DIGNITY AND JUSTICE FOR CHILDREN
Children are often the most vulnerable group in the society and same as all members of the society can come to contact with the law and the justice system. Due to age, capacity to act and psychosocial development, Convention on the Rights of the Child and other international documents and standards foresee a specialized justice system for children. Justice for children is designed for the benefit of all children in contact with justice authorities to ensure that they are better served and protected by this sphere. Justice for children recognizes different ways in which children are in contact with the law.
According to the UN Secretary General’s Guidance Note on the UN Common Approach on Justice for Children, “justice for children goes beyond juvenile justice – i.e. from work with children in conflict with the law – to include all children going through justice systems, for whichever reason (victims, witnesses, care, custody, alleged offenders, etc.).” The term ‘juvenile justice system’ refers to the particular system established to ensure that the rights of children in conflict with the law are protected. On the other hand, ‘justice for children’ refers to wider systems and processes that do include children in conflict with the law, but further considers other children in contact with justice systems, such as victims and witnesses, in criminal, civil, administrative procedures, military and international courts and in informal justice mechanisms. ‘Justice for children’ focuses on making the general justice system child-sensitive. Lastly, the concept also refers to ensuring access to justice for children, which is the ability to obtain fair, timely and effective remedy for violations of rights. With the issuance of the UN Common Approach on Justice for Children, the Council of Europe’s Guidelines on Child Friendly Justice and the earlier UN Guidelines involving Justice for Victims and Witnesses, it became clear that while focusing reform on children in conflict with the law is appropriate and justifiable, these broader issues still need to be addressed in Kosovo.

The goal of the justice for children approach is to ensure that children, defined by the Convention on the Rights of the Child as all persons under the age of eighteen, are better served and protected by justice systems, including the security and social welfare sectors. It specifically aims at ensuring full application of international norms and standards for all children who come into contact with justice and related systems as victims, witnesses and alleged offenders; or for other reasons where judicial, state administrative or non-state adjudicatory intervention is needed, for example regarding their care, custody or protection.

Working on justice for children promotes the strengthening of all parts of the child protection system, including the justice mechanisms, to operate in the best interest of the child. Justice for children also guarantees alternatives to detention, including diversion and restorative justice that emphasize repairing the harm caused or revealed by criminal behavior. It supports the training of police, prosecutors, judges, lawyers, social services and health professionals to effectively protect children in contact with the justice system. System encourages the establishment of child sensitive courts and police procedures that give primary consideration to a child’s right to protection and are consistent with the Convention on the Rights of the Child and other non-binding international standards, guidelines, and rules.
Several articles of the Convention on the Rights of the Child put forth principles for the protection of children in justice systems. Among others, Article 9 states children’s right not to be separated from their parents except when necessary for their best interests. Article 19 addresses children’s right to protection from all forms of violence, abuse, and exploitation. Article 20 delineates State obligations towards children deprived of their family environment. Article 37 limits the use of the deprivation of liberty as a measure of last resort and for the shortest appropriate period of time. Article 39 calls for appropriate measures to promote physical and psychological recovery and social reintegration of child victims. And Article 40 establishes that all justice interventions should promote the child’s reintegration and the child’s assuming a constructive role in society. Article 40 also lists all the main legal guarantees for children in conflict with the law.


Justice for Children system in Kosovo has largely incorporated the above mentioned standards into its constitution and domestic legislation by ensuring that all children in Kosovo receive equity based treatment for successful prevention, re-socialization and sustainable reintegration into family and society.

In this regard EU and UNICEF jointly with many partners, have supported the justice for children reform in Kosovo for the past 10 years as part of a broader rule of law reform which is in details described in the chapters ahead.
OBJECTIVES, ESTIMATED RESULT, BUDGET, TARGET GROUPS AND BENEFICIARIES

‘Support to Justice for Children System in Kosovo’

The 10th year of support, stretching through three phases of the Action has ensured that children in contact with the criminal justice system, including victims and witnesses, are treated by the justice system in line with European and international standards, including the UN Convention on the Rights of the Child, while also focusing on preventing children from coming into conflict with the law and providing relevant support services to children, and their families, who are victims or witnesses of crime. It also helped to strengthen the legal framework and services to ensure the proper treatment of different categories of children involved in different criminal justice procedures, as well as increased the accountability of relevant service providers and key justice institutions.

The government has increased its ability to monitor and report on justice for children reforms as well as the capacity to recommend concrete justice and child protection policies and actions. Key justice professionals have improved capacities to enforce new legislation on justice for children, including Juvenile Justice Code and related legislation.
### First Phase 2007-2009

**A) Objective**
Establish a juvenile justice system in Kosovo based on children’s rights and promote a juvenile crime prevention program.

**B) Estimated results**
1. Child Rights Standards: The professionals of Juvenile Justice (Probation officers, Judges, Prosecutors, Police and Social workers) have increased capacities to apply child-rights based methods when administering juvenile justice.
2. Alternative sentencing: To build the capacity of Kosovo Probation Service professionals to apply alternative measures in the best interest of the child.
3. Prevention of juvenile crime: To develop and implement cross-institutional approaches to juvenile crime prevention of juvenile offenders.
4. Rehabilitation and Reintegration: To increase educational and rehabilitation opportunities for children deprived of their liberty.

**C) Budget**
1,129,107 EUR

### Second Phase 2010-2013

**A) Objective**
Overall Objective:
Strengthened Rule of Law in Kosovo through a better functioning and reformed Juvenile Justice System
Specific Objective:
Children in conflict with the law, and victims and witnesses, are treated by the juvenile justice system in line with international & European standards

**B) Estimated Results**
1. Increased capacity of all juvenile justice professionals, such as police, prosecutors, judges, lawyers, social workers (including Guardianship Authority) & probation to ensure that the rights of children in contact with the justice system are protected, especially during the arrest and prosecution phase
2. Increased capacity of all juvenile justice professionals to execute measures & sentences according to the Juvenile Justice Code
3. Improved results-based management and monitoring of juvenile justice reforms
4. The Government has increased its capacity to implement standards and programmes for the prevention of juvenile delinquency for different groups of children at risk

**C) Budget**
2,403,510 EUR
THIRD PHASE 2013-2018

A) Objective

Overall Objective: The overall objective of the Action is to contribute to the strengthening of the overall rule of law in Kosovo through a better functioning and reformed justice for children system in Kosovo.

Specific Objective: To enable the justice system in Kosovo to treat children in conflict and contact with the law, including victims and witnesses, in line with the Convention on the Rights of the Child and the European standards.

B) Estimated Results

Result 1: The government bodies at central and local level, in particular the Council for Protection and Justice for Children in frame of the Prime Minister’s Office, has increased ownership of monitoring, reporting and coordination in justice for children and child protection system and has increased the capacity to provide improved services for children in conflict/contact with the law;

Result 2: The legal framework are strengthened to ensure justice for different categories of children in contact with the law;

Result 3: Key professionals and responsible institutions have the capacity to implement their respective mandates in the area of justice for children and child protection.

Result 4: Juveniles under correctional and educational institutional measures are provided with the appropriate services in line with the Juvenile Justice Code and other local and European-international standards.

C) Budget

1,750,000 EUR
### Target group, partners and Beneficiaries

**Ministry of Justice** for more than a decade was leading the reform in Justice for Children

Agencies and departments under the MoJ benefited from the project support:
- Correctional Service of Kosovo (Lipjan Correctional Facility and New Education Correctional Facility of Open type)
- Probation Service of Kosovo
- Legal Department
- Mediation Commission

**The Ministry of Labour and Social Welfare**
- Department of Social Welfare (DSW)/MLSW
- Legal Office

**The Ministry of Internal Affairs (MIA)**
- Kosovo Police
- Kosovo Academy for Public Safety

**The Ministry of Education, Science and Technology (MEST)**
- Human rights office
- Legal Office
- Department of pre-university education

### National Council for Protection and Justice for Children

**Municipalities of Kosovo**
- Municipal Directorates for Health and Social Welfare/The Center for Social Work
- Education Directorates

**The Kosovo Judicial Council**
- Juvenile Departments in each Basic Court

**Kosovo Prosecutorial Council**
- Juvenile Departments in each Basic Prosecutors
<table>
<thead>
<tr>
<th><strong>OBJECTIVES, ESTIMATED RESULT, BUDGET, TARGET GROUPS AND BENEFICIARIES</strong></th>
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<tr>
<td>Kosovo Justice Academy (ex-‘The Kosovo Judicial Institute’)</td>
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<td>The Ombudsperson Office in Kosovo</td>
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<td>K-Serb areas of Mitrovicë/ Mitrovica North and Zveçan/Zvečan</td>
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<td>Free Legal Aid Commission</td>
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<td>Terre des hommes</td>
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LEGAL AND POLICY INTERVENTIONS AND STRENGTHENING OF MONITORING SYSTEM

“Children enjoy the right to protection and care necessary for their wellbeing...Every child enjoys the right to be protected from violence, maltreatment and exploitation. All actions undertaken by public or private authorities concerning children shall be in the best interest of the children.” Constitutions of the Republic of Kosovo, article 50

“...a child means every human being below the age of eighteen years...” CRC, article 1
By incorporating the UN Convention on the Rights of the Child within its Constitution, Kosovo has made all the provisions of this convention directly applicable having supremacy over primary and secondary legislation in force.

In order to identify key gaps in the Juvenile Justice System and establishing a baseline the action supported the first comprehensive in-depth assessment of Kosovo juvenile justice system. Juvenile Crime and Juvenile Justice Practice in Kosovo, published in July 2008 served as the evidence base to support further juvenile justice reforms and provided detailed recommendations for action around amending the JJCK, improving its practical implementation, capacity building, and improved monitoring and coordination of the juvenile justice system.

The wellbeing and protection of children requires close cooperation and coordination between different institutions within the juvenile justice system in order to achieve the goal on preventing juveniles from coming into conflict with the law, to protect their rights during the proceedings and to help them reintegrate with their families and communities. In this regard in December 2012, the Action supported the development of a Joint Referral Protocol on Justice for Children with the aim to strengthen the cooperation between different institutions in line with the Juvenile Justice Code and in line with the best interests of the child.

In terms of strengthening the data management systems, in 2010 the action supported the participation of 4 technical counterparts from the Police, MLSW, MJ and Corrections in a training workshop in Sofia, Bulgaria which focused on the development of child protection/juvenile justice data management systems, and related indicators. Following the training, and in order to mobilize higher level commitment to strengthen the juvenile justice sector’s data management system, the Action organized a high level study visit in Turkey. The purpose was to expose the participants to the lessons learned from Turkey, which is at a more advanced stage in this area.
During 2011, the Action conducted a comprehensive assessment of the juvenile justice system in relation to data management highlighting key challenges and recommendations on how to strengthen the system’s data management capacity for all stakeholders.

In order to support Kosovo Probation Service in monitoring the execution of alternative measures and sanctions imposed to juveniles and assist them in collecting, using, analyzing and publishing the data to improve policy making and budgeting, the action in 2012 supported the development of an electronic case management database.

On 8th of May 2013 the Government of the Republic of Kosovo took a decision (no: 06/129) for approval of 15 global and 5 local indicators on Justice for Children developed through the support of the Action. These indicators serve to increase the awareness of all relevant child protection and justice professionals on the importance of data management and to clarify roles and responsibilities of key juvenile justice institutions when collecting, collating, analyzing and reporting data in a unified manner.

During 2014 the Action supported the development of a database for monitoring and implementation of the Justice for Children Indicators. The database is managed by the Office of Good Governance within the Prime Minister’s Office which serves as a secretariat for the Child Protection and Justice for Children Council. Regular monitoring of the Justice for Children Indicators have provided evidence and influenced policy and legislative change. A good example which had direct impact on the lives of children is the identification of breach of legislation in terms of pre-trial detention where few juveniles have spent more than one year in pre-trial detention, thus exceeding the maximum period foreseen in the JJC. This was immediately addressed through advocacy and initiation of legislative change. Data for 2015-2017 show no cases of juveniles spending more than 6 months in a pre-trial detention which is a time period based on best international practice and recommended by the Committee on the Rights of the Child.
In supporting an enabling environment for child protection and justice for children reforms, the Action conducted a participatory and extensive mapping and assessment of Kosovo’s child protection system which resulted in a better understanding of Kosovo’s child protection system in a holistic and multi-sector manner and increased coordination between main CP institutions. As an important outcome of the assessment exercise, the Prime Minister’s Office established the multi-sector Child Protection and Justice for Children Council. The Council helps to identify priorities and the required measures needed to improve the situation in the area of child protection and justice for children, as well as facilitates and monitors the implementation of policies, programs and measures in this area.

During the period 2010-2013 the Action also provided significant input into ongoing legislative reforms in the criminal justice system, namely inputs to the Criminal Procedure Code, Law on Execution of Criminal Sanctions, Law on Family and Social Services and its sublegal acts with a main focus on an Administrative Instruction that regulate the procedure for children under the age of criminal responsibility. Additional technical inputs were provided to the revision of the, secondary legislation related to the Law on Domestic Violence and the child protection component of the Anti-Trafficking Strategy and Action Plan.

In terms of assessing the compliance of national legislation in force with CRC and other international and EU standards in the area of the children’s rights, in 2014 the Action supported the implementation of a comprehensive CRC legal review. The review included the analysis of over 45 laws and resulted in approximately 120 recommendations concerning 25 laws.

During 2015 based on the recommendations of the CRC legal review, the Action supported the review of the law on Ombudsperson, law on Antidiscrimination, and law on Gender Equality. Furthermore Secondary legislation has been developed and approved by Ministry of Justice on the institutional rules and regimes for Correctional Facilities, especially those for juveniles residing in Lipjan Correctional Center.
During 2016 and 2017 the Action supported the review of the JJC and the drafting of a Child Protection Law. The main changes introduced in the JJC include:

1. Introduction of the police diversion and including more types of diversion, and the threshold of imposition of the diversion.
2. Decreasing the length of the pre-trial detention from 12 months into max 6 months.
3. Introduction of child friendly concept
4. Prevention for children under the age of criminal responsibility (under 14)
5. New chapter on the protection of child victims and witnesses and introduction of the free legal aid and psychosocial services.
6. Some shifts in the alternative measures.
7. Shortening the lengths of legal procedures with the new authority for prosecutors and judges to terminate the legal procedure any time when they found appropriate.
“...Every child alleged as or accused of having infringed the penal law…To be presumed innocent until proven guilty according to law;” Article 40, CRC
“Police officers who specialize in criminal offences against minors shall investigate criminal offences committed against children” Article 146, JJC
The study visit conducted in Austria in July 2008 with the participation of seven Kosovo professionals of juvenile justice including Kosovo Police, was a starting point to understand the need of developing a specialized juvenile justice system and to exchange best practices and lessons learned from the Austrian model of juvenile justice.

This visit was followed by capacity building of 20 police trainers on child friendly police, who are responsible for training of the new cadets of the Academy for Public Security.

The need for specialization and implementation of friendly approach toward children has been strengthened further, with the participation of 10 officers from the departments of community regional police, including 2 from Serbian community, in a study visit in Geneva during 2010.

In a friendly environment, they had the opportunity to learn all best practices of relationships and behaviors police / child according to the European standards.

As a continuum of the study visit, 20 Police Officials from the main regional stations of Kosovo Police participated in an intensive one week training on Juvenile Justice.

Particular importance in the child friendly justice goes to the environment where interviews of children in contact with the law are conducted.
In 2011, in eight stations of Kosovo Police, in Prishtina/Priština, Prizren, Gjilan/Gnjilane, Pejë/Peć, Graçanicë/Gračanica, Vushtrri/Vučitrn, North Mitrovica/ and Ferizaj/Uroševac, child friendly rooms were built to interview children.

Judicial proceedings can be stressful for anyone, even more so for children, for this reason conduction of these procedures in a friendly environment for children is of crucial importance to ensure that they are more relaxed, in order to avoid re-victimization and to help them feel free to express as well as answer properly to the questions of the officials regarding the event in question, as well as to establish trust in the law enforcement institutions.

As much as the rooms, it is equally important that officials of Kosovo Police are trained and equipped with guidelines which will help them to conduct their work, inside these rooms.

In 2013 guidelines for interviews with children were developed, which are transformed in Standard Operating Procedures and are approved by the General Directorate of Kosovo Police, thus making their implementation mandatory by all the police officials working with children.
Moreover, a five day training for 15 officials from the main regional stations of Kosovo Police was organized on the techniques of child friendly interview, and the general training program for Kosovo Police was developed as part of the Kosovo Academy for Public Security framework.

Now, Kosovo Academy for Public Security every year in its annual training plan in the field of prosecution, offers advanced level training on juvenile delinquency for around 20 candidates as well as training on investigative interviewing of minors and management of interview rooms for 60 candidates.

In 2015, 121 Police officials from seven regions of Kosovo Police have benefited from a series of one day on the Convention on the Rights of the Child, International Standards of Juvenile Justice and child friendly procedures. The main aim of the training was to reinforce participants knowledge on main international principles and standards and to further strengthen the usage of friendly interview rooms based on the standard operating procedure.
Center for Social Work is the professional public institution at the local level, competent for the protection of citizens in social need. Guardianship Authority operates in frame of the Center for Social Work, and it is a professional municipal body which is competent for social issues, responsible for the protection of the interests of children and adults, and is composed of a group of experts that operate in frame of the Center for Social Work.

“Guardianship Authority undertakes certain necessary steps in accordance with the Law on Family and Social services for treatment of juvenile criminal offenders under the age of fourteen (14) years based on its programs.” JJC, Article 41

“In proceedings against minors... the Guardianship Authority is notified on the course of the proceeding, to submit motions and state facts and evidence which are important for rendering a correct decision.” JJC, Article 48

Law on Family and Social services obliges teachers, health workers, police officials and any other professional mandated to provide care for children, to report to the Center for Social Work the evidences or suspicion of physical, sexual or psychological abuse of a child by his/her parent or the care giver. LFSS, article 10.6

This institution has the competence to start legal actions on behalf of children...
Treatment of cases of children in need for protection requires the engagement of all professionals from different fields in order to provide a multidisciplinary approach.

To further strengthen coordination of professionals at the local level, the Project in cooperation with the implementing partner Terre des Hommes has supported the establishment and functioning of Case Management Roundtables, first in six municipalities and then extending in 15 municipalities (Prishtinë/Priština, Mitrovica, Peja/Peć, Gjakova/ Djakovica, Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Lipjan/ Lipljan, Podujevë/Podujevo, Graçanicë/Gračanica, Obiliq/Obilić, Kamenica, Vushtrri/ Vučitrn and Viti/Vitina).

CMRs are multidisciplinary roundtables under the coordination of Centers for Social Work for the management of individual cases of children, whose main goal is child protection in line with laws in force, through referral of cases and strengthening of the coordination among actors for child protection at the local level in Kosovo who represent different sectors such as Education, Welfare, Protection, Health, Justice, etc.

During the support period of the CMRs, a total of 2138 cases of children in medium and high risk of abuse, exploitation, neglect and trafficking have been managed by the Centers for Social Work and discussed in the CMRs, 13885 vulnerable children have benefited from different services such as psychosocial activities, family counseling and other health and education services, as well as capacities of CMR members have been increased through training on skills of child friendly interview, sexual, physical and psychological abuse of children and children’s rights in general.

To ensure sustainability and establish the CMRs in all the municipal Centers for Social Work, the project has supported the involvement of their institutionalization in the Draft Law on Child Protection.

To strengthen the normative and accountable framework of the child protection systems, in 2012 the development of minimal standards for children offenders without criminal responsibility in frame of MLSW, has been supported.

Continuing monitoring of services, support and assessment of the situation in the field and the findings in 2012, have identified the need to build friendly contact rooms in frame of Centers for Social Work.
More than 50 professionals participated in these discussions exchanging ideas and suggestions, over which they concluded that the best solution is to modify the appropriate spaces of the Centers for Social Work, which can be used also for other purposes within that mandate, especially as child protection friendly rooms.

In September 2012, took the initiative to build friendly contact rooms.

Today we count in total 9 such spaces starting from the capital and continuing with Gjakova/ Djakovica, Ferizaj/Uroševac, Gjilan/Gnjilane, Dragash/Dragaš, Prizren, Pejë/ Peć, North ans South Mitrovica.

The aim of these rooms is to implement two measures such as intensive supervision from the parent, adoptive parent or guardian (JJC, Article 20 and intensive supervision in another family (JJC, Article 21) as well as other legal services and procedures where children in contact with the law are involved.

Since their establishment, these friendly rooms were foreseen to serve also for other groups of vulnerable children for whom the Center for Social Work provides services such as trafficked or abused children, children with separated parents, children victims of drug abuse, etc.

In order to ease the work of CSW officials, a guideline for the usage of friendly rooms was developed and a three day training was conducted for them, aiming to make these spaces more effective during their usage.
ATTORNEYS AT LAW

“Bar is a free and independent profession that deals with the provision of professional legal aid to natural and legal persons in protecting their freedom, rights and interests in compliance to the legal order.” Law on the Bar, Article 3

“To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence” CRC, article 40, par.2

“Children who are suspects or accused persons in criminal proceedings have the right of access to a lawyer...” EU Directive 2016/600, Article 6

“The minor must have a defense counsel from the beginning till the end of procedure”, JJC, Article 43

For children and minors the role of a lawyer goes beyond the legal aid. Except legal aid, he becomes the protective figure where children / minors can rely for anything and really feel the help that comes from the lawyer.

The lawyer in this procedure serves to protect the interests of the minor and to monitor if the rights of the minor are violated during the process or interrogation.
In 2009 in frame of the Human Rights Center at the University of Prishtina, the Resource Center for Juvenile Justice was established, where law students and professors, as well as professionals of juvenile justice had access to an inclusive library with more than 80 editions on juvenile justice. Establishment of the reading corner within the Human Rights Center is an opportunity for students, professors and professionals on expanding their knowledge as well as conducting more in depth studies in Juvenile Justice.

Academic level support has guided us to continue the support at a level of practical implementation of gained knowledge by the lawyers. In this aspect the program is focused in strengthening the capacities of the Kosovo Bar Association in training and specializing them for provision of legal aid for minors in conflict with the law.

In the assessment performed in 2010, the need of training for all legal professionals involved in juvenile justice was identified. Lawyers had a need for an adequate specialization deal with issues related to minors/children.

Recommendation derived from this assessment showed the need for specialization of lawyers and establishment of a Committee for Children within the Kosovo Bar
Association, the need for coordination among KBA and other institutions and the need to prepare an action plan from KBA.

With the support of the Project, implementation of assessment’s recommendations were initiated starting with the establishment of the Committee for the Rights of Children in frame of Kosovo Bar Association, with the aim to contributes to increase the professional competence of potential specialized lawyers in the field of justice for children and other stakeholders.

The further review of the Kosovo Bar Association statute enabled specialization of lawyers for protection of children in legal proceedings.

In 2011 the first training was organized with the aim specialization of lawyers for Child Rights.

In 2013, the Project supported capacity building of lawyers by developing the training manual in the juvenile justice field and by training of 15 members of the Committee for the Rights of Children in frame of KBA. This training has equipped the participant with knowledge and skills to defend children suspected as offenders and to assist children victims and witnesses of criminal offenses.

In 2015 an appendix for capacity building of lawyers, victims advocate and office for free legal aid was developed.

Through years the program continued to focus on specialization of lawyers in legal proceeding related to children, a very welcomed and important step for both Kosovo Bar Association and the Committee for the Rights of Children.

The right to legal aid is a constitutional right, one of the fundamental human rights which requires special attention by public institutions. This is especially important when persons who need legal aid are children, who by nature are subject to special protection because they are limited in their abilities to use pro active instruments, different from adults who can easily approach the legal aid system.
In order to implement and provide free legal aid to children, Kosovo Bar Association, Agency for Free Legal Aid, Division for Advocacy and Victims Advocate signed a common cooperation protocol, which aims the establishment of mechanisms for identification, referral and provision of quality and adequate legal aid, based in the standards of human rights and child rights. Moreover, the protocol clearly defines tasks, functions and responsibility of the different actors.

In 2015 capacities of 15 representatives from Kosovo Bar Association, Agency for Free Legal Aid and Division for Advocacy and Victims Advocate were strengthened through a four day training on their role and responsibility for the legal representation of children based on the referring protocol and the training manual.

KBA with the support of the project developed the pro-bono legal aid service which will help suspected children and children witnesses to benefit from the free legal quality services.

In order to improve the ex-officio engagement of lawyers, the Project assisted to functionalize the 24 hours hot line and the establishment of the database in frame of KBA which ensure increase of transparency and accountability, avoidance of conflict of interest and provision of legal assistance in due time. Moreover the database will help in monitoring of the representation of children in conflict with the law and will improve budgetary planning as well as training planning for lawyers.
JUSTICE FOR CHILDREN
JUDGES AND PROSECUTORS FOR JUVENILES

“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.” CRC, Article 40

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” Article 3, CRC
The judicial reform in Kosovo in 2010 established the departments for minors in frame of courts and prosecutions, thus ensuring the basis for specialization of judges and prosecutors in compliance to international standards.

Kosovo Judicial Institute (KJI) which in 2017 was transformed in the Academy of Justice (AJ) and which main function is training of judges and prosecutors, has been one of the main project partners since the beginning.

In 2007 the project has supported KJI in organizing five regional roundtables with 121 professionals of juvenile justice on the implementation of Juvenile Justice Code (JJC) and disseminated seven guidelines to the participants on the international standards of juvenile justice.

Moreover the Project engaged a juvenile judge from Germany who led 12 consultative roundtables with 281 Professionals of Juvenile Justice to discuss on the implementation of JJC, to clarify roles and responsibilities of members involved in the procedure and to discuss over international and European standards and practices. All participants were disseminated different training standards and materials, including the Vocabulary of terms related to JJC, questionnaire on adequate measures which need to be taken during case proceeding, etc.

In 2010, with the amendment of JJC, the Project supported in organizing of five regional roundtables and one central conference with around 150 professionals of juvenile justice, including judges and prosecutors, to inform them on the new changes in the JJC.

In 2012 the Project supported KJI in developing of the training module on juvenile justice and in training of eight main trainers who as a continuum organized six trainings for recently appointed prosecutors and judges. The training manual has been included in the regular training curriculum of KJI.
Furthermore this module was incorporated in the KJI online platform, thus enabling judges and prosecutors to attend and get tested on this module online from their offices.

These roundtables and trainings had impact in increasing capacities of judges and prosecutors, who then by using alternatives to detention have impacted in the increase of the number of diversity and alternative measures imposed on juveniles.

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<tr>
<th>Type of alternative measures and penalties for minors</th>
<th>Year</th>
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<tr>
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<td>Year 2007</td>
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<tr>
<td>Diversity measures</td>
<td>64</td>
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<tr>
<td>Educational measures</td>
<td>169</td>
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<td>Alternative penalties</td>
<td>74</td>
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In 2014 the Project supported KJI in developing of the training curriculum for children in civil and family procedure, including the best interest of the child, alimentation, domestic violence, divorce, protection order, law on family, civil aspects for international child abduction. A two day training for civil judges has been organized in the same year. This curriculum will contribute in a better protection of children who are part of the above mentioned civil procedures. Moreover in the same year training has continued for judges and prosecutors in criminal procedure for juveniles and in diversity and other alternative measures versus detention.
Training for juvenile judges, civil judges and juvenile prosecutors has continued during 2015, 2016 and 2017.

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<th>Training</th>
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<td>Trial of adults for offenses against children</td>
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<td>2</td>
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<tr>
<td>Protection of child rights</td>
<td>20</td>
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<tr>
<td>Crimes committed by adults and juveniles</td>
<td>6</td>
<td>6</td>
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<tr>
<td>Juvenile detention</td>
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<td>Justice for Children-Civil Aspects-Protection of the Rights of Children</td>
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<tr>
<td>without parental care</td>
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<td>Protection of child rights in marriage-family contexts</td>
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<tr>
<td>Judicial review in juvenile proceeding</td>
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<td>3</td>
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<tr>
<td>Execution of measures and penalties against juveniles</td>
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<td>Penalties sentenced to juveniles</td>
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Training with Kosovo Academy of Justice
"Increasing social awareness through cooperation with all state governmental bodies to humanize the execution of alternative sentences, to reduce crime, to decrease recidivism rate and to increase the general security for our society" – is the mission of Kosovo Probation Service.

The probation officer supervises the execution of alternative sentences and the social reintegration of sentenced persons, prepares the social survey and reports, sets the training needs, develops individual supervision programs, keeps evidences and registries for the execution of alternative measures and sentences...
During 10 years, the Project has paid special attention to the capacity building of Probation Officers since this institution has a crucial role in restorative justice and in fulfillment of the key principles of the Convention on the Rights of the Child, such as the best interest of the child and imposing detention only as a measure of last resort.

Since 2008 with the support of the project, the training guideline and manual on Juvenile Justice has been developed for Kosovo Probation Service. The guidelines address topics such as: Juvenile justice system in Kosovo, adolescents development, interviewing, probation services, pre-sentence report and social survey, relationships in detention, behavior management and case management.

On the same year, 10 officers from Probation Service were trained as Trainers. Later on, these trainers organized and conducted trainings for all the other probation officers.

In 2011, the After Care Program has been developed, aiming an easier reintegration of minors in the society after being release from the Correctional Center in Lipjan. Moreover, 20 officers from Probation Service and Correctional Service were trained regarding the implementation of this program.

In 2012, this institution overcame the difficulties to register and follow up the cases by being equipped with the electronic database, which provided the opportunity to generate reports with disaggregated data. This database helps for a better monitoring of the state of minors in conflict with the law and serves for the needs of an exact budgeting and policy development. Moreover, it also serves to report and follow up the developments in the reform process of juvenile justice.
Striving to further advance the capacities of Probation Service, in 2012, the Project through engagement of an international expert has supported the development of a more inclusive training curriculum; the internal regulation of Probation Service, its strategy and action plan. To ensure its sustainability, the curriculum has been included in the training program of Kosovo Academy for Public Security which is responsible for the training of Police, Customs, Correctional and Probation Officers. This was achieved after a long support and advocacy by the Action to include Kosovo Probation Service as an equal member with other agencies as part of the Law on KAPS.

To support Probation Service in the implementation of the After Care Program and to ensure socialization of minors that are released from the Center in Lipjan, the Project with the support of the implementing partner Terre des Hommes has piloted a model of services over a period of one year. During this period 25 minors in conflict with the law have benefited from several reintegration services such as English language courses, education over the traffic rules and different professional trainings. Moreover, to ensure sustainability the Project has supported Ministry of Justice in developing a Administrative Instruction for the After Care Program aiming to support minors who are released from the Center in Lipjan toward a successful reintegration in the society.

Justice for Children same as the other fields of justice, requires continuous advancement. After some years of successful implementation of After Care Program, in the last year of its implementation the project organized a two day workshop with Probation and Correctional Officers to discuss challenges, difficulties and needs for changing the Program. The recommendations of the workshop will serve to the Ministry of Justice to update this program.
KOSOVO CORRECTIONAL SERVICE

Kosovo Correctional Service is responsible for the administration of prisoners, detained, sentenced, minors, based on the applicable laws in Kosovo. This Service aims to correct and socialize prisoners respecting their fundamental rights without distinction of their race, language and religion.

“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.” CRC, Article 37

“The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.” Havana Rules, article 1
International principles which are incorporated in our legislation as well, foresee imposing of detention for minors only as a measure of last resort and for the shortest period possible. When detention is imposed it has to be ensured that correctional centers offer adequate socialization programs, education and professional training for these minors so that after their release they have the opportunity to reintegrate in the society, thus preventing the repetition of the offenses by them.

In this regard, in 2008 the Project has supported the establishment of the Training Center “Fazan” close to the Correctional Center in Lipjan which offers professional training for gastronomy and waiters that help minors in the reintegration process providing them with opportunities for an independent life after their release from the Correctional Center.

Moreover, to provide access to educational material, the library of the Correctional Center was enriched with 316 educational books for minors.

In 2011, the Project supported the Correctional Center in Lipjan through the establishment of the training room for Informative Technology. It also ensured the specialization of two trainers of the center in this field. Minors who stay at the Center in Lipjan use this room for activities as part of the regular school curricula and to all others who are interested, advanced training in the field of IT is offered.
Related to the capacity building of the Correctional Officers at the Correctional Center in Lipjan, in 2012, an international expert engaged by the Project developed the advanced training curricula which focused on adolescent’s development, legal framework in the field of juvenile justice and After Care Program. To ensure its sustainability, the developed curriculum has been included in the training program of Kosovo Academy for Public Security.

Except this, in order to provide engagement in sport activities to the minors in Lipjan, the project provided different sport equipments such as balls for basketball, football, volleyball, sneakers, etc.

To ensure proper implementation of dispositions of the Juvenile Justice Code, the need to build a new open type Center for minors under educational measures has been assessed. For this purpose in 2015 the construction of this center started, through the financial support of the European Union and Kosovo Government. This Center was inaugurated in September 2017. The Project engaged to make it functional by preparing the internal regulation, organizational chart, job descriptions for the staff, forms, training curriculum and training of the staff appointed to work in this center.
Aiming to support the development of the program of the center and to strengthen the capacities of the Ministry of Justice staff in the field of juvenile justice, the Project organized a study visit in the capital of Turkey, Ankara, where six officials from the Ministry of Justice involved in juvenile justice issues, participated.

In 2017 another study visit was organized in Germany, for five members of the New Center aiming to exchange experiences and take best practices in socialization and reintegration of minors in conflict with the law.
Furthermore the Action supported the engagement of an international consultant to support the staff of the new center in implementing the developed programme through providing counseling and on job guidance.
With the aim of enhancing capacities of juveniles within the new center, the Action supported the refurbishment of the new center with vocational training and sports equipment for hairdresser, tailor, IT, sports and fitness equipment etc.

To ensure sustainability and continuity in reforming of the system of justice for children, in 2017, the Project supported Ministry of Justice in developing the Strategy and Action Plan for Execution of Criminal Sanctions, focusing in the field of minors. The main objectives included in the strategy which will guide the work of Correctional Service in the coming years are: strengthening of the system of alternative measures and sentences, guaranteeing the rights of children to whom institutional measures are sentenced, coordination among institutions, change and harmonize the legal framework in accordance to international standards, development of programs, training curricula for the staff and supporting staff during the implementation of the program of the new center.
Fourth Annual Progress Report
Support to Juvenile Justice Reforms in Kosovo
2013/318-622
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Joint EU/UNICEF funded project implemented by UNICEF

Lipjan Correctional Facility – Photo by Giacomo Pirozzi
JUSTICE FOR CHILDREN
“The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes. The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood.” Fundamental Principles, The Riyadh Guidelines
During 2008 the primary and secondary prevention programme implemented by Terre des hommes as part of the Action intervened to prevent children under the age of criminal responsibility to involve indelinquency and those considered at risk for delinquency. Two-hundred and eleven (211) children benefited from prevention activities involving their families and relevant institutions over three cycles of an 8 month prevention programme. One thousand three hundred ninety nine (1,399) children, including the 211 participants of the 8 month prevention programme, benefited from 83 activities including summer camps, educational, psychosocial, sport, art activities, discussion groups and recreational excursions aiming at increasing awareness on their rights and responsibilities; encouraging socialization and civic attitudes through various psychosocial, artistic, sports activities; protecting the child from external risk factors that lead to delinquency and thereby preventing offending/re-offending. School-based activities also involved parents and teachers aimed at increasing collaboration of parents/teachers in prevention delinquency. Sixty-two (62) children benefited from vocational trainings (football courses, theater courses, english language courses, etc.) after finishing the 8 months' prevention programme to help prevent re-offending. The programme successfully reintegrated 138 children with their families and communities ensuring a year of follow up support to all children after completing the programme.

**PREVENTION OF JUVENILE DELINQUENCY MASS MEDIA CAMPAIGN IN KOSOVO**

During the same period successful mass media campaign “Choose Your Future”, produced in Albanian and Serbian, informs hundreds of thousands of Kosovo inhabitants about the need to address and prevent juvenile crime and delinquency. The campaign aimed to complement UNICEF’s community-based programmes on preventing juvenile crime and delinquency and to inform children, parents and authorities on the rights of children who are in conflict with the law enforcement authorities and to inform the public on importance of prevention of juvenile delinquency.

In 2008 key stakeholders in Mitrovicë/a North and Zvečan/Zveçan mobilised for the first time to act around child protection/juvenile justice issues: Successful evidence based advocacy in Mitrovicë/a North and Zvečan/Zveçan led to the mobilization of key stakeholders around child protection/juvenile justice issues, including schools, police, and young people themselves. The media played a particularly important role in breaking the silence in the region around violence in schools. For the first time, a network of professionals actively engaged in a coordinated approach to address child protection and juvenile justice issues in the region. A youth club was also established, with 60 active participants, which has been highlighted by the community as an
achievement given the level of participation and ownership of the children /young people who are involved.

In 2010 one-hundred and seventy-nine (179) teachers from different primary and secondary schools in Northern Kosovo participated in different trainings on the issues of how to reduce and eliminate peer violence, identify early signs of violence/abuse, implement prevention measures and refer cases in close cooperation with parents, teachers, child and community. Up to 250 members of the Youth Club and other high school students participated in workshops and various extra curricula activities addressing discrimination of people with special needs, negative effects of alcohol consumption, and prevention of addiction, community morals, interpersonal relations, and difficult behaviour among young people and peer violence.

Bringing best international practices the Action developed a new model to ensure access to justice in northern Mitrovica region where rule of law is lacking due to the ongoing political situation. Together with its partner NGO Domovik, the Action in 2011 stablished a Juvenile Mediation Center (JMC). Its aim is to promote, offer and implement juvenile mediation services as a non-violent and constructive method for sustainable conflict resolution/transformation and early harm prevention and harm reduction in young people at risk.

The JMC team, composed of psychologist, pedagogue and social worker were trained on mediation, conflict resolution and assertive communication together with their counterparts from center for social welfare, teachers and school teams for prevention of violence. 25 trained peer mediators in various schools in the northern part of Kosovo conducted 20 successful mediations with other students, thereby preventing conflict and violence from happening. The peer mediators also conducted different awareness activities for approximately 500 students on different methods to decrease violence in schools.

The JMC continued operating during the third phase of the action as well. During 2012 JMC professionals conducted 30 mediation sessions and included 12 children in the psychosocial counseling sessions while peer mediators conducted 5 mediations. During 2013 JMC professionals conducted 47 mediation and psychosocial assistance sessions while peer mediators conducted 18 mediations. During 2014 JMC professionals conducted mediation and psychosocial assistance sessions.

The positive effects of mediation were numerous. In several cases, children and young people involved in the process of mediation showed substantial changes in behaviour;
they refrained from engaging in more violence and hence served as positive role models for their peers. In that sense, the relations with families and with the community also changed, showing how mediation can play an important role in re-socializing children at risk or who are engaged in violent behavior. In a number of cases, students even became more successful in school after benefitting from the mediation.

In the K-Serb area of Mitrovicë/Mitrovica, this Action contribute to mobilize all the local partner institutions and continue to strengthen the existing child protection network in Mitrovicë/Mitrovica North and Zveçan/Zvečan around the prevention and child protection safety net through:

1. 40 primary and secondary school teachers participated in specialized training for support for children in crises.
2. 32 representatives of primary and secondary schools in Mitrovicë/Mitrovica and Zveçan/Zvečan region participated in a seminar on “Integrated Ambient Education”
3. 42 pupils in primary and secondary schools in the area Mitrovicë/Mitrovica and Zveçan/Zvečan municipalities participated in a training on mediation
4. 31 professors and teachers of elementary and secondary schools from the area of Mitrovicë/Mitrovica and Zveçan/Zvečan participated in the training “Support teams for the protection of children / pupils from violence - transparent NO to violence”. The objective of the training was empowering of training team members to respond to violence, recognition of violence, protection plan making, planning of preventive activities, results monitoring.
5. 32 participants participated in the training “Professional orientation: Empowerment of youth through self-acknowledgement.” The aim of the training was improving of competences of professionals for implementation of the model of professional orientation.
6. “Program of peaceful education” was attended by 34 participants, representatives of elementary and secondary schools. The main objectives of the training were improvement teaching skills and techniques of how to respond on violence while the main topics of training were: violence; understanding of conflict; prejudice; nonviolent communication; creative technique of problem resolving.

The Action conducted various activities to mobilize civil society and strengthen its capacity around the justice and child protection systems, in particular through knowledge exchange, sharing of good practices and lessons learned with regional countries. In this regards two study visits where organized, one in Bulgaria in 2011 and in Slovenia
in 2013, with the objective to support the development of the capacities of Coalition of Child Protection NGOs (KOMF) in Kosovo. The visits provided an insight picture of the child protection system in above mentioned countries and gave the opportunity to local Kosovo NGO representatives to gain a lot of information on the best practices in the region that could be adapted and used in Kosovo under the justice and child protection systems. As the outcome and follow up from these visits, the Coalition organized different debates and advocacy activities aiming to influence government structures and relevant institutions to develop and implement child rights programs to improve the situation of children in Kosovo in the field of justice, health, education, and child protection.

Law on Mediation promulgated in 2008 set bases for legal establishment and regulation of mediation in Kosovo, however excluded the mediation for juveniles which was later on regulated with the revised JJC in 2010. In this regards the Action supported in 2012 development of a training manual and implementation of an advanced training for 15 selected mediators. Furthermore, in March 2013, the Action supported 4 regional roundtables in Peja/Peć, Gjilan/Gnjilane, Mitrovicë/Mitrovica and Prizren aiming to raise awareness on JJ mediation amongst judges, prosecutors and other professionals involved in the mediation procedure.

The Action supported Kosovo Education Centre (KEC) NGO to implement a project in 14 different municipalities to prevent violence in primary schools. Activities during the Action included 18 workshops to promote the establishment of 14 Municipal child rights protection committees and 4 Regional Committees and the development of a monitoring framework with the Heads of the Municipal Child Rights Committees.

Initial assessments using the new monitoring framework were conducted in 488 primary schools which looked at the physical conditions, the safety of schools, and whether they are child-friendly given the premise that safe and child-friendly schools will reduce the risk of violence occurring in schools. These reports shared with MED and schools to address any gaps. A second round of monitoring verified whether recommendations were addressed –and in 85% of the cases, they were. Also the project organized a 3 day training workshop with the newly established Regional and Municipal Committees on school development plans for
Prevention, mediation and Civil Society engagement

2011-2015 based on the findings from the implementation of the monitoring frameworks.

This model has demonstrated results in Croatia in terms of preventing violence, and was therefore adapted to Kosovo’s context.

Considering the high number of reported cases of violence in school which could lead to high number of children coming in conflict with the law, the Action has supported the development of a protocol for preventing violence in schools. The protocol was approved by the Prime Minister on September 2013 and it describes the responsibilities of respective institutions in preventing violence in schools. Furthermore through its implementing partner KEC, based on the success of implementation of peer to peer mediation in the Northern part, the Action introduced peer to peer mediation in 4 schools in 4 municipalities (Prishtina/Priština, Gjilan/Gnjilane, Ferizaj/Uroševac and Gjakova/Djakovica), as an alternative solution to solving disputes. Capacities of school staff were increased through a six day TOT training and a one day study visit to Tirana. The visit was made at the Foundation for Conflict Resolution & Reconciliation of Disputes in order to exchange experiences and obtaining as much information as possible on the implementation of the peer mediation in schools.

Furthermore in order to support schools in implementing the Protocol on Prevention of Violence the Action developed Guidelines and a Manual for Trainer Educators. The Manual offers an initial guide to mediation, training, and preparation of Educators to assist various age groups to resolve their disputes peacefully, using various methods of mediation and communication skills.

Based on monitoring visits and assessment reports conducted in different municipalities of Kosovo aiming to identify the situation of children at risk of becoming in conflict with the law and available services at municipal level the Action through its implementing partner Peer Educators Network (PEN), 2017-2018 supported the development and implementation of prevention models in Gjakova/Djakovica and Gjilan/Gnjilane municipalities on prevention, protection and reintegration. The models were implemented during the last year of action and supported the increase of capacities of around 110 teachers on prevention of violence and conflicts between peers in primary and lower secondary schools in above mentioned municipalities. 20 children at risk to become in conflict with the law have successfully reintegrated in social community activates as a result of psychosocial counselling sessions. These models have shown success in reintegration and prevention of recidivism and can be scaled up to other municipalities.
Prevention, mediation and Civil Society engagement

Juvenile Mediation Center
KEY ACHIEVEMENTS OF THE REFORM

RESTORATIVE JUSTICE

The system embraced restorative justice concept in which offenders take personal responsibility for their actions and actively work to repair the harm that they have caused to victims and community. Victims are heard and given more opportunities to be involved in deciding how their needs can best be met and jointly resolve their dispute.

SPECIALIZED PROFESSIONALS

Specialization of all Justice for Children Professionals including Police Officers, Social Workers, Lawyers, Judges, Prosecutors, Correctional and Probation Officers is ensured through the development of respective curricula, institutionalization of the curricula within the Academy of Justice and the Academy for Public Safety as well as continuing training of all staff involved.

CONTEMPORARY LEGISLATION

Juvenile justice code and other related criminal primary and secondary legislation is up to date and in full compliance with EU, International standards and best practice, guarantying a specialized system for children in contact with the law and protection of their rights during legal proceedings and execution.

DIVERSION

Introduction of diversion measures within the Juvenile Justice Code, training of police, lawyers, prosecutors and judges, as well as many advocacy initiatives have ensured diversion from formal court proceedings for many juveniles, sparing thus eligible juveniles as per legislation in force from long court proceedings, lowering stigma and recidivism rates, as well as reducing backlogs and court expenses. Imposition of diversion measures has highly increased, from around 40 per year in 2007 up to over 500 per year, during the last 5 years of intervention.
ALTERNATIVES TO DETENTION

Introduction of alternative measures in the Juvenile Justice Code, advocacy initiatives with judges and prosecutors and increased capacities of the probation officers, have ensured wide use of educational measures, thus implementing a key UN CRC principle which foresees usage of detention only as a measure of last resort.

DURATION OF PRE-TRIAL DETENTION

Proper implementation of the UN CRC principle on ensuring imposition of detention for the shortest appropriate period of time has been embedded in the judicial practice and in the revised legal framework, as per recommendation and best practice of the Committee on the Rights of the Child, not exceeding six months.

AFTERCARE PROGRAMME

Reintegration of juveniles leaving the educational-correctional facility is ensured through the development and implementation of the aftercare programme which ensures close cooperation of correctional, probation officers and other relevant professionals, including the juvenile and its parents, in preparing and equipping them with skills and knowledge to be a productive member of the society and to ensure each youth is held accountable.

PREVENTION

School violence can closely be linked to delinquency, thus early intervention is crucial in prevention of children from coming into contact and conflict with the law. Established peer to peer mediation groups and direct work with children in several schools in Kosovo including the North have reached thousands of children, equipping them with knowledge to identify different forms of violence and referral channels. Local multidisciplinary models of prevention, protection and reintegration are available to support local level institutions on addressing, managing and providing services for children in need of protection, as well as support sustainable prevention programmes that can easily be scaled up throughout Kosovo.
CHILD FRIENDLY APPROACH/JUSTICE

Child friendly procedures are of a grave importance in ensuring that children’s best interests are the primary consideration in any action that affects them, including criminal and civil judicial proceedings which can be stressful for anyone, even more for children. Thus the action has ensured the embedment of these principles in the legal framework and capacity building efforts. Establishment of child friendly interview/contact rooms in eight police stations and nine Centres for Social Work Kosovo wide, has ensured conduction of these procedures in a child friendly environment.

CASE MANAGEMENT ROUNDTABLE

Case Management Roundtables as a model of intervention are functional in 15 municipalities, contributing to the development of an overall child protection system which constitutes a coherent set of actions and actors, in which the child is the starting point and which aims to guarantee the rights and wellbeing of the child by constructing synergies within and between protective environments.

OPEN EDUCATIONAL CORRECTIONAL CENTRE

The new Open type of Educational Correctional Centre is treating residing juveniles as per the developed programme and curricula in line with best EU and International Standards, thus ensuring proper re-socialization and effective transition from custody to community by providing regular supervision and a continuum of services and programmes that promote the successful reintegration of a young person from the centre to the family and the community.
WAY FORWARD TO CHILDREN’S EQUITABLE ACCESS TO JUSTICE

1. PREVENTION PROGRAMS AND INTERVENTION

Prevention of juvenile delinquency is an essential part of crime prevention in society. The successful prevention of juvenile delinquency requires efforts from the entire family, society and institutions to ensure the harmonious development of children, with respect for and promotion of his personality from early childhood. Institutions should progressively develop delinquency prevention policies as well as to conduct systematic studies on the factors that impact children involvements into delinquent and asocial behavior. Priority should be given on developing and strengthening of education and social programs, while not leaving alone also the community-based services and programs. Specific measure includes also provision of support to children and families, including service provision by NGOs. Prevention programs and measures will be successful when we have a concrete plan with appropriate human and financial resources.
2. PROTECTION AND REHABILITATION OF CHILD VICTIMS AND WITNESSES
While substantial investments have been made to ensure the compliance of the overall juvenile justice system with international and European standards, Government should take efforts to effectively protect children involved in justice processes as victims and witnesses. Those categories of child victim and witnesses who are particularly vulnerable, either through their personal characteristics or through the circumstances of the crime, should benefit from measures tailored to their situation. Immediate actions need to be taken to start with the implementation of the new chapter of Juvenile Justice Code that pertain and set up specific procedures, protection and service provisions when the child is victim of witness of the procedure.

3. CHILDREN IN CIVIL AND ADMINISTRATIVE PROCEDURES
Access to justice for all children needs to feature strongly on the Rule of Law agenda that is being pursued by Kosovo. Particular attention needs to be given to children participating in civil and administrative procedures where is decided for their interest no matter is that alimony, custody, adoption or any other interest as part of these procedures. They should be enabled to access relevant information and to effective remedies to claim their rights, including through legal and other services such are counseling or advice, and support from professional and expert matters. Moreover, access to justice for children requires considering and taking into account children’s evolving maturity and understanding when exercising their rights. Special attention should be given to children who are socially excluded, children with disabilities, and children from Roma, Ashkali and Egyptian communities.

4. CHILD FRIENDLY ENVIRONMENT AND RESOURCES
Create a justice system which guarantees the respect and the effective implementation of all children's rights, giving due consideration to the child's level of maturity and understanding and to the circumstances of the case. Furthermore, system should ensure that justice professionals are always friendly towards children, no matter who they are or what they have done. ‘Considering that a friend is someone who treats you well, who trusts you and whom you can trust, who listens to what you say and to whom you listen, who understands you and whom you understand. A true friend also has the courage to tell you when you are in the wrong and stands by you to help you work out a solution’. A child-friendly justice system should endeavor to replicate these ideals.
Friendly justice is that in particular accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.
5. FURTHER SPECIALIZATION OF THE JUSTICE PROFESSIONALS
Scale-up existing programs to further specialize police, lawyers, probation officers, center for social work, prosecutors, judges, correctional staff, victim protection officers, free legal aid officers and other justice professionals, to cope with children’s rights and needs. Attention should be given to broaden the specialization program for existing justice professionals as well as for the new recruited professional staff in the justice system, without undermining the need to seriously invest for the other non-judicial staff such as education, social, health and other paralegal professionals working with children. Specialization must go beyond the traditional training programs, it should focus and involve also efforts to sensitize to the situations of children of the vulnerable categories, cooperation and practical implementation of the multidisciplinary work, direct involvement of families and communities on case resolving, child participation to exercise their rights and obligations.

6. ENFORCE AND PRIORITIZATION OF ALTERNATIVES TO DETENTION
Promote and give high priority to restorative justice, diversion and alternatives to deprivation of liberty, in line with the principle of deprivation of liberty as a measure of last resort. Measures to implement alternatives to detention should ensure that every child is well equipped with education and vocational skills, has undergone re-socialization programs and is prepared for the reintegration into family and society. Make sure to implement fully all types of alternatives to detention that are introduced into the newly revised Juvenile Justice Code, especially implementation of diversion and alternative stepping up educative and social support for probation and rehabilitation, in particular through community-based initiatives.

7. FREE LEGAL ASSISTANCE
The right to legal assistance is a constitutional right, one of the fundamental human rights, which requires special attention from public institutions and NGO legal service providers. This attention comes as a major responsibility when people in need of legal assistance are children, who by nature are subject to special protection because they are more limited in their ability to use pro-active legal instruments, contrary to adults, who can more easily access the legal aid system. Pro bono representation is one of the core pillars and unique in terms of implementation of free legal aid to children. It is professional responsibility of the Lawyers, Free Legal Aid Officers and other NGO based legal service providers to provide legal services to those unable to pay, particularly for most vulnerable children.
8. DATA AND KNOWLEDGE FOR EVIDENCE POLICY MAKING
Establish data management for qualitative and quantitative data collection with appropriate disaggregation that will be used for evidence-based policy making. Data to cover the number of children going through all justice processes, their profile and circumstances, the reasons and indicators of compliance with their rights. Disaggregation of data, to allow identification of potential discrimination in access and treatment.
Develop and maintain of national database for children in the justice system, the development of national research agendas on the nature and extent of crimes by and against children, including victimology research, or analyses of the cost deprivation of liberty versus alternatives or of the impact of detention on creating a safe society.

9. BUDGETARY PLANNING AND ALLOCATION
Plan and allocate child-responsive budget within central and local authorities to ensure that relevant institutions and agencies have the necessary resources to provide services to children and implement the legal provisions. Allocate sufficient human and financial resources to justice and social welfare systems, as well as NGOs and communities, to enable access to justice for all children, and implementation of legislation and policies that are in force.

10. INDEPENDENT OVERSIGHT MECHANISM
Independent, safe, effective, easily accessible and child-sensitive complaint and reporting mechanisms should be established by law in compliance with international human rights norms and standards, in particular the Convention on the Rights of the Child. Where such mechanisms already exist, Institutions should secure their availability and accessibility for all children, including children deprived of their liberty, without discrimination of any kind. In addition, Institutions should ensure that complaint and reporting mechanisms act in an effective and child-sensitive manner and pursue the best interests of the child at all times.
Way forWard to Children's equitable aCCess to JustiCe