



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

Ministria e Arsimit, Shkencës, Teknologjisë dhe Inovacionit/
Ministarstvo Obrazovanja i Nauke, Tehnologije i Inovacija /
Ministry of Education, Science, Technology and Innovation

CHILD PROTECTION POLICY

In Pre-University Education Institutions



Pristina, 2023



Dear educators, teachers, and leaders of our educational institutions,

MESTI has prepared a very valuable document for the education system, which outlines the work frameworks of all educational staff in the context of child protection, as a legal obligation and institutional responsibility. Such is the Child Protection Policy, which comes to you in an easy and practical format, for the use of your daily work.

The Ministry of Education, Science, Technology and Innovation designs educational policies for child protection based on the basic principles of the UN Convention on the Rights of the Child and legislation in force, including the Law on Child Protection.

The implementation of this policy is not only a responsibility of educational institutions and staff, but a call for the active involvement of all stakeholders in society.

It is time to create a culture where the shared values of education and child protection are placed at the center of educational governance, making education an environment where every child feels safe and respected.

We all have the moral and professional duty to care and commit to the quality upbringing and education of our children, ensuring a healthy and friendly environment that enables the optimal well-being of children and the development of their full potential. Therefore, the implementation of this policy is an essential necessity within our scope and the obligation of all of us.

Let us unite everyone's commitment for the future of our society, children!

Pristina, 19.12.2023



INTRODUCTION

Child protection is the duty and responsibility of all persons who work or come into direct or indirect contact with the child. Here, we refer, in particular, to the workers of public and private educational and training institutions, who must have the child's best interests as a priority. In order to keep children safe, in addition to educational workers, the context of inclusion also includes associates, partners, volunteers, and interns that come from the community, civil society organisations, international organisations, legal entities, and other providers of services for children.

Protection Policy: The Ministry of Education, Science, Technology, and Innovation is mandated to draft educational policies, including *child protection* policy, which is based on the main international principles of child protection and provides a series of rules to be implemented for the safety and well-being of the child.

The Child Protection Policy is the commitment and responsibility of the institution to guarantee and ensure child protection through professional knowledge and work, work ethics, and the ability and skills of the educational institution staff to identify and prevent risks and harm, to assess the events in a

competent manner, and to appropriately respond to the circumstances of the event and the child.

This policy is based on the United Nations Convention on the Protection of the Child (1989), the Constitution of the Republic of Kosovo, the legislation on education, the legislation on child protection, as well as on the best international and European child protection practices and standards.

Purpose: The policy aims to create a safe environment for all children in public and private pre-university educational institutions in Kosovo by establishing principles and rules that must be duly respected. This also includes the liaison with the relevant social-economic, health, or legal services, in cases where this exceeds the competences of the educational institution or when these cases cannot be resolved in the context of the institution, to prevent violence (in all forms), abuse, neglect, or any other misuse of the child by the authorities, peers, or third parties while they are under the care of the pre-university institution.

The protection policy empowers work, dedication, order, responsibility, and accountability within the educational and

training institution, as well as in relation to other authorities.

Scope: This policy applies to all pre-university educational institutions in Kosovo, including public and private schools, pre-school institutions (community-based, public-private kindergartens, and other forms of pre-school organizations) and after-school programs, including but not limited to learning centers and day care institutions.

The head of the educational and training institution shall notify the educational workers, students, parents, and others at the first meetings about the child protection policy and about the responsible person, as well as the responsible person's contacts, which will be placed in visible spots within the premises of the educational institution. The protection policy shall be an integral part of the orientation training package for each new member of staff and for existing staff as part of regular training.

The main principles that derive from the United Nations Convention on the Rights of the Child and are also incorporated into

the local legislation on the protection of the child are:

- Child's best interest
- Non-discrimination
- Survival and development
- Participation

General principles derived from the pre-university legislation

As regards the Protection policy in accordance with the general principles, educational and training institutions must ensure that:

- No person may be denied the right to education;
- Participation and equal opportunity are provided to all children for quality education, protection, and necessary care for well-being, safety, health, as well as the creation of a favourable environment for development within their full potential;
- The ministry, municipality, educational and training institutions, and community must make the institution attractive and safe for students, teachers, and parents through their respective responsibilities for the curriculum, the standards of construction and maintenance of school buildings, health and safety, environmental protection, as well as addressing disciplinary and behavioural issues.

Definitions:

Child - means any person under the age of 18, excluding the cases where the adult age is reached earlier, in compliance with the legislation he/she is subject to.

Child in need of protection - means a person under the age of eighteen (18), irrespective of having gained the capacity to act, pursuant to the applicable legislation, who may be a victim of abuse, negligence, exploitation, discrimination, violence, or any criminal activity, as well as an individual under the age of criminal responsibility who is alleged to have committed or is accused of having committed a criminal offence, and the children in conflict with the law.

Violence against the child - means any intentional act or omission through which any form of physical or mental violence, injury or abuse, negligence or negligent treatment, maltreatment or exploitation, including sexual abuse is caused.

Physical violence - means any form of physical abuse, including beating by any means, slapping with hands or other means, grabbing by the throat and any other acts that cause physical pain.

Corporal punishment - means any form of punishment in which physical force is used and intended to cause pain or discomfort to the child, by any person who is legally

responsible for the child. Corporal punishment includes the following: smacking, torturing, shaking, pushing, burning, slapping and pinching, scratching, biting, scolding.

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

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

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

Maltreatment - means all forms of physical and/or emotional maltreatment, sexual abuse, negligence or negligent treatment or commercial, or any other exploitation that leads to real or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

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

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

Legal Guardian - is a professional municipal body competent for social issues, responsible for protecting the interests of children and adults, consisting of a group of experts operating within the Center for Social Work.

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

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

administration of property management of the child.

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

Child protection system - means the specific formal and non-formal structure, with general integrated and unified functions and capacities to prevent and respond to violence, abuse, negligence and exploitation of the child.

In general terms, the child protection system consists of the following components: human and financial resources, laws and policies, governance, monitoring and data collection, protection and response services, and case management. The system also includes different stakeholders, such as children, the family, the community, the civil servants and officials at the central and local levels, not excluding those working at the international level.

Child protection professionals - means all persons who, within the mandate of their work and in the context of their work, are in contact with the child in need of protection, or whose duty is to meet the needs of the child pursuant under this Law or any other applicable law, and national or international standards.

Educational workers (educators, teachers) - are professional public servants who perform duties in educational and training

institutions pursuant to the legislation in force.

Pedagogical/psychological service - means the professionals from the fields of work who contribute to the progress of educational work in pre-university institutions.

RESPONSIBLE INSTITUTIONS

Based on the general principles of the Law on Pre-University Education, the authorities responsible for the planning, management, and implementation of the pre-university education system in compliance with the approved international norms on education for all, children's rights, protection of vulnerable groups in society, and advancement of gender equality are the Ministry, municipalities, as well as educational and training institutions.

I. PREVENTION

For the purposes of this policy, prevention means preventive institution/school - based actions and concerns the attention, care, and protection of children from violence in educational institutions. Also, this implies the establishment of appropriate procedures that are to be followed by educational workers in order to prevent the occurrence of any risk or harm to the child.

In the framework of preventive activities, the

Non-teaching professional personnel— persons qualified according to the standards specified in a sub-legal act can be selected by the municipality to provide professional services in educational institutions, including medical care, pedagogical-psychological support, as well as counselling and social work.

cooperation or joint work of the heads of institutions with teachers, pedagogical and psychological services, other social and health services, non-governmental organizations, international organizations for the protection of children, legal entities that provide services for children, interns and volunteers, the community, and others who are directly or indirectly involved in child protection is of great importance and is always planned.

Preventive institution/school- based activities are implemented by regular curricular (and non-curricular) activities, employees recruited based on merits, complementing the structure of employees with professional pedagogical and psychological services, counsellors of the center for social work and school doctors/professional staff, appropriate training of teachers, rules of conduct/ethics, monitoring and evaluation, and the like, which are carried out in cooperation with the municipalities and MESTI.

⇒ Curriculum

As regards the Curriculum, the following must be done:

- Addressing topics/issues related to the protection of children, through the curriculum;
- Development of extracurricular activities(integrated activities, games, sports, artistic activities, campaigns, collaborations with social, legal services, non-governmental organizations and similar);
- Development and use of informative and awareness materials throughout the learning process.

⇒ Recruitment and employment

EDUCATORS/TEACHERS:

The educational workers who carry out the process of education are the main pillars of the educational system and child's welfare. For this reason, it is essential that the institutions of pre-university education ensure that the educational staff, but also other support staff, are chosen with due care to exercise their responsibilities and competences in relation to children. In another work and employment context, this also applies to interns, contractors, volunteer partners, and others who are involved in various ways and collaborate to create a safe school environment.

In this context, during recruitment, they are also required to verify/review:

- references,
- background,
- criminal record,
- qualifications and competencies.

Following the recruitment phase, the educational institution ensures that the responsibilities and competences are exercised by the selected educational employee, according to the criteria and based on:

- Professional commitment;
- Commitment to the student/child;
- Commitment to the educational and training institution.

PROFESSIONAL ASSOCIATES

Based on the Administrative Instruction of MESTI, on the Functioning of the Pedagogical-Psychological Service in schools, the pedagogue and the psychologist participate in all matters related to the planning and implementation of the overall work in the school, such as: planning the teaching work program, research, monitoring, analysis, and evaluation of all actors in the school, effective implementation of the educational process, work with students, teachers, parents, community and institutions, governmental and non-governmental organizations, professional development of school staff,

personal development, in the development of projects, etc.

PEDAGOGUE

- Contributes to the realization and progress of educational work in pre-university education institutions, in harmony with the laws and pedagogical documents of MESTI, such as the Kosovo Curriculum Framework, the Core Frameworks, and other relevant documents;
- Contributes to facilitating the addressing of various problems that arise in the institution/school, such as among children, students, teachers, parents, or all actors outside the school, by also contributing to increasing the quality of the educational activity.
- Cooperates with parents;
- Cooperates with students;
- He/She helps with the interaction among teachers;
- Cooperates with professional institutions and the community;
- Contributes to professional development;
- Cooperates with the Psychologist.

PSYCHOLOGIST

- The Psychologist contributes to facilitating the learning process and promotes the cognitive, emotional,

social, and personal development of students;

- The Psychologist provides help in overcoming difficulties of a psychological nature with all actors in the school.

RESPONSIBLE PERSON/ POINT OF CONTACT

Pre-university education institutions appoint a responsible person (among the staff of the educational institution/school, such as a psychologist, pedagogue, or school administrator) for the protection of children, who shall be responsible for promoting the protection of children. In the absence of the relevant service of the psychologist or the pedagogue, the responsibility will be passed on to the educator or teacher (responsible person or point of contact), who shall be designated by the management of the educational institution. The institution ensures that all responsible educational employees are professionals in this field and are appropriately trained.

The responsible person, having the role of point of contact, will perform the following duties:

- Guides/instructs in relation to the implementation of the policy, procedures on child protection, and other issues related to child protection;
- Provides training and support to other personnel, including volunteers

- and parents/guardians within the institution where he/she works;
- Responds to cases of violation of the child protection policy;
- Informs children in a comprehensible, readable, and simple language about policy rules, in particular about children with disabilities;
- Requests information on the eventual concerns of the child;
- Cooperates with parents, guardians, or legal representatives of the child;
- Explains the child's behaviour and change of behaviour at school;
- Helps in the identification and assessment of issues that pose a risk to the child/children;
- Responds immediately (or within a reasonable time) to the child's concerns: violence/abuse and neglect,
- Keeps records on cases and actions taken,
- Ensures that the institution reports to EMIS;
- Reports to the relevant authorities on the basis of a professional assessment;
- Monitors and follows up on referred cases;
- Promotes the raising of awareness and implementation of the Child Protection Policy;
- Monitors and reports on the Child Protection Policy.

The responsible person, among other things, is expected to:

- Possess knowledge/experience about working with children;
- Possess knowledge/experience in matters of violence/abuse against children;
- Possess knowledge/experience about ways of preventing violence;
- Possess good communication skills, especially with children;
- Possess training and presentation skills.

The responsible person designated as the point of contact for child protection is not and should not be the only person responsible for child protection in the educational institution, and while child protection is the legal responsibility of all persons involved in interaction with children, the main responsible person for the implementation of the child protection policy is the Director of the educational and training institution, whether public or private.

Informing, raising awareness and training

Workers in educational institutions are instructed on the content of the Child Protection Policy and the part of the programs for capacity building in the field of child protection, through regular meetings with child protection services, informing sessions, trainings, seminars and other forms of organization.

The management of the institution/school and the responsible personnel (such as

psychologist/pedagogue, educator, teacher, quality coordinator, career counsellor, social worker, doctor, etc.), in cooperation with accredited training providers from the field of child protection, must ensure the organization of trainings and the provision of continuous support for all educational workers and other members who are in direct or indirect contact with the child, to ensure that they possess the necessary knowledge and competences.

Trainings that shall be provided to educational and training workers include:

- Orientation training: at the beginning of the employment period in the educational and training institution, everyone shall be informed about the Child Protection Policy;
- Mandatory training: the educational institution shall organize at least one (1) training per year in the field of child protection for all workers.

Trainings held must be recorded and kept in the institution's files.

Internal rules

All pre-university education institutions must set their own written rules for all personnel, including, but not limited to parents/legal guardians, volunteers, institution associates, and others involved in the educational institution and work with children. Institutional rules should include expectations for proper conduct

when working with children, procedures for reporting concerns about child violence/abuse and neglect, and consequences for violations during the performance of work.

The rules must specify:

- Minimum necessary trainings for working with children;
- Inclusion of the main values and principles of child protection in all decisions that concern children;
- High personal and professional conduct standards;
- Involvement of children in all decisions that are related to and concern the child;
- Involvement of parents in issues related to children (especially to their children);
- Treating all children with equality and in accordance with the principles of the child protection policy;
- Ensuring a suitable environment for the child's age and psycho-physical development;
- Competent supervision and protection of children while they are in the institution (arrival, stay, exercise, rest, and departure);
- Requirements for competent supervision and protection of the child during all the time when they are outside the educational institution (visits, picnics,

- transport, etc.), but under the responsibility of the institution;
- Children's behaviour during their stay in the institution, games, activities, when walking in line, during meal times, physiological processes, and similar is important for avoiding some of the risks that can be prevented;
 - Staff behaviour and (friendly) communication with the child (use of comprehensible, clear, and non-judgmental language, active listening, etc.) that corresponds to the child's age and stage of development;
 - Care and measures for the health, safety, and well-being of the child, and others involved in child protection;
 - Requirements for appropriate dressing when at the institution, and for all who visit pre-university institutions, in accordance with the Regulation on the Dress Code in the institutions of the Republic of Kosovo;
 - Encouraging good behaviour in children through communication and professional interaction (through joint reading, giving examples from good practices, etc.),
 - Raising children's awareness about the forms of violence/abuse, in particular raising awareness of children with disabilities;

- Informing/advising children about mechanisms for protection from violence and abuse;
- Cooperation with parents, the staff of the Educational and Training Institution, as well as relevant institutions as needed;
- Inclusion of parents based on their occupational profiles, by contributing in various areas for the child's education, health, and well-being;
- Preservation of personal data and privacy of the child and family.

In the following are given examples of unacceptable behaviour:

- Discrimination, shaming, humiliation and degradation of the child;
- Abusive, negligent and violent (verbal, psychological, physical, sexual) behaviour;
- Staying indoors with only a (one) child;
- Publication without authorization of any child's photograph;
- Exposing the child to inappropriate situations.

Communicating with the Media: The educational and training institution also provides media education, while ensuring that all measures to protect the child have been taken, including misuse for commercial purposes, when the child appears in the media within the institution's activities.

The institution takes care of informing and raising awareness among children, parents, and professional and support staff about the safe, useful, and responsible use of the media, and in no case does it expose the child to media activities through photography, videos, social networks without the permission of the parent or legal guardian, except when it is done for educational purposes.

II. REACTION/RESPONSE

IDENTIFICATION: Institutional personnel must be very careful about the entire process, from identification to response (referral/ reporting) related to concerns that have to do with children. Identifying cases of children/students and others within the institution/school who may be victims of violence (or perpetrator/victim), exploitation, maltreatment, abuse, or neglect in different environments is a very sensitive act and the first step in the process of intervention and protection. During identification and treatment, due care must be taken to ensure that the child does not fall prey to labelling (stigmatization), vulnerability, or re-victimisation.

Distinctive signs that indicate that the child may have experienced violence or abuse:

- Visible signs of physical abuse/violence (stains/scratches/hematomas);
- Absences, unreasonable tardiness, and dropping out;
- Lack of concentration/loss of interest in activities/lessons;
- Difficulty in learning, understanding, gaining knowledge;
- Changes in behaviour, attitudes,
- Antisocial behaviour;
- Rejection of social interaction;
- Signs of anxiety, fear, stress;
- Weight loss;
- Signs of withdrawal and isolation;
- Showing aggressive behaviour;
- Low self-esteem.

Note: In summary, these are some of the possible and supposed signs for identifying the child, but not necessarily all those (children/students) who have these signs have to do with violence/abuse or the like, because not in all cases, these signs indicate violence and could have been caused for other reasons, such as accidents and illnesses, so you should not rush to make assumptions.

Every time, when such cases are suspected, the personnel of the educational and training institution must take appropriate actions, in compliance with the rules and circumstances. In all other cases, when there is a well-founded suspicion about any case of violence,

abuse, or neglect that exceeds the mandate and competences of the educational institution, the case must be referred to the relevant institutions in cooperation with the authorities, such as: health services, the social services of the Center for Social Work, and the Police, namely the institutions for the legal protection of children.

REPORTING/REFERRAL: All actions taken by the educational institution must have the best child's interest as the main consideration. Pre-university education institutions must implement clear reporting procedures for raised concerns of child abuse and neglect by ensuring that cases are reported appropriately according to the legal provisions in force, including the Protocol for the Prevention and Reference of Violence in PUI.

Reports about concerns can come from a variety of sources, including institutional personnel, volunteers, partners, children, and family and community members.

In all cases where the exercise of violence and abuse, sexual harassment, or neglect of children is suspected or reported and the educational and training institution is notified, this information must be taken seriously and acted upon based on the circumstances.

In addition, following a full examination of the facts, it is decided whether the case should be reported to other institutions, such as social services or the police, in full

accordance with the Law on Child Protection and other legislation in force.

Based on the Protocol for the Prevention and Reference of Violence in Pre-University Education Institutions, the institutions must place the diagram for the reporting and referral system in a visible space, so that the community of the institution becomes familiar with the inter-institutional procedures and services (developed by MESTI).

PROTECTION OF DATA AND PRIVACY: All management, educational, support, administrative, technical staff, volunteers, parents/guardians, partners of the institution must protect and maintain the confidentiality of information related to reported cases, as per the obligations arising from the Law on Child Protection and the Law on Protection of Personal Data and Privacy.

When concerns are raised or reported, special emphasis should be placed on confidentiality, protection of the privacy of both the person referring the concerns and the child (ren)/adult(s) involved. Information should only be shared within reporting, treatment and referral procedures, without compromising the identity and dignity of the child.

INTER-INSTITUTIONAL COOPERATION: Given that the services in cases of protection are integrated and multidisciplinary, inter-institutional coordination is required in the provision

of services in accordance with the needs of children for their education and development within their full potential.

III. MONITORING AND ACCOUNTABILITY

The Ministry, the municipalities, and the educational and training institutions will regularly monitor the implementation of the Child Protection Policy. Progress, performance, and lessons learned at the institutional level are reported annually to management and staff by the responsible person as the point of contact for child protection. This reporting is included in the institution's annual reports.

Violation of the Child Protection Policy may lead to suspension or termination of any type of engagement in the educational or training institution. At every stage of supervision of work, accountability, including the investigation of violations, conditions and applicable work legislation, must be respected by preserving the privacy and confidentiality of the persons involved.

Decisions about violations of the Child Protection Policy are not made solely by the employee of the institution but on the basis of regular monitoring, case analysis, and applicable legislation.

LEGISLATION:

1. Convention on Protection of the Rights of the Child (1989),
2. Law No. 04/L-032, on Pre-University Education in the Republic of Kosovo,
3. Law No. 06/L-084 on Child Protection,
4. Law No. 06/L-082 on Protection of Personal Data,
5. Law No.04/081, on amending and supplementing the Law No.02/L-17 on Social and Family Services,
6. Law No. 08/L-153 on Early Childhood Education
7. Administrative Instruction MEST No. 34/2014 the Functioning of Pedagogical-Psychological Service in Schools,
8. Administrative Instruction No. 25/2014, Licencing of Teachers

REVIEW: This policy shall be reviewed and updated as needed and as required by the circumstances, changes in the legal framework, and other developments in order to address child protection needs in the best possible way.



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(This policy was drafted by MEST with inter-institutional representation and support from Save the Children, Terre des Homes, Syri i Vizionit and KOMF)

STATEMENT OF COMMITMENT¹

I _____, having the personal number _____, hereby state that I have read and understood the Child Protection Policy, acknowledge it as an individual value and responsibility, and pledge to implement this policy in accordance with the best child's interest for education, training, and development!

Name and Surname: _____

Place: _____

Job Position, Institution: _____

Date: _____

Signature: _____

¹ (The statement must be signed by every employee engaged in an educational and training institution)

