Labour and
LCGF	Law on Local Government Finance
MH	Ministry of Health
MJ	Ministry of Justice
MEST	Ministry of Education, Science and Technology
CSW	Center for Social Work
JJC	Juvenile Justice Code
NGO	Non-Governmental Organisation
KOMF	Coalition of NGOs for Child Protection
WV	World Vision
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund

Introductions

A Unified Civil Society Monitoring Tool for Kosovo and Child Protection

Children in Kosovo count 30% of the total population. The lives of children in Kosovo are affected every day by the policies of the Government, the Assembly, Municipalities, civil society and their actions.

Kosovo as a country aspiring towards the European Union's integration, based on its Constitution, has clear legal obligations to promote child rights and ensure the protection of each child within its jurisdiction.

In this regard, Kosovo has taken many positive steps to establish national policies and a legal framework for child protection. Kosovo must now implement legislation and provide adequate resources to solidify the child protection system.

The latest data show a 20.7% rate of child poverty, 10.7% of children in Kosovo are involved in work while 6.8% of children work in hazardous conditions. 61.4% of children up to the age of 14 have suffered from psychological and physical violence. Only 10% of children with disabilities benefit from health, education and social services. Reports from governmental and non-governmental institutions speak about increasing child involvement in behaviors that are in violation of the law, including violence.

The Child Protection Index points out that Kosovo has a huge gap between the legislation adopted and its implementation. With the Index, gaps between policy and practice are identified by documenting facts on the ground and providing a rigorous, yet accessible evidence base that can inform policy debates. Kosovo must make a financial investment to build the capacity to close the gap between legislation and its implementation.

The Index provides an opportunity to unify and strengthen various stakeholders' understanding of child protection in our country and across the region. We expect that government, donors and members of civil society can use Index recommendations to increase service provision, institutional capacity, coordination and accountability to close the gap between policy and implementation.



DONJETA KELMENDI
EXECUTIVE DIRECTOR

The Sustainable Development Goal 16 recognises that ending poverty and promoting peace requires effective, accountable and inclusive institutions. It harnesses this logic to Target 16.2, “end abuse, exploitation, trafficking and all forms of violence and torture against children” because we as citizens and advocates must rely on governments to do its part to prevent violence against children, protect them when they are victims of violence and respond to their needs for recovery and treatment.

Governments must pursue this essential work through their institutional presence at local, district and national levels. To achieve Target 16.2, it is not extraordinary work that governments must do, but rather the ordinary work of governing that includes policy action, rule making, budgetary allocations, the implementation of rules, and clear accountability structures to verify that results are achieved.

The Child Protection Index 2.0 is a tool to monitor these very “ordinary” tasks. The recommendations that follow concern these tasks; for example, stronger standards to maintain safe and consistent services for children, more funding to honour commitments to children, better coordination to handle the complexity of issues that children face and new insights into accountability structures that take into account the voices of children. These are the very recommendations that can help governments achieve their part in fulfilling Target 16.2 and SDG 16.

Our hope is that through the Child Protection Index, civil society can help, encourage and advocate government towards these ordinary tasks that can lead to extraordinary outcomes: that Kosovo’s girls and boys are protected from violence and properly cared for to prevent any overtures of violence in the lives of the most vulnerable.

Warmly,

Jocelyn Penner Hall



JOCELYN PENNER HALL
ADVOCACY AND POLICY DIRECTOR

.....
WORLD VISION INTERNATIONAL



Index methodology

The Child Protection Index is designed to encourage regional cooperation, stimulate more robust implementation of the UNCRC and serve as a policy analysis tool for civil society, governments and donors. Through the Index we seek to identify gaps between policy and practice / implementation, by documenting facts on the ground and providing a rigorous, yet accessible evidence base that can inform policy debates. The Index consists of 987 main indicators that together measure a state's policy and actions to protect and care for girls and boys under their jurisdiction. The Index framework of indicators heavily relies on the Implementation Handbook for the Convention on the Rights of the Child, published by UNICEF. The Handbook provides a series of yes, no and partially implemented checklists to create an understanding of each UNCRC article's significance. The Index uses these checklists as core indicators to then measure state performance through five areas / dimensions: policy and law, services, capacities, coordination and accountability.

The publication that you are reading now is the second version of the Index. The Child Protection Index 1.0 has been launched in November 2016 in Kosovo and has provided evidence, results and findings on Kosovo situation, until the end of 2013¹.

Since the aim of the Index as a monitoring tool, is to build a long-term and ongoing monitoring process owned by civil society organisations, the Child Protection Index 2.0 will provide updated evidence and findings regarding the situation in Kosovo until the end of 2016.

We are very enthusiastic about its comparative dimensions, and strongly encourage replication of this good practice and unification of governments action related to common issues.

The 2017 Index scoring is based upon data available as of December 2016. Please see the addendum to this brief for further information on the Index framework, data collection and scoring.

To read the Index, a score of one is a perfect score; the lower the score, the weaker the action; the higher the score, the stronger the action for children.

Dimensions of government action

The Index measures five dimensions of government action for each of the articles of the UNCRC that refer to child protection. These five dimensions are: policy and law, services, capacity, coordination and accountability.

Policy & Law

The dimension of policy and law scores a country's efforts to create policy, laws and regulations that protect and care for children in situations of violence and vulnerability.

Services

The dimension of services measures a country's efforts to provide services that respond to children at risk or experiencing exploitation or in need of special care.

Capacity

The dimension of capacity scores a country's efforts to provide resources, staff, infrastructure and equipment necessary to adequately implement its policies and services for children.

Coordination

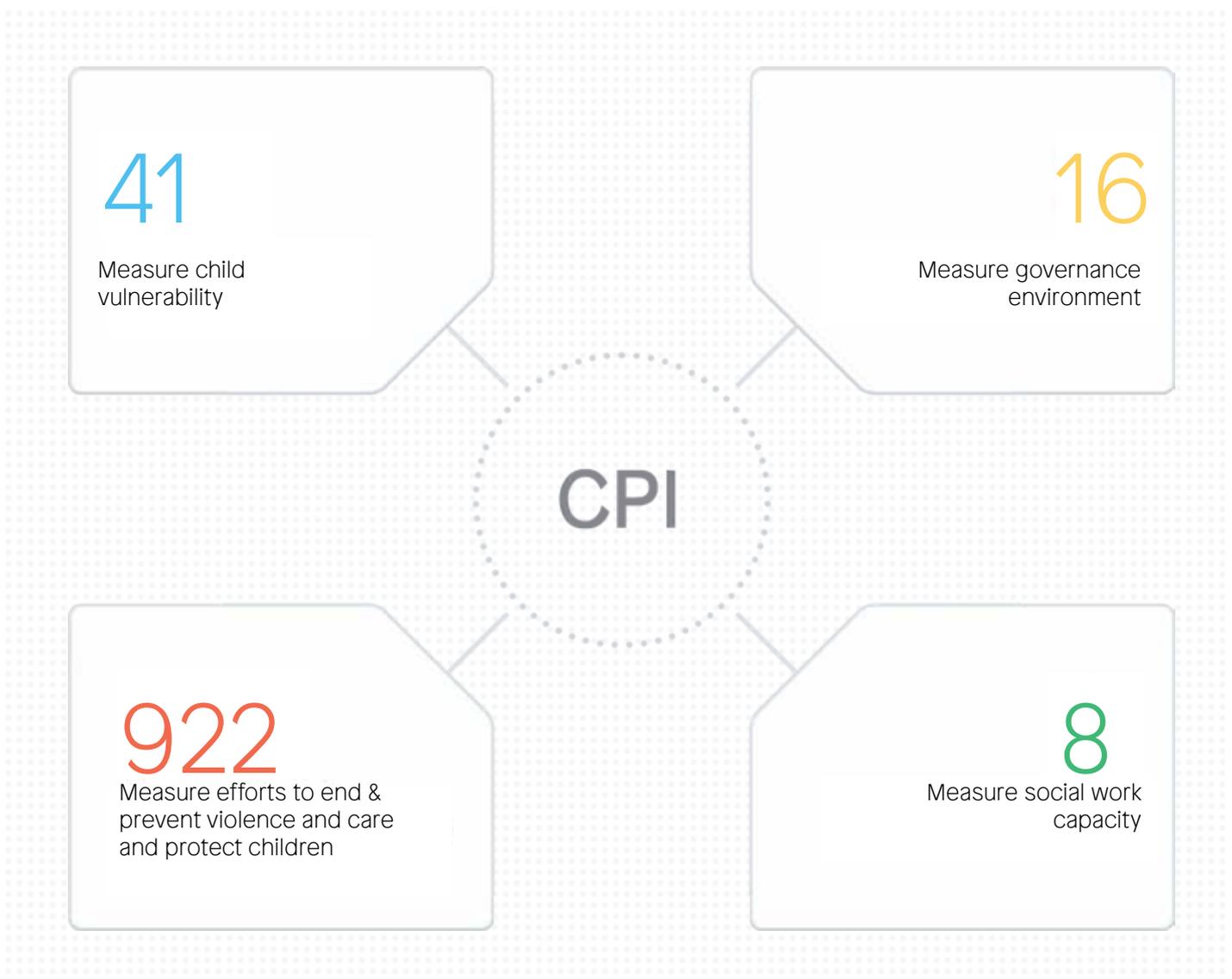
The dimension of coordination scores a country's efforts to effectively coordinate between different ministries, agencies and levels of government.

Accountability

The dimension of accountability measures a country's efforts to create accountability of public sector actions and formalise responsibilities so that public sector actors know their roles and limits of responsibility.

Index indicators

The Index framework consists of a total of 987 indicators that are categorized into the following sections:



Index team

The national team researched and collected data to answer each index indicator question and compiled data. The Regional Data Collection Manager analyzed the country results and visualized these results.

Regional team

Data collection manager

International advisor

National team
14

10

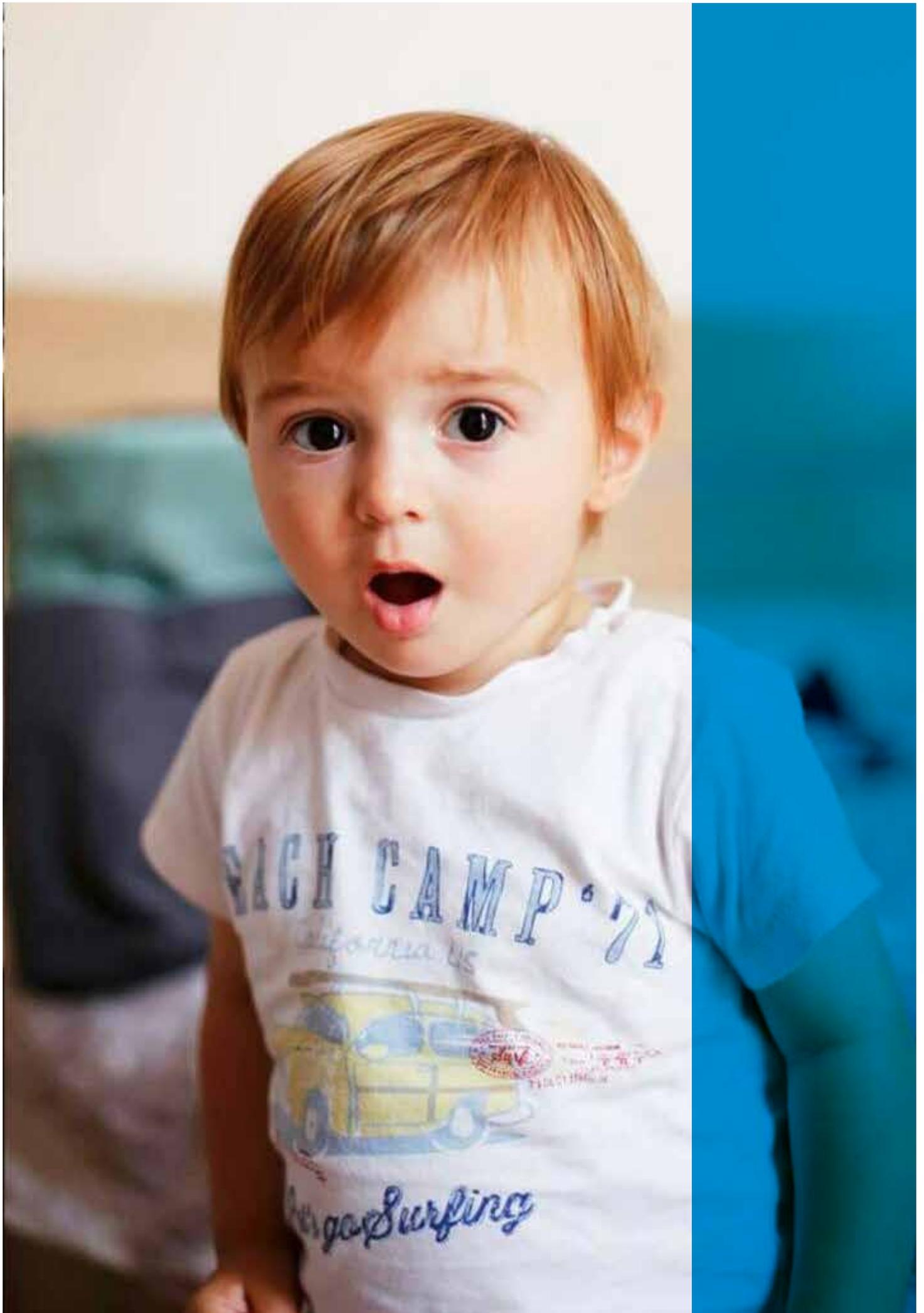
Child protection experts

2

Legal experts

2

Financial experts



Analysis and policy recommendations

Child vulnerability

Governance

Kosovo scores 0,520 out of a possible 1.0, maintaining a similar governance score as reported in Child Protection Index 1.0, published last year².

Governance refers to the process of rulemaking and advancement, and the Index reviews whether a government has pursued aspects of good governance in its implementation of the UNCRC. Good governance upholds citizen rights, provides transparent access to information, relies on consistent decision making and rule of law and pursues furtherance of the public good⁵.

Within its laws, Kosovo has aligned its approach to child rights with the language and spirit of the UNCRC. A strong focus on the best interests of the child places children's own views at the centre of child protection.

The score however reflects Kosovo's limited consolidation of laws that protect children and the weakness of the formal bodies that monitor, inspect and hold accountable all actors tasked with child protection. Kosovo's Draft Law on Child Protection, if adopted, will improve its governance score; it will consolidate a series of over 14 laws that regulate actors and set policies for children.

Coordinated decision making is also a key feature of good governance. Kosovo has created a number of coordination bodies to inspire information sharing and evidence-based decision making from various child protection stakeholders. Currently, conversations and policy discussions between national ministries are facilitated by a special coordinating body for child rights within the Prime Minister's Office of Good Governance, Human Rights, Equal Opportunities and Non-Discrimination.

There is also a special body within the Ministry of Internal Affairs on the issue of trafficking in persons (National Authority against Trafficking with Human Beings).

Kosovo has created a special coordinating body on the issue of child labour (Committee on Prevention and Elimination of Child Labour) within the Ministry of Labour and Social Welfare. [The next step should include strengthening the coordinating and monitoring bodies between ministries to widen efforts to address child protection because such bodies could unify tasks and outcomes using the expertise of all relevant ministries.](#)

[Regular and robust conversations between finance and social protection authorities is also recommended and not yet implemented.](#) Without an established mechanism to allocate and review budget and expenditure on a yearly basis, officials may be limited in their ability to set accurate and aligned budgets.

[Overall state budget should foresee allocation of a Specific Grant for Social Services for vulnerable children. This grant would empower municipalities and local institutions in quality service provision for these children. Budget analysis](#)

for all child protection issues should review the proportion of overall budgets devoted to children and identify any disparities between Kosovo's regions, rural/urban areas and particular groups of children. It is important that officials are able to verify that sufficient funding reaches the most disadvantaged groups of children.

Coordination must also include regular consultation with child protection experts and children, for the purpose of transparency and accountability. Finally, Kosovo's Index score on governance reveals a need for further monitoring efforts. Kosovo has mandated an independent human rights ombudsman's office that also promotes the rights of children.

To confirm and maintain the rights of children, a dedicated deputy and department for child rights should be established within the ombudsman office. Consideration should be given to increasing the human and financial resources for the Ombudsman's Office in order to broaden its activities in this field. Otherwise it may be difficult to lodge complaints against various government bodies when there are allegations of child rights violations.

Kosovo is recommended to create external and independent inspection mechanisms to review the quality of service provision and administer licensing. Inspection should review both private and public sector services (CSWs).

Parliament also has a role to monitor government actions to protect children and should establish a formal body on child protection with a clearly defined mandate to monitor child protection in Kosovo and respond to specific issues when they arise. *The parliamentary group should meet at regular intervals to align discussion with the legislation cycle⁴.*

The government must also secure a place for children in any decision making or monitoring process. Without the participation of children and youth, the beneficiaries of the system themselves are left out of the discussion.

Non-discrimination

Article 2 of the UNCRC requires State Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. It also requires States Parties to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Kosovo scores 0,583 out of a maximum possible of 1.0 on its efforts to ensure that child rights are provided to all children without discrimination. [To further enhance its score, Kosovo must take affirmative action to implement global agreements and policy suggestions.](#) Without these implementation steps, Kosovo cannot ensure that the rights of girls, children from minority groups, including Roma community, and children with disability are upheld.

Kosovo is also limited by a lack of disaggregated data to effectively monitor potential acts and omissions that lead to discrimination of various vulnerable groups. While, for instance, children with disabilities are identified and recognized as a particularly vulnerable group, the current lack of data on these groups of children does not allow for adequate strategic planning and successful solutions to develop. [It is therefore important that Kosovo begin to collect and report data that is disaggregated by age and gender to better understand the situation.](#)

Birth registration

A name and nationality is every child's right, enshrined in the UNCRC and other international treaties. Registering children at birth secures recognition before the law, safeguards a child's rights, and ensures that any violation of these rights can be addressed. Universal birth registration also contributes to Kosovo's system of vital statistics, which is essential for sound economic and social planning. Birth registration is therefore not only a fundamental human right, but also a key right to ensure the fulfilment of other rights and allow for stronger policy decisions.

Kosovo's birth registration rate of 89.1 percent is low as compared to the average rate afforded countries within the CEE/CIS region (98%)⁵. According to UNICEF data, Kosovo has the lowest birth registration rate in the region⁶.

Although un-registered children in Kosovo are not excluded from elementary education and health care, many families with un-registered children cannot acquire social assistance. An applicant's child without birth registration or identification documents is not counted as a household member when calculating social assistance. Birth registration is also essential in protection efforts, that include: to prevent child labour by enforcing minimum-employment-age laws; to ensure that children in conflict with the law are not treated (legally and practically) as adults; to counter child marriage; and to reduce trafficking, as well as to repatriate and reunite children with family members.

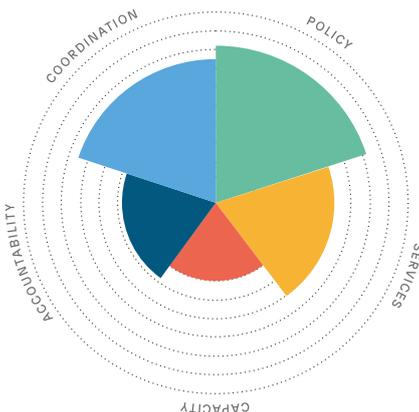
Kosovo's (0,833) Index score on Article 7 reflects the fact that the country has taken important steps towards fully aligning its birth registration policies with the UNCRC requirements. [Further steps are necessary to increase the accessibility of birth registration, using a more proactive approach by state authorities to identify unregistered children and secure their registration, including \(if needed\) through dedicated municipal mobile registration units.](#)

Scores relating to the prevention of violence & exploitation

All forms of violence

“All forms of violence” included within Article 19 of the UNCRC refers to, mental or physical violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

Kosovo’s actions to prevent all forms of violence against children are more evident in its law and policy (0,823) and coordination protocols (0,757). While Kosovo’s capacity is limited (0,400), its work to build appropriate services that prevent, intervene and support children exposed to violence is reflected in a score of 0,611. Accountability to beneficiaries, families and other stakeholders is low with a score of 0,474. The scores suggest that there is a wide discrepancy between Kosovo’s development of services and its capacity to implement them effectively. Another wide gap is evidenced between Kosovo’s laws and policy and the implementation of these commitments, with a score of 0.336.



Although Kosovo’s law and policy score to prevent and protect children from violence is strong, next steps must include actions to create a robust regulatory system to support the implementation of these laws. Currently, the regulatory framework does not provide financial standards for all state-run or sponsored services relevant to the prevention of violence and exploitation. **Thus it is recommended that Kosovo provide financial standards for all state-run or sponsored services.** Legal or regulatory framework does not require the compulsory licensing of the services provided by government entities, but it requires the compulsory licensing of services provided by NGOs/ private entities. **It is recommended that Kosovo also require the compulsory licensing of the services provided by government entities based on minimum quality standard requirements, in order to increase the quality of all services.**

In terms of prevention, efforts have been made to prevent acts defined as “violence” or that lead to violence by institutional bodies (schools, justice, home environments). In educational venues, violence is prohibited and Kosovo’s Family Law prohibits acts of violence in domestic settings and allows for the limitation or termination of parental rights in these cases⁷. **For this reason, it is recommended to further promote peer reporting and self reporting, through activities that increase awareness among children and youngsters.**

The Agency of Statistics of Kosovo data validates the above mentioned score, through data that shows a very high percentage of violence perpetrated against children in Kosovo, where 61.4 percent of children in Kosovo have confirmed experiences of physical/psychological violence within the family setting⁸. However, state services only identified and reached a total of only 41 children nationwide as victims of violence and recipients of family and social services. These numbers show weak referral, reporting and the limited capacity to identify children in need of assistance.

The identification and referral of children in situations of violence is the first step to protect children. Kosovo has made it compulsory for all state officials and professionals with the duty to care for children – in the sectors of health, education and justice – to report allegations of violence to the appropriate Centre for Social Work or to Kosovo's police authorities. Despite this requirement, referrals from these institutions remain very low, especially in cases of violence in schools. [It is recommended that Kosovo introduce trainings and awareness actions to remind state officials and professionals of their duty of care to report situations of alleged violence against children.](#)

Once a child has been identified and referred to social services, case managers in social work help navigate children through the system and to specific services. Kosovo's minimum standards of social services regulate the maximum number of cases that any case manager may maintain at the same time. However, case managers within the Centers for Social Work are overloaded with cases of children, due to the small number of social workers in CSWs and the big number of children in need of services. [Thus it is recommended that Kosovo increase the capacity and financial investment of social services to implement policies, laws and regulations that protect children from violence.](#)

Kosovo sponsors a range of services for victims of violence provided by various NGOs. However, financial constraints and lack of a specific budget allocation for social services limit the level and quality of provision that these services can provide. In response to the number of children who need care and services, many residential and day care centres operating as civil society organisations struggle with financial viability and risk closure of these services. Children benefiting from the services are obliged to transfer from one form of care to another, which constitutes a serious violation of a child's rights because it can have a negative influence on physical and psychological development⁹. [For this reason, intervention is needed to create financial standards for social services and adopt budgets that allow for the sustainable financing of services funded through the MLSW and Municipalities.](#)

Coordination of services through case management is one of many needed coordination mechanisms. [It is recommended that by decision of the Prime Minister, the Council for Child Protection and Justice hold adequate authority and oversight to work in concert with and delegate tasks to all government agencies.](#)

On the other side, MEST has establishment a reporting mechanism of violence against children, in frame of the Education Management Information System (EMIS). Government issued a Protocol¹⁰ that aims to prevent, identify and refer cases of violence and is an effort to coordinate the relevant professionals responsible at all stages of child protection (including service provision for children victims of violence). However the implementation of the protocol remains weak, [thus it is recommended to increase capacities of educational professionals for the implementation of the protocol.](#)

Operational standard procedures for victims of violence are in place since 2013. It is recommended that case management training extend to actors in education, health and justice agencies so that operational standard procedures for victims of violence and current mechanisms are known, accepted and relevant in decision making processes. It is also recommended that Kosovo strengthen the Inter Ministerial Coordination Group against Domestic Violence.

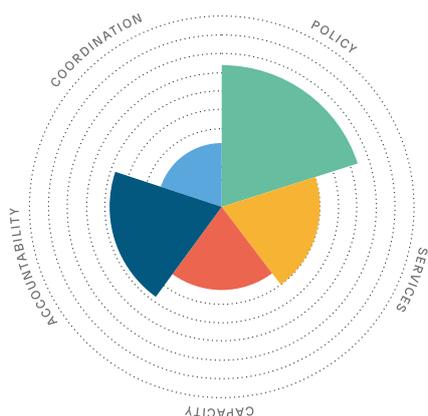
Despite the fact that Kosovo made progress in establishing inspection mechanisms, such as the Inspection Unit in frame of the Department of Social Policy and Families at MLSW, this unit is not an independent body from service provision. It is recommended that Kosovo create an independent inspection body apart from service providers, to monitor the quality of service provision.

Economic exploitation

Article 32 of the UNCRC requires that State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. It strictly prohibits child labour and requires that States Parties set a minimum age for employment, define hours and conditions for acceptable employment of youth and create enforcement mechanisms to motivate compliance by all potential actors.

The Index has measured and compared five dimensions of government action to protect children from economic exploitation: policy, services, capacity, coordination and accountability.

In its actions to fight economic exploitation, Kosovo scores 0,576 out of the total score of 1.0 showing that there is room for improvement. Kosovo's actions to fight economic exploitation are more evident in its law and policy (0,758). While Kosovo's scores in capacity and work to build appropriate services remain limited, respectively with (0,442) and (0,500).



Accountability to beneficiaries, families and other stakeholders is low with a score of 0,589, and coordination 0,321. There is a wide discrepancy between legislation and all other dimensions of policy implementation.

Index scores show that Kosovo has made efforts to address economic exploitation although there is still room for improvement. Kosovo has adapted its domestic legislation to align with the obligations and definitions of the International Labour Organization – ILO (including worst forms of labor, age and standards preventing children from engaging in hazardous work) despite the fact that it has not ratified the ILO Convention on Child Labour due to its current international political status. Kosovo has adopted the National Strategy and Action Plan for Prevention and Elimination of Child Labour, 2011 – 2016.

Like other issues covered by the Index, there is limited capacity to identify and manage cases of economic exploitation. Based on the Agency of Statistics of Kosovo, 10.7 percent of children in Kosovo are involved in child labour, while 6.8 percent of them are working in hazardous conditions¹¹. At the same time, data from the Ministry of Labour and Social Welfare shows that in 2016, the state only identified 62 cases of child labour nationwide¹². [It is recommended that Kosovo increase the scale and resources provided to Centres for Social Work to identify cases of children involved in hazardous work.](#)

There is considerable limited capacity to work for the identification and increase reporting of economic exploited children. The Centres for Social Work are unable to provide adequate and quality services due to lack of needed human and financial resources. In general, there is a lack of services, rehabilitation and reintegration programs for children involved in child labour. Without social workers to coordinate and assume leading roles, other actors and resources may go under-utilised. The state does not provide or sponsor standard services accessible and with national coverage to ensure: identification, assessment, support, investigation and follow up, protective placement, physical rehabilitation, psychological rehabilitation and social reintegration

of children victims of economic exploitation. It is recommended to increase financial investment to ensure identification and protection of children involved in child labour throughout Kosovo, including the most remote rural areas, where currently services are not accessible.

Except for CSW, the Labour Inspectorate, another agency tasked to identify cases of child labour and respond to places of employment that may be in disregard of the law, is not scaled to all municipalities and is limited in staff and time. It is recommended to increase capacities of these institutions which are currently limited in staff and resources, in order to enable them to identify cases of children involved in hazardous work.

Children involved in labour and hazardous work are also not aware of the possibility to self-report or peer-report. It is recommended that Kosovo introduce such mechanisms and create awareness and information about its uses. It is recommended that Kosovo increase venues and mechanisms that encourage self-reporting and peer-reporting on economic exploitation.

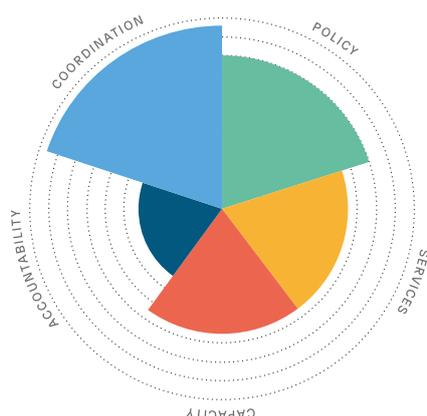
Coordination between agencies for effective responses to economic exploitation is also limited in scope and success. The Local Committees for the Prevention and Elimination of Child Labour did not function in 2016. For this reason, it is recommended that the Local Committees for the Prevention and Elimination of Child Labor begin operations to develop effective coordination between the relevant local authorities to enhance identification and develop proper reporting mechanisms.

Increasing information on the prevalence of economic exploitation is also an important step to tackle its growth. At present, Kosovo does not maintain a national database that reports children who are victims of economic exploitation. It is recommended that Kosovo establish and functionalize respective local mechanisms for data collection in order to build and develop a national database, disaggregated by gender, age, type of labour and disability. This would help validate increased attention to this issue, on the prevalence.

Sexual exploitation

Article 34 of the UNCRC requires that States Parties protect girls and boys from sexual exploitation and sexual abuse. The Convention requires States to prevent the abuse of children through prostitution and pornography and prevent actions (coercive or otherwise) engaging children in unlawful sexual activity. States Parties must take all necessary action, including joint action with other States Parties to prevent this type of exploitation.

Kosovo scores relatively high on actions to prevent and end sexual exploitation through law and policy (0,808) and coordination (0,957). In the meantime, Kosovo's scores on capacity (0,699), services (0,687) and accountability (0,462) are low in comparison to the other dimensions of government action.



Although Kosovo's law and policy score to end sexual exploitation is high, there is still work to be done. The Criminal Code¹³ does not prevent persons convicted of violent offenses and sexual abuse of children from working with children. **Thus, it is strongly recommended to amend the Criminal Code to prohibit persons convicted of violent offences and sexual abuse against children from working with children. Kosovo's laws should also go a step further to require criminal background checks for all persons who work with and/or are in contact with children.**

Kosovo's legal definitions of sexual exploitation must also expand. The legal framework does not yet provide measures to prevent the exploitative use of children through "sex telephones". **It is recommended that Kosovo legally acknowledge the exploitative use of children through "sex telephones" and prohibit such usage by Criminal Code. Without such a prohibition, such behaviour will not be prosecuted nor sanctioned.**

Moreover, Kosovo has not ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It has not signed other international conventions due to its international status, including the 2001 Budapest Convention on Cybercrime.

There is lack of independent monitoring mechanisms to regularly perform monitoring and assessment and keep relevant institutions accountable on their mandate. **Introduction of an independent inspection mechanism outside of government control is highly recommended to increase the performance quality of these bodies.**

In the prosecution of offenders, Kosovo protects child witnesses in cases of trafficking and provides witnesses with support, counselling and protection¹⁴. For cases of sexual exploitation outside the bounds of trafficking there is a more general approach under criminal procedure. **It is recommended that Kosovo review the Juvenile Justice Code to verify that children witnesses in cases of sexual exploitation that are not trafficking-in-persons cases, still receive proper protection and support during criminal prosecution of the alleged offender(s).**

Kosovo's rehabilitation services for children as victims of sexual exploitation are provided by civil society organisations, with partial funding from the state. As it is evidenced from the service score, they need to be improved, to be sustainable in order to guarantee the proper and necessary rehabilitation and reintegration of

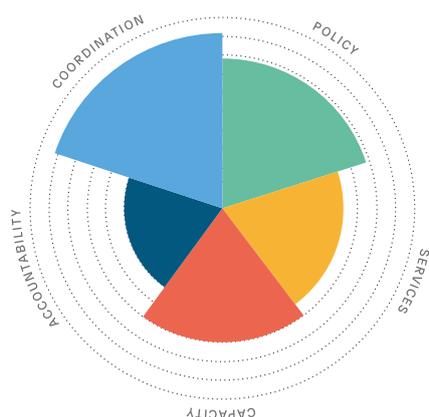
the child. The state does not fully plan and implement programmes for recovery and reintegration of children who are victims of sexual exploitation. Because there are no financial standards for these services, budget provisions are not aligned with need, limiting treatment and care. [It is recommended that Kosovo adopt financial standards to ensure sustainable financing that harmonise with minimum quality standards.](#)

[There is a need to strengthen identification and reporting mechanisms that facilitate self-reporting, peer-reporting and reporting access for professionals who regularly engage with children and youth \(e.g. teachers, school psychologists, counsellors\).](#) Because not all cases of sexual exploitation involve trafficking, development is also needed for other types of child-friendly complaint mechanisms that address all manners of sexual exploitation and abuse. The national hotline for reporting instances of violence and abuse is open to people of all ages and includes all situations of abuse. It does not specifically train staff to counsel children. [It is recommended that Kosovo increase venues that allow for self-reporting and peer-reporting in situations of sexual exploitation and abuse.](#)

Trafficking

Article 35 of the UNCRC requires that States Parties protect girls and boys from the abduction, sale or trafficking of persons. The Convention requires States to prevent and end the use of children in prostitution and pornography and prevent actions (coercive or otherwise) to engage children in unlawful sexual activity. States Parties must take all necessary action, including joint action with other States Parties to prevent this type of exploitation.

Kosovo scores 0,673 out of a possible score of 1.0 in its actions to prevent the abduction, sale or trafficking of children. Kosovo scores high on actions to prevent and end sexual exploitation through law and policy (0,781) and coordination (0,921). Kosovo scores on capacity (0,691) and services (0,625) are lower, while accountability score (0,511) remains the lowest one.



Due to its international status Kosovo has not ratified or acceded to Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), Hague Convention on Civil Aspects of International Child Abduction (1980), Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) and Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).

Nevertheless, Kosovo's domestic law prohibits all forms of trafficking and sale of persons. Kosovo's domestic law also includes a prohibition on bonded labour, begging and the sale of organs. Kosovo, as a country of origin or destination, is party to bilateral and multilateral agreements that require partnership with other countries.

To increase Kosovo's law and policy score related to trafficking, Kosovo must expand its licensing of services (whether these are rehabilitation and recovery services, counselling, etc.) to include public services offered by the state. At present, only services operated by private or non-profit entities must seek licenses. Because licensing allows for increased accountability of such services, all services, no matter public or private should be licensed.

Kosovo operates services both exclusively for trafficked victims and other services open more broadly to all victims of violence and exploitation. Victims whose anonymity is necessary for their safety are considered medium or high risk cases and may seek protection within a closed shelter operated by the Ministry of Labour and Social Welfare. For trafficked victims considered low risk cases, the state provides partial funding to licensed NGOs to operate the facilities. The funding is limited, suggesting almost a symbolic action, and cannot sustain these services. Because funding from international donors to Kosovo's social protection services has also decreased, a financial deficit is a concern¹⁵. For next steps, [it is recommended that Kosovo adopt financial standards for all services needed to protect child victims of trafficking and create budgets that align with these standards.](#)

In terms of institutional capacity, Centers for Social Work are not adequately staffed in number to perform their duties and nor do they have the requisite skills

to respond to the needs of child victims (there are no psychologists or others skilled to respond to children abused by trafficking). It is recommended the increase of professional staff to provide psychological services to ensure the multidisciplinary approach. CSW are working with all categories of vulnerability that children and adults experience; in all situations, there are no special units or specialised professionals dedicated to work with children or specific vulnerabilities. MLSW should reform and restructure CSWs to build a workforce skilled to respond to specific vulnerabilities and divided to manage cases of children and cases of adults separately.

The prevention of trafficking and protection of children once trafficked relies on the strength of prosecution; there must be an element of retribution as much as rehabilitation in the criminal justice system to reduce the prevalence of trafficking. According to the State Department Trafficking in Persons report for Kosovo in 2016¹⁶, judges impose lenient sentences on convicted traffickers, and prosecutors continue to downgrade trafficking cases to a lesser crime. It is recommended that Kosovo's criminal justice decision makers prioritise the investigations and prosecutions of alleged traffickers to build strong cases and maximise penalties when appropriate. There is a need to target complicit officials as well, to designate specific prosecutors and judges to handle trafficking cases, to provide advanced training to officials on trafficking investigations and prosecutions; and in coordination with police, to identify and assist children subjected to forced begging. To stress accountability towards prosecution and justice, it is also important that Kosovo standardise data collection and create a database to provide disaggregate statistics for trafficking and trafficking-related prosecutions and convictions. Finally, Kosovo must also fully implement the Law on Crime Victims Compensation that helps victims rehabilitate their lives.

Kosovo's accountability score on trafficking is low, due in part to a lack of independent monitoring mechanisms. Because the quality of all government services is not subject to external monitoring and assessment but rather of the internal Unit for Monitoring and Inspection within MLSW, there is a question of independence and public accountability. It is therefore recommended that Kosovo introduce an independent inspection panel conducted by an entity outside of government control which would enable rigorous accountability among professionals and institutions that are mandated to provide such services.

To better serve children vulnerable to trafficking, state policies and practices must address the trends within this abuse. The Index recognises that the state has not commissioned or sponsored any national research studies or surveys on child trafficking over the last 3 years. Such research can provide new insights and data to facilitate stronger and more targeted policy making. It is therefore recommended that Kosovo conduct regular national research on child trafficking to better plan and implement proper intervention programs in prevention, protection and re integration of children at risk and victims of trafficking.

In alignment with stronger data, it is important to also strengthen the role of the National Authority against Trafficking of Human Beings that operates within the Ministry of Internal Affairs. With a more robust office in place, Kosovo would have an opportunity to better cooperate across ministries and levels of government.

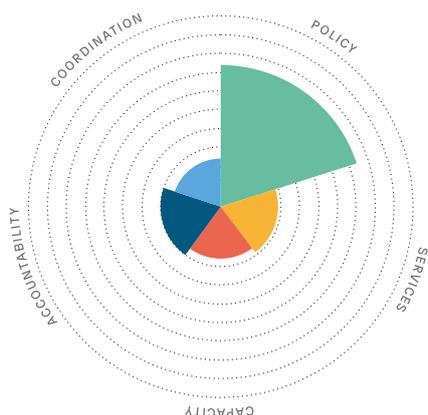
Care and protect

Disability

Article 23 of the UNCRC recognises that children with disability often need additional resources and care to enjoy a full and decent life. Therefore, Article 23 creates a special duty to protect and promote the welfare of children with disabilities and their families.

Kosovo scores 0,375 out of a possible score of 1.0 on its actions to protect children with disability. While Kosovo scores relatively high in law and policy actions for disability (0,743), all other measured dimensions of the Index; its services (0,283), capacity (0,260), accountability (0,324) and coordination (0,250) scores, are significantly lower.

As evidenced by its law and policy score, Kosovo has made progress to set its laws according to disability and child rights conventions, setting a National Strategy for the Rights of Persons with Disability¹⁷ and mandating a coordination body at the national level to work towards implementation. The challenge now remains to see a widening scope of implementation measures taken at all levels: legislation, strategies, as well as functioning and strengthening of the governmental bodies so that disability rights become operational.



Kosovo designates cash entitlements to children with disabilities as one element of protection for this vulnerable category. Kosovo's strong step of support noted in the Law on Material Support to Families of Children with Disabilities¹⁸ has however fallen short of possible impact because it does not guarantee comprehensive protection to all children with disabilities but rather only recognises the right to material compensation for children with permanent disabilities. It therefore discriminates and does not cover children with disabilities who have temporary disabilities nor children with partial disabilities. Further, the financial support of 100 Euros provided to children and their families, is insufficient for the needs of children with disabilities. [It is recommended to amend the Law on Material Support to Families of Children with Disabilities by MLSW to include comprehensive protection for all types of disability including children with partial disabilities.](#)

Kosovo has taken care to create minimum standards for services dedicated to children with disabilities. This is a very important step to maintain quality of care. Implementation of the standards is weak however due to the financial constraints that most of these facilities are faced. [For this reason, it is recommended that Kosovo create financial standards for services that coincide with the quality standards designed for children with disability.](#)

Community based social services in municipal level for children with disabilities are very limited. Efforts have been made to operate day care centres (managed by NGOs), but such services remain mainly supported by foreign agencies and donors, while state support is not structured, it is not sustainable and at the same time remains very limited and without a long-term approach. Further, these services are limited in scope to certain locations or municipalities. The sporadic nature of these services minimises the full inclusion of children with disabilities and limits a needed long-term rehabilitation plan that helps children with disabilities to meet their potential. There are a few exceptions where the MLSW provided financial support to several NGOs, but again, these services are not covering all

the country and do not provide standard assistance. It is recommended that through sub contracting of local NGOs, Kosovo scale and sponsor community based social services for children with disabilities that respond to the specific needs of these children, for the provision of daily psycho social, socialization, rehabilitation and reintegration services.

The needed medical and health treatments to overcome and cope with disability. In healthcare, there is a lack of essential medicines, supplies, health services, and auxiliary equipment for children with disabilities. Kosovo needs to guarantee the quality health services for children with disabilities through regular provision of essential medicines, supplies and equipment needed for these children.

The rights of children with disabilities regarding their access to education are included within the Law on Pre University Education¹⁹. There is lack of institutional willingness in budgetary planning for implementation of laws and strategies to achieve inclusive education for children with disabilities. Priorities related to these investments are mainly oriented in capital investments, while for the physical infrastructure, assistants, commuting teachers and the transport of children who are registered in the regular education system, there is no allocation of necessary funds. Budgets must align with planning, laws and strategies that go beyond capital investments and navigate the need for physical infrastructure, assistants, teacher capacity and the transportation needs of children with disability. It is important to understand what financial investments are necessary to implement inclusive education for all. For example, teachers do not yet have the requisite training and resources to consistently include children with disability. It is recommended to increase professional staff in inclusive education, determination of the budgetary code for assistance of children with disabilities in the education system, supply of trained and qualified specialists within education. There is already a master program on inclusive education within the Public University. More trainings should be made available to familiarize the teaching staff on the importance of using the inclusive education methodologies in designing and delivering lessons.

Inclusive education is also only possible when parents of children with disabilities have the right information and support. At present, there is limited information for parents of children with disabilities. Support and assistance to parents and outreach is weak, fragmented and mostly limited to civil society initiatives. With no adequate and appropriate local services, many families feel incapable of supporting their children's psychosocial development, physical rehabilitation at home and inclusion in schools and community life.

For all public buildings, physical infrastructure to support children with disabilities should be required and made a priority. Related policies that regulate this issue are already in place, but they are not put into practice yet (in hospitals, schools, courts, and municipal assemblies, Centers for Social Work for example). It is recommended that Kosovo remove barriers of public access, transport, communication, information so that children with disabilities have access to proper education and social life to reduce isolation and dependence.

Finally, there is limited data on the exact number of children with disabilities in Kosovo because there is no public institution that collects this data. The lack of national and centralized data limits responsive planning and the development of supportive programs for intervention. It is recommended that Kosovo collect data and develop a national database to determine the number of children with disabilities, with data disaggregated by age, gender, types of disability and municipality.

Scores relating to children separated from their parents

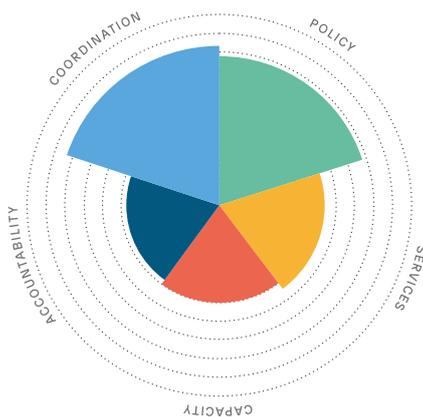
The three following sections measure in three different stages, the government efforts to manage the separation of a child from her/his parents. The first aim of state and institutions is to prevent family separation and allow the child to grow and develop in her/his family, since living outside the biological family, creates an additional set of vulnerabilities for children. However, despite the efforts done to keep families together, not all biological families are safe and allow the appropriate child development. In such cases, state reserves the right to separate the child from the biological family and to proactively step in with mandated institutions and professionals in order to identify needs, provide protection and care and create a positive and warm environment for growth and development. Without the proactive engagement of the right advocates and social safety nets, children outside of family care do not receive the basic care and protection to foster long term development, resilience and well-being. The UNCRC sets clear obligation to States Parties, to ensure that they must first work to prevent child and parent separations as long as parent care is within the best interests of the child. If separation is required to protect a child, States Parties must follow certain protocols to keep children safe and encourage a strong path of development for the child. If separation will be permanent, the UNCRC recommends an alternative family or community-based environment for the child's development. Finally, the UNCRC instates a responsibility to care for children living on the streets without family or home.

Preventing separation – Helping families stay together

As mentioned above, Article 9 of the UNCRC addresses the separation of parents and child, creating three distinct obligations of the state. It requires that States Parties provide services and support to families, with the goal of keeping family units together. Second, it requires that States Parties only separate parents and children when separation is in the best interests of the child. Third, it requires that States Parties help parents and children maintain contact in cases when parents and children are separated.

Kosovo scores a total of 0,624 out of a possible score of 1.0. Kosovo has scored relatively high in policy level with a score of 0,779, and in coordination with (0,833). However, Kosovo has achieved lower scores in the areas of services (0,545), accountability (0,489) and capacity to deliver adequate service (0,513).

The state can play an important role in preventing unnecessary separations. Kosovo's legislation, Law on Family²⁰ requires assistance for families to prevent the separation of parents and children. Assistance can include social welfare (i.e. material assistance), psychological assistance and actions to return children to their families in cases of physical separation.



Prevention and re-integration services that keep families together are weak due to CSW case overload and insufficient resources, which often limits focus to urgent situations. As a result, prevention is much less likely to be a core element of a CSW's mission. Yet the Centres for Social Work are legally mandated to offer counselling to parents in situations of child-family separation. The challenge, however, is to provide professional services to meet the needs, given their limited staff, resources and capacity. At present, these Centres work with limited human and financial resources and don't fully respond to the demand, based on the quality standards. On the other side there is a municipal registry that lists children considered at risk of neglect, abuse or exploitation. **It is recommended that the staff and resources available to CSWs are increased to ensure counselling to parents in association with the "at-risk" registry²¹ and for families currently separated.**

At present, the state does not grant material support to parents confronted with crisis situations with a goal to prevent unnecessary separation. According to the Law on Social and Family Services²², social and family services provided by the Centre for Social Work include the provision of direct social care, counselling, or, in exceptional circumstances, material assistance, for the benefit of people in need. In practice there are cases when financial support has provided, but these cases concern recipients who are also determined below the poverty rate. **It is recommended that Kosovo provide material support to parents confronted with crisis situations that are not necessarily living below the poverty rate but are confronted by a financial burden that could lead to unnecessary separation between parents and child.**

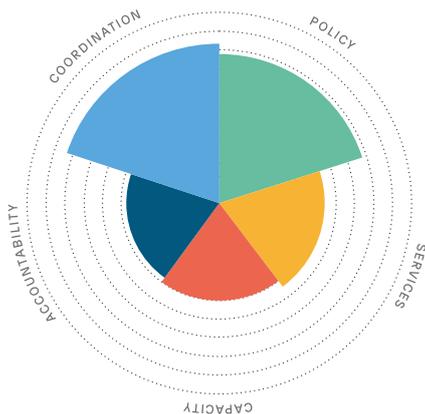
Avoiding family separation often requires a combination of specialised actors from competent authorities (social services, justice, health and education). Although coordination results to be functional, it is not yet fully developed and implemented. These specialised actors do not have the protocols or professional habits to coordinate the services and processes for these cases that need intervention, investigation and follow-up. Especially in the prevention and follow-up process, there is a bigger lack of coordination between authorities, compared to investigation stage. [For this reason it is recommended that Kosovo develop thorough coordination protocols and create incentives for their use among specialised actors and professionals in order to clearly define tasks, accelerate the exchange of information, decision making process, intervention and follow up because such protocols would be very useful to maintain family and child unity.](#)

Initiating separation – Keeping children safe

When it is in the best interest of the child and when remaining in the biological family compromises a child's development and well-being, separation of a parent and child is initiated.

In its efforts to keep children safe from initiation and during all process of separation, Kosovo scores 0,624 points out of a possible 1.0. Government actions for initiating separation are diverse, with a relatively high law and policy score (0,779) and coordination score (0,833), with lower scores in services (0,545) capacity (0,513) and accountability (0,489) by institutions, during the implementation of laws and provision of social and family services.

Kosovo's legal framework on parent-child separation abides by UNCRC language, allowing for separation as a last resort and only when it is in the best interest of the child²³. Together, CSW social workers and judicial bodies determine whether the standard of "best interests" is met in specific cases.



After a separation is initiated, cases are sent to the court for a final decision. However, to navigate child-family separation cases Kosovo does not assign specialised judges or courts. Rather, such cases are heard by civil case courts. **It is recommended to design and implement a structured and continued training program in order to build the capacity of a select number of judges to hear child-family separation cases.**

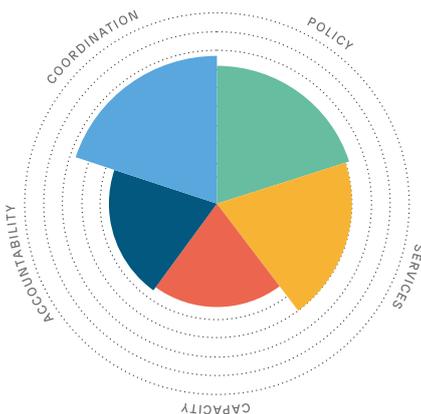
To maintain the privacy of the parties, Kosovo holds closed sessions during judicial proceedings to protect the child's right to privacy²⁴. Children, regardless of age, also have the right of participation in legal proceedings that would determine their status²⁵. However, there is no court with specialised judges to hear these specific cases. **It is recommended that Kosovo assign these cases to a specific number of judges. Trained and experienced judges offer more consistency of verdict and are better able to interact appropriately with the children involved in such cases.**

The uncertainty of these circumstances in both the lives of parents and children, require the state to efficiently and effectively respond to these cases. Accordingly, the state must make efforts to minimise delays in proceedings and decisions regarding the separation of parent and child. Case studies indicate that children can remain in temporary protective care for three years before any conclusion in their case is reached. Childhood development, on the other hand, does not allow for such a delay as it may compromise the relationship between child and caregiver²⁶. **It is recommended that these cases are prioritised on judicial dockets and appointed judges who are familiar with and trained in the pace and requirements of these proceedings. Coordination between the justice, social work, education and health sectors requires that roles are predetermined and any timeline for action is understood and accepted by all parties involved.**

In services Kosovo scores 0,545 and it is recommended to both diversify social and family services as well as increase the quality of services provided to children and families in situation of child-family separation by the state services as well as NGO sector. [There is a need to enrich social services and psycho social services to provide a better and more adequate assessment of the child situation in order to determine the best alternative form of protection, whether it would be kinship care, foster care, residential or adoption. Views and opinions of the child must be the highest consideration in the decision making process.](#)

After separation - Caring for children separated from their families

States must take action to provide special protection for a child deprived of the family environment and to ensure that appropriate alternative family care is provided. Once a child is separated from his or her parents, States Parties have a duty to provide alternative care for children who are separated from their families and help maintain contact between the child and parents. Since the UNCRC maintains that the bond and relationship between parent and child is an important child right and due to the fact that family and, specifically, parental connection fosters the emotional development of personhood, this article includes also allowing and helping to maintain contact between parents and child. This category of the Index, scores a government's effort to care for children separated from their families, as required under Article 20 of the UNCRC.



Kosovo scores 0,643 out of a total score of 1.0, meaning that Kosovo law and practice ensure special protection, assistance and alternative care to children deprived of their family environment, including foster care, kinship care, adoption and residential care. Efforts to meet this obligation must take into consideration the child's cultural background.

Kosovo scores are relatively high in policy (0,722), in services (0,695), coordination (0,785), and lower average scores in accountability (0,570) and capacity (0,548).

Of primary concern in circumstances of family-child separation is communication between the parties after separation has occurred. Kosovo allows children to maintain contact with their families while separated as long as such contact serves the best interests of the child. Courts decide whether visitation (e.g. for a divorced parent without custody or a parent held in detention) is within the best interests of the child. The CSWs monitors, visits and reports to the court on the implementation of the court order²⁷.

Once separated from their families because it is in their best interest, children are placed in alternative care. Kosovo does not host children in large 'classical' residential institutions. This is a very significant achievement. The current legislation, more specifically Law on Social and Family Services²⁸ regulates alternative care for children deprived of parental care. Kosovo offers temporary care until a court order determines final custody issues for a child. The alternative forms of protection for children without parental care are: kinship care, foster care, residential care and adoption.

Kosovo developed foster care as one alternative care service. The state provides 150 Euros per month per child in foster care family; while 75 Euros per month is offered to a child in kinship care. This amount is different for children with disabilities staying with foster families where the families receive €250 per month per child. However, there is no structured categorization of payments for foster care, based on the age, needs of children in terms of the type of their disability and the specific needs that children may have depending on the type and/or scale of disability or vulnerability.

For these reasons, there is a need to increase and categorize the amounts of payment for foster families based on the age, categories and needs of the children. This would also serve to strengthen the foster care service by keeping foster families within the system of alternative care. Also it is recommended to categorize foster families for different categories of children. In such way, continue capacity building for foster families based on their categorization would be provided, in order to guarantee adequate care for specific cases of children placed in foster care.

In addition it is recommended that the state provide continuation of payment for these families even during months when they don't have fostered children, in a lower amount (for example 50% of the regular monthly amount).

Foster families do not realize any social or health benefits from their position but often use family resources to provide for their wards, which endangers the stability of the scheme. It is recommended that Kosovo offer foster families social or health benefits to help defray their costs associated with the care of a foster child. Another recommendation is to include foster care as a recognized profession, within the tax and pension scheme.

Given the financial savings attributed to foster care (foster care is five times cheaper compared to residential care)²⁹, it is recommended that Kosovo invest strongly in foster care services, providing further training to foster parents and health and social entitlements to help manage costs for each foster family.

Adoption

In situations where the state terminates parental rights, the UNCRC establishes the right of children to live in a secure, family environment. Adoption affords children without parental care the right to live in a secure, family environment. In Kosovo, the Family Law³⁰ regulates in detail all adoption procedures. Adoption services are state-run and regulated by state-sanctioned quality standards.

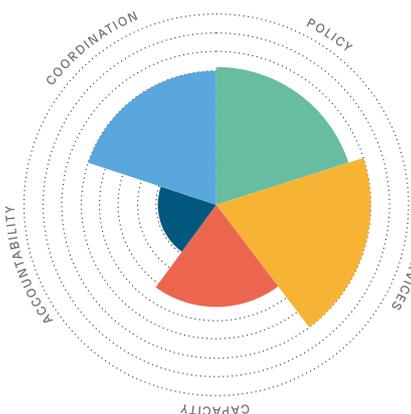
In the category of adoption, Kosovo scores a total of 0,614 out of a possible score of 1.0. Kosovo's scores are relatively high in law and policy (0,716) and services (0,807). Again, Kosovo's coordination is well-established at 0,708, but its capacity and accountability scores are lower at 0,521 and 0,291 respectively.

Legal adoption procedure in Kosovo does not include a “best interests of the child” requirement throughout the process. Family Law, specifically Article 163 - Permissibility of Adoption, expressly states that: A person who has been involved in unlawful acts or in actions contrary to good morals in obtaining or bringing a child for the purpose of adoption or who commissioned a third person to do so or rewarded such person for doing so, may only adopt a child, if this is imperative for the child's well-being. **Thus, it is recommended to amend Family Law, to prohibit adoption of children by persons who have been involved in unlawful acts in obtaining or bringing a child for the purpose of adoption.**

Kosovo prohibits private adoptions, requiring the involvement of CSWs, a panel on adoption within the Ministry of Labour and Social Welfare and a judicial review³¹.

In the adoption procedure, the CSW³² plays a key role in realizing this form of protection. Persons interested in adopting a child without parental care should file the request at the court. The court is entitled to collect data and other evidence from the Guardianship Authority, from the social services and other experts in the area of child care on adoption conditions³³. However, the court forwards the request to the CSW to give its professional assessment on the family. Therefore, the CSW conducts all actions including: preparing the file for adoption after the resolution of the child's legal status, conducting procedures for assessment of the suitability of adoptive parents through interviews with potential parents, training of potential adoptive families etc. In practice, the adoption processes are often delayed due to administrative procedures developed by the CSW's³⁴. **Because the status of the child and biological and adoptive parents is undefined during the adoption process, it is recommended that Kosovo limit undue delays so that status can be determined quickly. It is recommended that Ministry of Labour and Social Welfare continuously monitor and inspect the CSWs while managing the cases of the abandoned children so that the children are removed from their temporary facilities as soon as possible and their status is resolved.**

It is reported that children with disabilities, older children or children with health issues, suffer delays in the adoption process due to limited interest by potential families³⁵. **It is recommended that Kosovo increase awareness to targeted members of the public on the needs and discrimination faced by children waiting for adoption as a way to increase the number of adoptions.**



There are also delays in adoption because public authorities tasked to process adoptions are not equipped to meet deadlines and resolve issues that arise. [It is recommended that the state provide capacity building for officials tasked with a role in the adoption process.](#)

There are no specialized child adoption services. This service is also part of the Centre for Social Work mandate and responsibilities. According to Family Law³⁶- the courts should work on the preparation of the adoptive family for the processes ahead, but this does not necessarily involve professional counselling. According to the minimum standards for adoption service, there should be training organized for adoptive parents, but up to now this has not happened. [It is recommended to build and develop specialized child adoption service, including provision of professional counselling from CSW as well as design and implement a training program for potential adoptive parents.](#)

The state-provided adoption services are not licensed, while individual employees receive a standard license for social and family services. [It is recommended that MLSW issue an administrative instruction which foresees the procedures and the criteria's for licensing of services provided by the state authorities.](#)

The quality of the adoption services provided by government entities is not subject to external monitoring and assessment ensured by state authorities, but it is subject of the Monitoring and Inspection Unit which is an internal body in frame of MLSW. [It is recommended to establish an external independent monitoring and inspection unit in order to ensure the quality of services provided.](#)

Last but absolutely not least, accountability for decision making in cases of adoptions requires sufficient time with probationary periods that include home visits. However, ongoing monitoring is not required after the probationary period³⁷. [For this reason, it is recommended that Kosovo introduce periodic monitoring after the probationary period ends to ensure a stable and protective environment for the child and adoptive parents.](#)

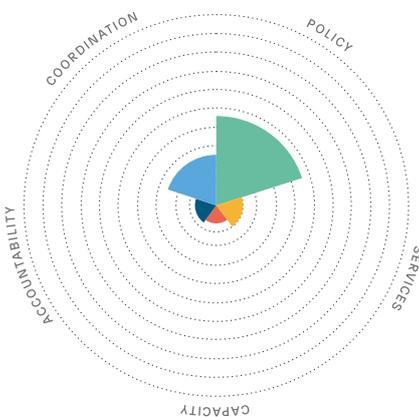
Children who live and/or work on the streets

Article 20 of the UNCRC requires that States Parties ensure alternative care for children who are living and/or working on the streets, in accordance with their national laws.

The Index has measured and compared five dimensions of the government actions, to protect and ensure care for homeless children and children who live and/or work in the streets: policy, services, capacity, coordination and accountability.

Kosovo scores 0,158 out of a possible score of 1.0 on its general actions to protect children working on the streets. This result constitutes by far the lowest score that Kosovo has reached among all other fields/categories measured by the Index 2.0. It means that as a country, Kosovo is not addressing at all the issue of children working in the streets, and at the same time it is not undertaking any initiative and/or intervention at both policy and service level in order to protect these children.

Kosovo's scores in law and policy are pretty low (0,460). Its services score registers even lower, at 0,100. Kosovo's coordination score is somehow higher than the other dimensions, however with an average result of 0,666. Its capacity and accountability scores are the lowest regarding this category, with 0,044 and 0,060 respectively.



Kosovo's poverty prevention programs, as provided in its Law on Housing Financing Specific Programs³⁸, can serve to prevent some children from entering the streets for work or shelter. The Law provides housing to families or individuals who are not economically viable. Seventeen municipalities have established committees to offer housing to those in need. The number of requests from homeless citizens is quite high and varies from 250 to 550 applications per municipality³⁹. However, municipal committee budgets are not high enough to meet the demands for housing entitlements. [Municipalities, with the help of the government, should dedicate more funds to their local social housing programs to guarantee that all families and individuals in need of shelter are adequately cared for.](#)

Regarding children working in the street, current law does not define any specific services that the state must provide to address this vulnerable group of children; including day care shelters, night shelters, outreach services, as well as rehabilitation and reintegration services (including social, educational and psychological support to children and their families). However, there are no financial standards developed to address these specific services. Consequently, Kosovo has limited implementation of any service targeted to address children working on the street, scoring only 0.088. The score suggests that there is an almost zero proactive approach from relevant institutions to reach these children and offer protection. [Establishment and development of basic services for this category of children, is an immediate measure that the government should undertake. Also, it is strongly recommended that Kosovo incorporate financial standards within the regulatory framework to ensure a](#)

budget and the implementation of services protection children living and/or working in the streets.

One particular service should play a prominent and expedient role: mobile teams. Even if services existed for children living and working on the streets, it is important to first set up mechanisms to identify children in this situation. The current workloads, capacities and resources of social workers at the Centers for Social Work preclude their engagement. [Rather, there is an immediate need to establish mobile teams for outreach services that identify and provide services for children and create individual plans for each child.](#)

Once identification mechanisms are in place, a national database will be necessary to create a case management approach that ensures proper approaches. [Kosovo should establish a national database with related figures divided also by respective municipalities, age and gender. Such database can help build prevalence data and ensure that budgetary planning offers contributions based on the need. There is also a need to create mechanisms that encourage birth registration amongst this population group.](#)

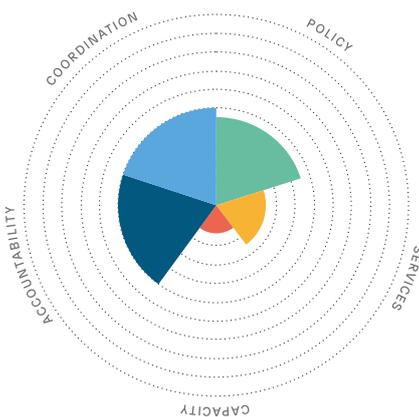
Kosovo's coordination score does evidence effort to build a responsive system for children working on the streets. Kosovo's National Committee for the Prevention and Elimination of Child Labor is a coordination body at the central level and works to coordinate with local Committees for Prevention and Elimination of Child Labor located in all municipalities. These committees are not functional. [For this reason it is recommended to strengthen the local committees and create an effective coordination mechanism between local and central level that can build policy actions together.](#)

Based on Kosovo's low scores regarding the protection of children living and/or working in the streets, an immediate general recommendation comes up in order to intervene and improve the situation. [Kosovo should establish a Specific Grant for Social Services within general budgetary grants to municipalities and to CSWs to create services, extend them as well as improve capacities for the provision of quality services for these children.](#)

Protecting children from drug abuse

Article 33 of the UNCRC requires States Parties to take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Kosovo scores 0,396 out of a possible score of 1.0 to prevent and protect children who are victims of drug abuse. Kosovo has scored less than the average in its actions to protect children from drug abuse through policy (0,466). Kosovo has scored an average of 0,500 in the field of coordination between key actors and 0,496 in accountability to beneficiaries, families and other stakeholders. However, Kosovo has significantly lower scores at service provision to ensure adequate protection and reintegration for these children (0,250), as well as its capacity to provide appropriate approach for children victims of drug abuse (0,119).



Due to its political status as a country, Kosovo has not ratified any International Convention on drug abuse; however, domestic legal framework prohibits the use of illicit narcotic drugs and psychotropic substances⁴⁰. Regarding policy, the state does not attach additional penalties for drug offences committed by adults where children have been sold or given these drugs and substances. The Criminal Code sets a minimum age of 16 for the purchase of alcohol in all premises, moreover the legal framework does not prevent the sale of solvents to children without appropriate authorization from parents or other adults⁴¹. Until now, the legal framework has set a minimum age of 18 only for the purchase of tobacco⁴². As a result of this Kosovo has received low scores in its actions to protect children from drug abuse through legal framework and policy (0,466). [Kosovo must foresee additional penalties in Criminal Code for drug offences committed by adults where children have been sold or given drugs. Minimum age of 18 for the purchase of alcohol in all premises has to be defined, and the legal framework has to prevent the sale of solvents to children.](#)

Kosovo does not provide specific physical rehabilitation services for children victims of drug abuse; these services are provided within the overall drug treatment services for adults. Psychiatric Clinic of the University Clinical Centre of Kosovo created a special inpatient ward to treat addiction, but this ward is dedicated for adult patients, however, it will also treat children given the fact there is no other available facility or special ward for children. Child psychiatrists and doctors in hospitals don't have the adequate capacities/trainings to deal with children who are victims of drug abuse and they don't have the necessary resources (multidisciplinary team, separated wards or clinics) to implement plans and programs, so even though they are regulated by different documents⁴³, implementation is weak. Therefore venues are not adapted to children and are not child-friendly or safe for children. To conclude, basically there are no specific physical, psychological, rehabilitation and social reintegration services to support children who are victims of drug abuse. [It is strongly recommended that the government prioritize protection of children victims of drug abuse, through establishment, sponsoring and developing of national wide state services provided by the state and private providers.](#)

Medical treatment is based solely on detoxification programs using medicines from the Essential Drug List, funded by the Ministry of Health. Although healthcare is free for all citizens and minimum drug treatment options (e.g. detoxification) are provided free of charge, patients have to pay a co-payment towards a detoxification service. NGO Labyrinth is the only local NGO licensed by the MoH to provide rehabilitation services, but these services are not sponsored by the state and this NGO is not able to cover all the needs. [It is important that these services, maintain proper support from government and the donor community. It is recommended that Kosovo develops financial standards for protection of children victims of drug abuse.](#)

Social reintegration services would fall under the responsibility of the CSWs, however Centres for Social Work lack the needed capacities to support children victims of drug abuse. There are no specific services developed, no reintegration programs for children victims of drug abuse. The state entities are entitled to support the reintegration process of the child victim of drug abuse, such as school reintegration for cases of drop out. However due to lack of needed resources they cannot support parents or guardians to cope physically and emotionally with children victims of drug abuse. [There is a need to develop reintegration programs to respond to the increasing needs of children and their families.](#)

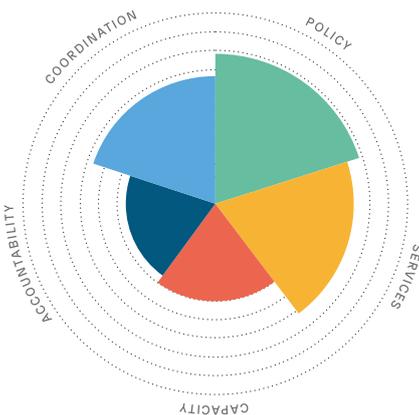
Coordination on the other side lacks to a considerable extent. Kosovo has established the Kosovo Committee for Interventions in Drug Cases but this committee is not functioning and even though there have been some efforts of coordination between central and local authorities, in particular between CSW, police, justice and education, cooperation remained sporadic for such situations since services offered are not specific and very limited. [Next step should include strengthening of the coordinating and monitoring body between ministries as well as between central and local level, to widen efforts to address fight against drugs.](#)

Another shortcoming of the system which contributes to the low result of accountability is lack of centralized information and lack of a national database on reports of children victims of drug abuse. [Going forward, it is recommended that Kosovo establish ongoing data gathering and research mechanisms in order to generate stronger information on the prevalence of drug abuse.](#)

Children as refugees, children seeking asylum and children involved in armed conflicts

Article 22 of the UNCRC requires that States Parties take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance. Article 38 of the UNCRC requires that all State Parties take measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

In this category Kosovo scores 0,682 out of the total of 1.0, standing slightly above the average. Kosovo law and policy score is 0,788, while its services score registers at 0,721. The lowest scores on this issue are coordination (0,666), capacity (0,500) and finally, accountability (0,472).



Due to its international status, Kosovo has not ratified the Convention relating to the Status of Refugees as amended by the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness, the four Geneva Conventions, Additional Protocol I, Additional Protocol II, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, and the Optional Protocol to the Convention on the involvement of children in armed conflict. However, Kosovo has addressed the issue of children as refugees, children seeking asylum and the involvement of children in armed conflicts through domestic legislation, concretely through the Law on Asylum⁴⁴ and the Law on the Kosovo Security Force⁴⁵.

Regarding preparation for humanitarian crisis situations, the state does not provide nor sponsor training programs for emergency/ humanitarian aid situations. *It is recommended that the state provide or sponsor training programs for disaster risk management and emergency/ humanitarian aid situations in education facilities, residential care services and communities as a way to prepare for any such scenario.*

Kosovo has created an Asylum Centre in 2012 with EU support⁴⁶, fulfilling all physical standards. Yet, Kosovo doesn't have the adequate capacities to cover the education needs for children as refugees that could arrive in Kosovo from different countries. *It is recommended that Kosovo increase capacities to ensure access to education that recognises the culture, language and need for social integration of children as refugees. It is also recommended to regularly train state authorities and relevant professionals on child protection, in order to increase their capacities when such a need arises.*

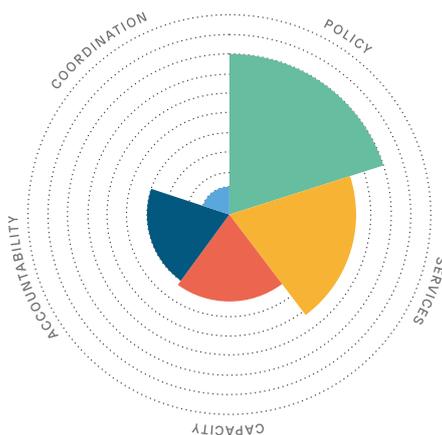
State authorities have not yet ensured any external monitoring and assessment for services provided for these children either by government entities or NGOs. There are institutions, bodies and also organizations that perform external monitoring (such as Ombudsperson) but the recognized Inspection Unit operates within the Ministry of Internal Affairs. [It is recommended to establish an external monitoring and assessment mechanism that would assess the quality of such services.](#)

Torture and all other cruel, inhuman or degrading treatment or punishment against children

Article 37 of the UNCRC requires that States Parties ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, that no child shall be deprived of his or her liberty unlawfully or arbitrarily and that every child deprived of liberty shall be treated with humanity and respect.

Kosovo in its action to prevent and protect children from torture and all other cruel, inhuman or degrading treatment or punishment scored 0,640 from a maximum score of 1.0. This means that Kosovo's efforts to protect boys and girls from any form of cruel, inhuman or degrading treatment or punishment need to be further enhanced in order to guarantee that children are treated with dignity as the UNCRC requires.

Kosovo has scored 0,808 in its policies to prevent torture, 0,630 in service provision, 0,424 in its capacity to prevent torture, 0,404 in its accountability mechanisms, and 0,104 in coordination among stakeholders to respond to the needs.



Due to its international status, Kosovo has not ratified yet the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention against Torture. Nevertheless, Kosovo has regulated the above issues within the domestic legislation, specifically through Juvenile Justice Code⁴⁷. [Further amendments in the Juvenile Justice Code are recommended to include a reduction of any pre-trial detention to six months in the case of children.](#)

Implementation of Kosovo's Juvenile Justice Code is limited. A recent monitoring report of the Correctional Centre for Minors in Lipjan, conducted by KOMF, showed that juveniles at the Centre alleged the use of inappropriate disciplinary methods, including physical punishment⁴⁸. [It is recommended that Kosovo conduct an independent investigation of this Centre to determine whether and if inappropriate disciplinary measures are used against minors.](#)

There is also a need to separate children and adults within all institutional wards, including correctional facilities. At present, there are girls and women are held within the same facility and ward⁴⁹. [It is recommended that the Ministry of Justice take all steps necessary to divide children and adults in all institutional facilities, including correctional facilities to ensure a safe and appropriate environment for rehabilitation and re integration process.](#)

In accordance with Kosovo's Juvenile Justice Code which requires educational measures to be taken for minors in a situation of conviction, and that their habitation remains semi-confined rather than fully confined, further work must be done to implement this completely⁵⁰. Kosovo has undertaken work to guarantee education measures for convicted minors and now next steps are needed to fully abide by the habitation requirements under law.

It is recommended that Kosovo create an open and semi-confined style of institution for minors under educational measures.

To provide the necessary accountability to ensure the treatment of minors in detention and according to Kosovo's own Juvenile Justice Code, judges must visit the Correctional Centre where minors are detained every six months to follow and assess the effects of the educational measures, making further recommendations for each detainee's well-being. At present, this provision has not been fully respected by judges⁵¹. [Judges are recommended to respect the legal provisions and undertake regular site visits in order to create necessary accountability for each minor's treatment and reintegration process.](#)

Because juvenile justice relies on the rehabilitation and reintegration of minors to limit rates of recidivism, there is a need to fortify programming that is individualised and engages needed professionals frequently. Minors detained at the Correctional Centre in Kosovo do not yet have an individual program prepared by social workers and psychologists to respond effectively to their needs⁵². There are currently only two social workers and one psychologist on staff at the Correctional Center, in comparison to 135 correctional officers that maintain the facility⁵⁴. [It is recommended that Kosovo increase the number of professionally qualified staff to work with minors, and to increase their capacities to develop individual educational programs for the rehabilitation and reintegration of minors.](#)

Rehabilitation through education is also a significant component for rehabilitation from juvenile delinquency. Kosovo's Juvenile Justice Code allocates a ratio of one educator for at most 20 minors held in detention. At present, there are no educators at all at the Correctional Center. However, the number of 20 minors is too high for one educator to cope and guide them through education and rehabilitation process. [It is recommended that during the amendment of the Juvenile Justice Code, to reduce the number of 20 minors, up to a maximum of 10 minors in one group and with one educator⁵⁵.](#)

The education system is currently conducted within the Correctional Center premises, which is a violation of JJC⁵⁶. [It is recommended that Kosovo allow minors access to the regular education system outside of the Correctional Centre as required by the Juvenile Justice Code.](#)

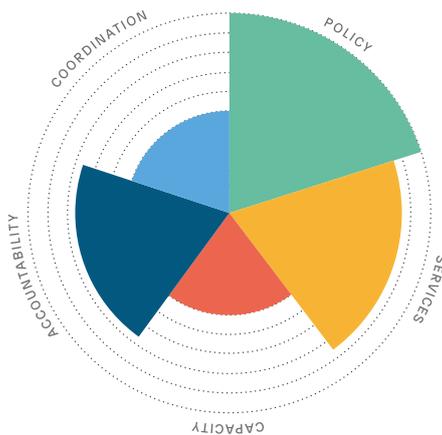
As needed for accountability, the Correctional Center does not yet maintain efficient complaint mechanisms to hear the concerns of those detained. Because the Correctional Deputy Director manages the complaint box and the facility itself, there is a chilling effect on reporting complaints⁵⁷. [It is recommended that the facility establish an external complaint mechanism to increase trust among minors, enhance the right of minors to hold officials over their control to account, and maintain their rights.](#)

Administration of juvenile justice

Article 40 of the UNCRC requires that States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

In the category of administration of juvenile justice, Kosovo has reached the highest score (0,844) compared to all the other fields that the Child Protection Index 2.0 has measured. Similarly, in the policy field Kosovo scores highest with a maximum score of 1.0, which means that the efforts of government to create the adequate legislation regarding juvenile justice at the policy level have significantly been prioritized. The Juvenile Justice Code and the Criminal Procedure Code are considered to be among the best in the region.

Kosovo scores 0,747 in implementation which is the highest result among all the other scores of implementation for all categories measured. Kosovo scores 0,884 at the services component and 0,770 at accountability level. However there is a significant difference with the scores at the capacity field (0,500) and coordination level (0,500).



In situations of criminal justice, the law limits detention to a “last resort” act⁵⁸ and determines time served in proportion to the severity of the offense. Because detention can become a form of violence, it is important that Kosovo go farther in the case of children; [the legal framework needs to be revised to accommodate recommendations from the UN Committee on the Rights of the Child that reduce pre-trial detention to six months in the case of children.](#)

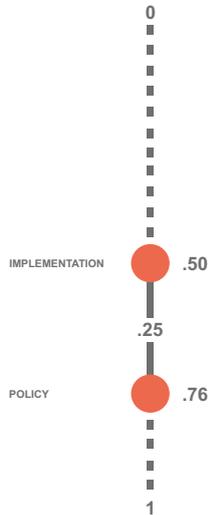
Kosovo has strong implementation of diverse and alternative measures for minors. In 2016, Kosovo's Probation Service processed 1157 cases involving minors, from them 686 minors required diversity measures⁵⁹. Rather than detention once convicted, Kosovo has set up alternative measures such as guidance and supervision orders by parents, guardianship authority, victim reparation/ restitution, counselling, probation, education, vocational training courses. [It is recommended to further improve the education measure of psychosocial counselling for minors, as a service which goes beyond rehabilitation and reintegration and limits incidences of recidivism.](#)

However, Index results show that coordination for all engagement between various agencies and issues on juvenile justice administration at the central (national) level needs improvement. At municipal level there are specialized panels for administration of the cases for children and follow up of their cases but coordination between institutions is not fully effective yet. There are efforts for coordination (for example for supervision from guardian authority, regular school attendance, vocational course or service from NGOs). Still, coordination difficulties between institutional bodies, schools and probation service are evidenced⁶⁰. Schools are reluctant to coordinate with the probation service. [It is recommended to activate the Council for Protection and Justice for Children which is no longer in operation and needs a restart to fully engage and coordinate among stakeholders.](#)

There is also a long period of delay between initial indictments and the determination of cases. With a three year delay recorded in procedures for juveniles due to the high workload of the Courts, the results can take a toll on the rehabilitation and re-integration of certain minors, given the need to influence child development and education in these critical years⁶¹. [It is recommended that Kosovo prioritise judicial review of cases that concern the activities of minors in order to serve the best interests of children.](#)

Kosovo's low capacity score accounts for the limited capacity to implement dispositions on: guidance and supervision orders, diversion to mental health treatment, victim reparation/restitution, counselling, probation, education, vocational training, and community work. It is worth to emphasize that even though Juvenile Justice Code foster care for this category, currently there are no foster families established to provide care for children in conflict with the law. [It is recommended that Kosovo build its capacities to increase the quality of the implementation of the diversity measures.](#)

Policy conclusions



[Law and Policy]

Article 4 of the UNCRC requires that, "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention...". The UNCRC is not meant to remain a document of ideals, but rather a document that describes implementation.

Kosovo scores 0,508 out of a possible score of 1,0 on the implementation of its UNCRC commitments. The law and policy score is 0,762 and the gap between legislation and implementation is 0,254.

Next steps must include strong financial investment to build adequate capacity to close the gap between legislation and implementation. With this in mind, the Index provides the following recommendations in alignment with the five dimensions of government action: policy, services, capacity, coordination, accountability.

It is a pressing need to amend the Criminal Code to prevent persons convicted of violent offences and the sexual abuse of children from working with children. Kosovo's laws should also require criminal background checks for all persons who work with and/or in the presence of children. [Aggravation of punishment for trafficking with children is recommended.](#)

Family Law, specifically Article 163 - Permissibility of Adoption, expressly states that: A person who has been involved in unlawful acts or in actions contrary to good morals in obtaining or bringing a child for the purpose of adoption or who commissioned a third person to do so or rewarded such person for doing so, may only adopt a child, if this is imperative for the child's well-being. [Thus, it is recommended to amend Family Law, to prohibit adoption of children by persons who have been involved in unlawful acts in obtaining or bringing a child for the purpose of adoption.](#)

It is recommended that Kosovo amend the Law on Material Support to Families of Children with Disabilities in order to ensure comprehensive protection for all types of disability, including children with partial disabilities. This law is considered a discriminating law for children with disabilities, as it recognizes the right to material compensation only to children with permanent disabilities and it does not include children with partial disabilities.

Further amendments to the Juvenile Justice Code are recommended to include a reduction of pre-trial detention to a maximum of six months in the case of minors.

[Services]

It is necessary to ensure the sustainability of services provided by the public and NGO sector for children victims of violence, exploitation and trafficking. At present, rehabilitation and re-integration services are provided by NGOs which are contracted by the MLSW and municipalities. However the financial support provided by the state is not sufficient to cover the needs and on the other side due to bureaucratic procedures, there are gaps in the financial support provided by MLSW toward these service providers. In

response to the number of children who need care and services and due to the lack of continuous support, these shelters and day care centres managed by NGOs are facing existential insecurity due to lack of financial viability and risk their closure. Children benefiting from the services are obliged to move from one form of care to another form, which constitutes a serious violation of a child's rights because it has such a negative influence on their physical and psychological development. The amount of budget allocated to finance social services should be increased by the MLSW to ensure the continuity of social services for vulnerable children. Municipalities must guarantee allocation of budget for social services within the municipal budget. The budget should be based on the needs of children within each municipality.

It is recommended that Kosovo sponsor community based social services for children with disabilities. Establishment of day care centres are in great need; for treatment, rehabilitation and reintegration of children with disabilities.

It is recommended that Kosovo establish services for protection of children working in the streets, such as day shelters, night shelters, outreach services and mobile teams, as well as rehabilitation and reintegration services (including social, educational and psychological support to children and their families).

It is strongly recommended that the government prioritize protection of children who are victims of drug abuse; it should establish or sponsor rehabilitation and re integration services.

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

[Capacity]

Ensure sustainable and adequate funding for social services in Kosovo through amendment of the Law No. 03/L-049 on the Local Government Finance and the creation of a Specific Grant for Social Services. This grant should have clear criteria to ensure fair and adequate financing formula for social services.

Create the Grant for Social Services based on one of the two alternatives proposed by KOMF. To ensure that welfare entitlements and the provision of contemporary services is recommended for the LLGF in one of the following alternatives:

Alternative No.1.

Closed type specific grant for social services, which is the most adequate alternative in order to provide sufficient support for social services;

Alternative No.2.

Allocation of the fund from the General Grant of the Government based on the percentage. KOMF wants to emphasize that the second alternative do not ensure same sustainable financing of social services as the first alternative.

Adopt financial standards to adequately resource services and align with quality standards. Without financial standards in place, it is difficult to secure consistent and sufficient budgets for services.

[Accountability]

Create external and independent inspection mechanisms to review the quality of service provision and administer licensing. Inspection should review both private and public sector services (CSWs). The CPI 2.0 results show weak accountability scores across all issues. The scores are due in part to the presence of internal inspection mechanisms conducted by the units which are operating within the ministries. There is also a lack of human and financial capacities within current inspection units to perform effective inspection site visits, namely, to cover the entire territory of Kosovo. It is strongly recommended to invest in creating and strengthening external and independent inspection mechanisms with needed capacities to perform the functions required.

Compulsory licensing process should apply to public services provided by CSW or other public authorities. Currently, individual/professionals and private service providers / NGOs are required to obtain licensing, but state providers are not yet required to obtain service license. It is recommended that MLSW issue an Administrative Instruction for Licensing of State Services that align with the minimum standards for social services. Licensing would ensure further accountability and monitoring to all public service providers.

Research and data collection should be gathered to determine the number of children with disabilities, children involved in child labour, and children victims of drug abuse. Such data should be disaggregated by age, gender, types of disability and municipality.

[Coordination]

(Central level) **Operationalise and strengthen coordination mechanisms at the central level such as: the Council for Protection and Justice for Children, the Kosovo Committee for Prevention and Elimination of Child Labour, and the National Authority against Trafficking in Human Beings,** with the aim to increase the coordination of actions among stakeholders.

(Local level) **Merge coordination mechanisms for child protection at local level, in one mechanism.** Currently, there are many coordination bodies at the local level which consist of the same professionals, creating overlap, overload and confusion at the municipal level. Thus, it is recommended to merge these bodies in one mechanism in order to ensure efficiency in coordination among local and national stakeholders.

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Addendum - Index methodology

Index framework

The Index framework includes a series of 987 main indicators that together measure a state's policy and actions towards greater child protection. The indicators are drawn from six sources.

The first set of indicators draws from statistical data about the current child protection status of girls and boys in each country. For example, one indicator considers the rate of children aged 0–2 in residential care (per 100,000 population aged 0–2), at the end of the year. For a review of all quantitative indicators used, please see the indicator addendum section of this brief. Data collected for this section originates directly from UNICEF's TransMoEE database, a widely used source of data on the well-being of children globally and official statistical data reported by the country.

The second set of indicators comes from Article 4 of the UNCRC. This Article requires that states apply all appropriate measures within the toolbox of government action to achieve child protection. The Index refers to this category as "the governance environment" for child protection. An example of the governance environment indicator is: has a consolidated law on the rights of the child and child protection been adopted?

The third set of indicators is based on Article 2 of the UNCRC. This Article requires that states respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, and take all appropriate measures to ensure this requirement.

The fourth set of indicators comes from Article 7 of the UNCRC. This Article requires that children are registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents. Article 7 requires all State Parties to ensure the implementation of these rights. Birth registration is considered to be a fundamental child protection right.

The fifth set of indicators uses specific child protection articles from the UNCRC and principles from the systems approach to child protection as the common foundation and matrix for its qualitative indicators. To unpack each Article's requirements, the Index framework relies on the Implementation Handbook for the Convention on the Rights of the Child published by UNICEF. The Handbook offers analysis on each UNCRC Article from the Committee on the Rights of the Child's Concluding Observations in over 300 different opinions. The Handbook provides a series of "yes", "no" and "partially-implemented" checklists to create an understanding of each Article's significance. The Index uses these checklists as core indicators for the framework. The qualitative indicators are "yes", "no" and "partially-implemented" questions that measure a state's (i) Policy/ legal and regulatory framework; (ii) Services, processes, mechanisms; (iii) Capacity; (iv) Accountability; and (v) Coordination and cooperation in relation to the UNCRC articles on child protection. These key elements are necessary to achieve a functional child protection system. UNCRC articles chosen are those associated with every child's right not to be subjected to harm and a state's duty to protect and care for children vulnerable to harm.

The sixth set of indicators focuses specifically on government support for social workers. Social work plays a key role within the public sector to administer child protection mechanisms, processes and services at both the local level and regional or national levels. Therefore, the Index includes specific indicators on social work, with the importance of this role in mind.

Data collection & validation

Each national data collection team included 10 child protection experts, two legal experts and two financial experts selected in order to acquire a variety of expertise. A training workshop led by the Index Data Manager (and co-author of the Index framework) provided training to the team prior to collection. In the first stage of collection, groups of two experts collected data independently on selected sections of indicators (using reports, studies, articles, statistics data, etc.) to validate a “yes”, “no” and “partially-implemented” responses to each Index indicator. In this way, two experts reviewed the same indicator separately. Where such evidence-based information was not available, interviews with relevant stakeholders and information based on the personal experience of professionals with relevant expertise in that particular field were taken into account.

After the completion of individual review and validation, responses provided for the same indicator by two different experts were considered and compared side-by-side by the Index Data Manager. Responses found to be inconsistent between the two experts or that lacked sufficient validation required further review and evidence gathering. The two experts assigned to the same indicator again in group work reviewed and discussed the evidence and sought additional information when needed. Joint answers provided by each sub-team were further reviewed by the Index Data Manager. Three to four reviews over a total period of 3 months were required for the entire review process, in order to reach final agreements on each indicator considered.

A final cross-check of information provided under the various sections of the Index framework was performed by the Index Data Manager before finally validating the National Index, with the support of the National Coordinator and the team of experts.

Scoring

Each qualitative indicator required a “yes,” “no,” or “partially-implemented” answer. To score the results, “yes” = 1, “no” = 0, and “partially-implemented” = 0,5. In situations where several sub-indicators contributed to one main indicator, the final main indicator score is calculated as an average of the scores of its sub-indicators (e.g. $1+0,5+0+1+0,5 = 3 : 5 = 0,6$).

For the quantitative indicators, a linear transformation formula was applied:
$$Y = X - X_{min} / X_{max} - X_{min}$$

where Y is the score, X is the quantitative data for the respective country, X_{min} is the quantitative data of the least performing country, and X_{max} is the quantitative data for the strongest performing country.

An average score was calculated for five of the six sources of indicators: 1) Current Child Protection Status of Girls and Boys, 2) Governance Environment, 3) Birth Registration, 4) Non-discrimination, and 5) Social Work. In the case of the main source (UNCRC Articles analysed with the Child Protection Systems Approach), each UNCRC article and its indicators is scored separately (to create one average score per article). The final (overall) CPI score is calculated as an average of all the main indicators included under all the components of the Index framework; this way, each main indicator is equally contributing to the final (overall) Index score.

NOTE

Data of the current index is not fully comparable with CPI 1.0, due to additional components included (Birth registration, Non-discrimination, Child refugees/emergency intervention, Torture and degrading treatment, Juvenile justice administration). Also, in order to support more accurate data collection, several indicators included in the first CPI were divided into a series of more specific indicators. This resulted into increasing the total number of main indicators from 500 to 987. Scores of each component as well as the final Index score are therefore influenced by a more detailed/ specific data collection and also by the additional components included.

Scores for the Statistical component included in the current report are provisional because, as explained above, the scoring of the statistical indicators is requiring the application of the linear transformation formula for which comparative data should be collected from other Index countries. Such data is not yet available, due to the fact that Kosovo is so far the only country where the revised CPI structure was tested. The current scoring of this component is mainly based for the time-being on the previous CPI results.

This situation is also influencing the final Index score, which should be also considered provisional.

Each new participating country will contribute to revising the Statistical component and final score of the Index.

Ending notes

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