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**Republika e Kosovës**

**Republika Kosova-Republic of Kosovo**

***Qeveria –Vlada-Government***

*Ministria e Arsimit, Shkencës, Teknologjisë dhe Inovacionit / Ministarstvo obrazovanja, nauke,tehnologije i inovacije / Ministry of Education, Science, Technology and Innovation*

**Format of the report from the consultation process**

**Entry / background**

The Ministry of Education, Science, Technology and Innovation of the Republic of Kosova proposes to the Government of Kosova the approval of the AI **Education on child protection**, based on point 6 of Article 63 of Law no. 06 / L-084 on Child Protection (OG, No. 14, dated 17.07.2019), pursuant to Article 8, paragraph 1, sub-paragraph 1.4, Article 14 paragraph 1 sub-paragraph 1.7, Annex 1 point 7 of Regulation (GRK) no. 02/2021 on areas of administrative responsibility of the Prime Minister’s Office and Ministries and the administrative instruction, no: 03/2013 on the standards for drafting normative acts (OG, no. 03/2013, dated 16.05.2013.).

The purpose of this administrative instruction is to define the roles, organization, functioning, cooperation, duties and responsibilities of all upbringing-educational institutions in education on child protection.

Based on the work planning for the drafting of this instruction, immediately after the acceptance of the work with the decision no. 2-1753 dated 26.10.2020, the working group has started meetings and discussions at different levels about the content of this instruction.

 Participants in this process were from all relevant sectors of pre-university education: such as general education, curriculum office, law office, human rights, as well as representatives of other ministries, development partners and civil society.

**Progress of the consultation process**

The consultation process has gone through meetings, workshops, and electronic correspondence where we have received opinions and approvals on the AI initiative from stakeholders for the pre-university education sector.

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| --- | --- | --- | --- | --- |
| Consultation methods  | Dates / duration  | Number of participants  | Number of participants, who have contributed | Number of comments received |
| 1. Written consultations / electronically
 | February / August 2021 | 60  | 15 | 24 in total |
| 1. Workshops with inter-institutional working group
 | March 15th, May 28th, June 9th | 13 | 13 |  10 |
| 1. Preliminary discussion
 | 2.7.2021-26.7.2021 | 59 | 3 | 14 |
| 1. Publication on web page/ electronic platform/public discussion
 | **30.07/2021**, until the date**20.08.2021.**   | 0 | 0 | 0 |
| 1. Public meetings
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| 1. Conferences
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| 1. Meetings with stakeholders
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| 1. Workshops
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| 1. Interviews / face-to-face meetings
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| 1. Opinion researches
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| 1. Discussed voting
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| 1. Panels with citizens
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| 1. Street stands
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| 1. Other
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**Summary of contributions received during the consultation process and categories of contributors**

 The working group worked maximally in this process, and during the whole process we had a total of 24 comments. We have consumed the opinion of other organizations and our partners, other interest groups (students, teachers, parents) throughout the process.

**Other issues**

Since the draft was worked out very carefully and with the deciphered articles we considered that they could contribute maximally to the purpose of the AI, we had no other issues to address.

**Next steps**

Since we have not received any comments since the placement on the online platform, we have incorporated the comments received during the drafting process and the preliminary discussion and we have processed the AI for the final procedures in the legal office, for preparation and passing to the Government approval procedure.

Detailed table with information for contributors, justifications for accepted and rejected answers.

|  |  |  |  |
| --- | --- | --- | --- |
| Name of the organization / individual | Comments of the organization / individual | Response from the MinistryEntirely accepted Partially accepted Rejected | Explanation from the Ministry (especially the reasons for not accepting certain comments) |
| OPM / OGG | To place GRK instead of MESTI, because the instructions arising from the Law on Child Protection will be signed by the PM / OPM |  Entirely accepted |  |
| OPM / OGG | Elaborate definitions in line with AI purpose | Entirely accepted |  |
| OPMHuman rights mechanism / MESTI | Remove the article of definitions, as the definitions are in law.  | Entirely accepted |  |
| OPM / OGGLegal advisor to the Minister of MESTI | To use obligatory language / norms to sound obligatory | Entirely accepted |  |
| MESTI/ DE ... Preschool  | To elaborate Article 13 regarding professional support services, by reflecting the school community's awareness regarding the overall protection of the child.  | Entirely accepted |  |
| MESTI/ DE ... Preschool | To highlight professional services inside and outside the school | Entirely accepted |  |
| MESTI / DIE | To increase the definition of children with exceptional IQ, talents and gift.  |  Entirely accepted |  |
| MESTI / DAGJ | The definition for children with disabilities is as it is known by legislation. | Entirely accepted |  |
| IMC | Address the aspects of media education, privacy, and parental consent for the appearance of children in the media.  | Entirely accepted |  |
| SWC | Indicate the case reporting mechanism | Rejected | As the AI is only for defense education, the reporting is treated with another administrative instruction. |
| EULEX | In Article 3, paragraph 1.5 at the word ‘against violence’ add ‘physical or psychological’ |  Rejected |  Because in the definition it is completely as in the law, therefore we did not add anything. Even so, violence is understood to encompass all its forms. |
| EULEX | In paragraph 1.7 of Article 3, children who are in conflict with the law, not necessarily every conflict with the law means a conflict with the justice system, therefore this paragraph needs to be reworded. | Rejected | The reason is that the definition is as it is in the law. |
| EULEX | Paragraph 1.11 of Article 3 to be reworded: Parental responsibility - means the obligation of the parent to ensure the fulfillment of rights and duties.  | Rejected |  Because the definition is as in the law. |
| EULEX | In paragraph 1.13 of Article 3 after the word ‘child’ be added ‘*or any other form of work that negatively affects the psychophysical development of the child’* | Rejected | The reason is same as above. |
| EULEX | In article 4 paragraph 1.2.1, in the Albanian language version, after the word ‘base’ to be added ‘should’. | Entirely accepted |  |
| EULEX | In paragraph 1.3 of Article 4, at the end of the sentence to be added *‘in accordance with applicable laws and international instruments for the protection of the child rights’* | Entirely accepted |  |
| EULEX | In Article 5, paragraph 1, in the English language version, after the word ‘Science’, add ‘*Technology and Innovation*’ in order to harmonize with the other two versions. | Entirely accepted |  |
| EULEX |  In paragraph 1.2, in Article 5, after the word ‘educational institutions’ to be added ‘*and training*’  | Rejected |  Because has been used the notion according to the law, while the issue of trainings has been addressed throughout the AI.  |
| EULEX | In paragraph 1.3 of Article 5, in English version the word ‘student’ be replaced with ‘*pupil*’ | Entirely accepted |  |
| EULEX | In Article 7, paragraph 3, in version of English language the word ‘speech therapist’ be replaced with ‘*logopedics*’. | Entirely accepted |  |
| KYC/ Student council  | To use in the entire instruction the notion Upbringing-educational and training institutions | Entirely accepted |  |
| KYC/ Student council | To emphasize within paragraph 1 of Article 12 for the Student Council, the task of organizing and participating in awareness-raising activities. | Entirely accepted  | Although the previous text also spoke about the cooperative role of the PC for awareness-raising activities. |
| KYC/ Student council | In the second paragraph of Article 12, which states: Institutional responsibilities, add and of upbringing-educational and training institutions. | Rejected | Since upbringing-educational and training institutions are within the general notion in the context of the institutional responsibilitywhere is not exempted any link of responsibility.  |
| KYC/ Student council | To remove the article on monitoring and implementation because monitoring is mentioned in other articles. | Rejected | This Article let be reviewed at the Government level! |
| **Comments received in total** | **Entirely accepted** | **Partially accepted** | **Rejected** |
| **24** | **16** | **0** | **8** |

Additional information:

On October 13, 2021, where an instruction was sent to the OGG / OPM for harmonization with other instructions arising from the Law on Child Protection. On October 22nd it was returned to us harmonized and we passed it for final translation, as seen the final version. This version is expected to be processed in the OPM for approval by the Prime Minister.