SECOND REPORT OF
THE CHILDREN AND ARMED CONFLICT UNIT

THE IMPACT OF ARMED CONFLICT
ON CHILDREN IN KOSOVO

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The Children & Armed Conflict Unit

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# TABLE OF CONTENT

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>3</td>
</tr>
<tr>
<td>SETTING THE SCENARIO</td>
<td>4</td>
</tr>
<tr>
<td>CIVIL ADMINISTRATION</td>
<td>5</td>
</tr>
<tr>
<td>RULE OF LAW</td>
<td>6</td>
</tr>
<tr>
<td>EDUCATION</td>
<td>10</td>
</tr>
<tr>
<td>CHILD PROTECTION ISSUES</td>
<td>12</td>
</tr>
<tr>
<td>ORGANISATIONS</td>
<td>12</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>13</td>
</tr>
<tr>
<td>ANNEXES</td>
<td>15</td>
</tr>
</tbody>
</table>
INTRODUCTION

The Children and Armed Conflict Unit was set up in 1998 as a joint project of the Children’s Legal Centre, a NGO dedicated to the promotion of the rights of children, and the Human Rights Centre at the University of Essex. The Children and Armed Conflict Unit was borne out of the Machel Report in recognition of the fact that children are at greater risk in civil conflict, instability and war. Armed conflict has a huge impact on the lives of children, causing many to lose their childhood altogether.

The aims of the Unit are:

• to heighten the protection and recognition of children’s rights and to lessen the long-term impact of armed conflict on children’s childhood, life chances and opportunities;
• to provide all stakeholders with analyses of children’s needs within an area of armed conflict, particularly those vulnerable children, and to provide good practice guidelines for agencies working with children in areas of armed conflict;
• to provide technical expertise on any issues of children’s rights in areas of armed conflict;
• to enable agencies, both national and international, to plan programmes for children within a children’s rights context and framework, and to develop mechanisms for the effective delivery of those programmes;
• to empower children, children’s groups and those working with children by capacity building enabling them to advocate more effectively with national institutions, humanitarian agencies and human rights bodies.

The Unit works closely with the office of Olara Otunnu, the UN Special Representative for Children and Armed Conflict and with the main humanitarian agencies providing aid and assistance to children in areas of armed conflict, including UNICEF, Save the Children, UNHCR, Children’s Aid Direct, Catholic Relief Services, Handicap International and local NGOs.

The Children and Armed Conflict Unit has monitored the situation of children in Kosovo since the establishment of the Unit in May 1998. Between 24th August and 3rd September, it undertook a first assessment of the situation of children in Kosovo, and the response of the humanitarian agencies to their needs. The purpose of that visit was to speak with children and their families and to examine some of the difficulties faced by the humanitarian agencies. During its second mission, the Unit continued to monitor the implementation of children’s rights by both State and non-State actors and to assess the role of IGOs and NGOs in implementing children’s rights.

The third field mission to Kosovo was undertaken by the Children and Armed Conflict Unit from 30 July to 11 August 1999. Carolyn Hamilton, Director of the Unit, Helen Rimington and Federica Donati took part in this mission. The mission was mainly carried out in the capital, Pristina. However, Peja and Mitrovica were briefly visited as well. Pristina may give visitors a false image of the level of destruction and damages that Kosovo is left with. However, Peja, in particular, but also Mitrovica have been very badly damaged and the consequences of the armed conflict were still very visible. The objectives of this mission were threefold. First to monitor whether humanitarian agencies design their programmes within a children’s right context; second whether children’s rights are being endorsed within the re-establishment of a civil administration by the United Nations Mission in Kosovo (UNMIK) and third to determine those areas, if any,
where we might provide technical expertise in the field of children’s rights. For these purposes, the mission focused primarily on three areas: education, juvenile justice and child protection. In particular, the team assessed legal regulation in these areas and the provisions of legal structures and services to implement effectively the rights as laid down in the Convention on the Rights of the Child (CRC) in these areas. The merely emergency issues, such as distribution of foods, clothes, shelters, and partially health care, etc. were expressly left out. These issues were carefully analysed during the previous missions of the Unit. This, however, may not be consistent with the scenario of Kosovo at the beginning of August whereby all the agencies were still in the emergency phase, including designing and planning their programmes.

SETTING THE SCENARIO

The conflict in Kosovo was a result of the explosion of smouldering ethnic tensions that have their roots in its dual identity as both the heartland of the mediaeval Serbian Kingdom and of the Albanian national revival. From 1974-1989, Kosovo was an autonomous province under ethnic Albanian leadership. After Kosovo lost its autonomous status in 1989, the ethnic Albanian population (which constituted 90% of the total population of the province) were faced with severe repression of their human rights. This has taken many forms, including the dismissal of ethnic Albanians from senior and management positions: some 150,000 lost their jobs at the end of the 1980s. Control of the legal system was in the hands of the Serb minority, with the judiciary being almost entirely comprised of Serbs. Government funded schools only taught in the Serbian language, leading to the withdrawal of ethnic Albanian children, who were educated at the expense of their own ethnic communities.

Kosovo became the focus of world concern in late February 1998, when Serb security forces attacked more than a dozen villages suspected of harbouring ethnic Albanian rebels of the Kosovo Liberation Army (KLA). The fighting spread quickly, as the KLA grew to an armed force of several thousand units with the nearly unanimous support of the Kosovo ethnic Albanian population. The KLA gained control of nearly 40% of Kosovo before being turned back by a summer-long Serbian offensive that devastated up to a third of Kosovo’s villages, destroyed some 35,000 homes, killed as many as 2,000 people and displaced more than 350,000 others.

A fragile cease-fire agreement was signed on 13 October. A 1000-member Kosovo Verification Mission (KVM), under the auspices of the Organisation for Security and Co-operation in Europe (OSCE), was deployed in Kosovo to monitor compliance to the agreement and assure freedom of movement for the return of displaced people.

After two months of relative calm, new clashes erupted in December. Fighting intensified in January, culminating in the reported massacre of at least 45 ethnic Albanian civilians and 9 KLA fighters in the village of Racak on 15 January. Serbian forces and the KLA remained poised for an escalation of conflict, with many observers predicting a scale of warfare far worse that that of the previous summer.

The threat of NATO intervention coupled with intense diplomatic pressure finally forced Serbian and Kosovo Albanian delegations to agree to talks in Rambouillet, France on 6 February 1999. These talks ended with the ethnic Albanians signing the peace accord but Yugoslav President Milosevic rejecting it.
With the failure to gain a peace accord and a renewed offensive in Kosovo, NATO approved air strikes against Yugoslavia, aiming to force the Yugoslav government to cease hostilities in Kosovo. The strikes began on 24th March 1999 and ended in June 1999.

As a result of the conflict, refugees fled into Albania, into Montenegro and into Macedonia. A systematic policy of mass deportation was also put into place by the Serbian authorities whereby ethnic Albanians were pushed to leave their country, were harassed during their flee and their identification documents were seized. A total of 848,100 ethnic Albanians fled or were expelled. This mass expulsion continued all along the NATO air strikes. Furthermore, persecutions of ethnic Albanians were also carried out during the time of the NATO bombing.

On 3 June 1999 Yugoslavia accepted a peace plan requiring withdrawal of all forces from Kosovo and the entry of peacekeepers under a N mandate. As a result Nato forces entered Kosovo followed by the first contingent of UNHCR and other humanitarian agencies. Despite appeals by NATO and UNHCR to be patient, refugees began to flood back into Kosovo, and in one of the fastest refugee returns in history, 600,000 return to the shattered province within the first three weeks. As the Albanians stream home, however, around 200,000 Serbs and Roma headed the other way, seeking safety primarily in Serbia and Montenegro.

At present, Kosovo is run by the United Nations Interim Administration Mission (UNMIK) which was established by Security Council Resolution 1244 (1999) of 10 June 1999. UNMIK is responsible for all aspects related to the civil administration, the legal and judiciary systems. The Mission is composed of four main components led by the UN (civil administration), UNHCR (humanitarian), OSCE (institution-building) and the EU (reconstruction). Each of these four components is headed by a deputy special representative. The Special Representative of the Secretary-General as the head of UNMIK is the highest international civilian official in Kosovo.

CIVIL ADMINISTRATION

The UN Security Council in its Resolution No. 1244 (1999) on 10 June 1999 authorised the Secretary General of the UN to establish an international civil presence in Kosovo in order to provide an interim administration. This was to enable the people of Kosovo to enjoy substantial autonomy within the Federal Republic of Yugoslavia.

All legislative and executive powers, including the administration of judiciary, will, therefore, be vested in UNMIK. Furthermore, it would provide transitional administration while establishing and overseeing the development of provisional self-governing institutions.

In implementing its mandate in the territory of Kosovo, UNMIK must respect the laws of the Federal Republic of Yugoslavia and of the Republic of Serbia insofar as they do not conflict with internationally recognised human rights standards or with regulations issued by the Special Representative in the fulfilment of the mandate given to the UN by the Security Council. In the same vein, the UNMIK interim civil administration must respect the existing institutions to the extent that they are compatible with its mandate.
Any movable or immovable property, including monies, bank accounts and any property of or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any of its organs which is in the territory of Kosovo are being administered by UNMIK.

After 1989 the government of Serbia introduced a district level of government which was not elected, provided no services and possibly acted as a conduit for some of the funds to local government provided by the central government. These districts did not deliver any services and played no useful function. The provision of services and democratic representation used to take place at the commune level. There are 29 communes in the Province. The services provided by communes were: local highways maintenance, fire service, waste management, electricity, water, telephone, pre-school children’s services, public transport, the maintenance of a variety of registers. In the case of education and health, the commune used to provide the buildings and supplies but salaries were paid directly by the Serbian government. The police, old age pensions and the collection of taxes were governmental functions. In July, the communes were functioning inadequately or not at all. While water and electricity were partially available, waste collection was being provided by KFOR, the telephone lines were down and there was practically no public transport service. After 1989, Albanian Kosovars were generally no longer employed in the communes and they created and ran services through what are described as parallel administrations. These services were extensive and included all major services such as health and education. However, their schools had no facilities or buildings and the services were provided mainly in private houses. They were funded by a tax on the Albanian Kosovar population and by funds from abroad.

KLA people have taken control of local civil administration. When the KLA went into Gjilane and Peja, they secured the courts and State owned industries. As a result they displaced Serbs from their jobs. KLA has appointed their members as mayors and other local authorities. In this respect, UNMIK is sending mixed messages to the extent that it is supposed to run the civil administration. On the other hand, the civil administration run by KLA has been recognised by the UN. The civil administration has not decided on employment criteria yet. The ethnic Albanians who had lost their jobs in 1989 are now going back in order to claim them back.

There are only a few Serbian enclaves left. In some areas, there have been cases of kidnappings and killings. However, KLA denies of being responsible. On the other hand, it is also said that KLA is seeking hostages to bring about a prisoners’ exchange with the Serbs. The Serbs have taken with them some ethnic Albanian detainees who are now allegedly held in Serbia.

RULE OF LAW

Legal system

Presently, the state of law is defined by UNMIK Regulation 1 which provides that laws previously applicable in Kosovo are still in effect, providing they do not conflict with internationally recognised human rights standards. Judges from Pristina District have been calling for change to the regulation, as they feel the existing law is still discriminatory. On 15 August 1999, local judges and prosecutors together with the Special Representative to the UN Secretary General, Bernard Kouchner, agreed that an
advisory body of Kosovar judges and lawyers would be formed to take part in the review and revision of the legislation.

Paragraph 3 of UNMIK Regulation 1 states: “The laws applicable in the territory of Kosovo prior to 24 March 1999 shall continue to apply in Kosovo insofar as they do not conflict with the standards referred to in Section 2, the fulfilment of the mandate given to UNMIK under United Nations Security Council Resolution 1244 (1999), or the present or any other regulation issued by UNMIK.” Article 2 provides: “In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognised human rights standards and shall not discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.” This is all very appropriate in today Kosovo, however, a fundamental juridical question as to the legislation in force remains. The ethnic Albanians wish to apply the law as it was up to 1989 until their autonomy was removed. They regard these as the only valid laws and deem the laws applicable after 1989 as highly discriminatory. Albanian jurists believe that the post-1989 legal system codified discriminatory rules in all aspects of society.

The authority vested in UNMIK are being exercised by the Special Representative. He is empowered to regulate within the areas of his responsibility laid down by the Security Council. In doing so, he may change, repeal or suspend existing laws to the extent necessary for the carrying out of his functions, or where existing laws are incompatible with the mandate, aims and purposes of the interim civil administration. The Special Representative may, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or suspended by rules issued by the Kosovo Transitional Authority.

The Council of Europe was examining the existing criminal law, criminal procedure law, the public order law and the internal affairs law for review in the light of the international standards. Its report has been handed to UNMIC but at the moment it is not possible to know what its findings are. A major problem is and will be who is going to determine where there is a conflict between international human rights standards and the local legislation. At the moment this may be done by UNMIK as there is no constitutional or supreme court to review current legislation. Therefore, this function remains with the executive.

At that time there had not been any translation into Albanian of Security Council Resolution 1244.

The CRC is the most widely ratified of human rights instruments. While Article 38(4) of the Convention requires that ‘States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict’ it is widely acknowledged that children suffer considerably in times of conflict. It is arguable that all the provisions of the Convention remain in force during times of armed conflict. Indeed, the Committee on the Rights of the Child takes the view that the whole Convention continues to apply in times of armed conflict or emergency.

The uncertainty related to the legal system prevailing in Kosovo may lead to argue whether the CRC is applicable to this country. This is undeniably linked to the status of
Kosovo in international law and to the fact that UNMIK is responsible for this country. However, regardless of whether Kosovo is still a province of the Federal Republic of Yugoslavia or not, there seems no doubt on the applicability of the CRC. In fact, the only rule that seems clear and stable is that any legislation in force must comply with international standards. This looks very much like an indirect recognition of the applicability of the standards of the Convention. Who can be then held responsible if these standards are not complied with by the UN themselves is a different question.

**Judiciary system**

Before the NATO air strikes, all judges were Serb and many of them were political appointees. Before 1991, there was an ethnic Albanian judiciary system. However, the Albanian judges and other court personnel were removed because they refused to sign pledges of loyalty to Milosevic. Those who had been judges became defence counsels.

30 new judges and prosecutors have been sworn in as part of the new emergency Judicial System for Kosovo up to 11 August 1999. The new judges were recommended to the Special Representative of the UN Secretary General by the Joint Advisory Council for Provincial Appointments of the Judiciary (JAC). The Council includes Kosovar lawyers as well as representatives from the OSCE and the UN.

The Emergency Judicial System in Kosovo reviews cases of individuals arrested and detained by KFOR troops in the five sectors of the area. Up to 11 August 1999, a total of 164 cases involving 380 people had been reviewed and, following the hearings, 144 people were released.

Full district court panels are now operating in the two largest districts: Pristina and Prizren. In Pristina District and Municipal Courts, 20 judges and prosecutors have been assigned, while 10 judges and prosecutors are working from the Prizren District Court. The two emergency mobile teams consist of 8 judges and prosecutors and four defence lawyers who serve the rest of the territory.

Under the previous system, the panel hearing the merits of a case would also be made up of 3 lay judges who were exclusively Serbs. It is not clear whether this system will continue and how the lay persons will be selected.

It seems that KLA was appointing parallel judges and prosecutors with the tacit approval of UNMIK. Some of these KLA appointees have a legal background but not all of them. This entails a great danger of politics entering into judiciary related questions with not yet a Constitutional Court, as foreseen in the Rambouillet accord, to monitor all this.

**Juvenile justice**

At present there are no juvenile benches but some judges with a background in juvenile justice work have been appointed. Under the previous system there were juvenile panels.

The age of criminal responsibility is 14. Juveniles are divided up into 2 stages: those aged 14-16 and those aged 16-18. Children between 14 and 16 are not subject to custodial sentencing. In this case, the question arises as to whether they should be kept in pre-trial detention. The Office of the High Commissioner on Human Rights (OHCHR) takes the view that pre-trial detention should be avoided. Pre-trail detention was widely used and it
could extend up to 6 months. Under the previous system, juveniles could be kept in
detention for up to 72 hours before being brought before an investigating judge. Now
this term has been reduced to 48 hours. The punishment of those aged 14-16 was much
left to parents. However, some education measures may be imposed by local authorities.
It was not clear at that time whether there are closed education facilities in Kosovo and
whether there were separate facilities for boys and girls.

As far as the 16-18 group is concerned, it has been agreed that they may be held in pre-
trial detention. However, each individual case will be reviewed as a matter of priority.

The OHCHR was the first to see detention facilities and found some juveniles held in
custody by KFOR in Prizren. However, they were successful in obtaining their release.
The offences for which they were being detained were mainly theft and looting and they
had been in detention for over a week. Release, however, does not mean that the
proceedings for prosecution will come to an end. KFOR was also asked to separate
juveniles from adults. Some of the cells were not up to international standards and some
others had poor standards of hygiene. On the other hand, KFOR had never run
detention establishment and never dealt with juveniles in detention. Save the Children
instructed KFOR as to how behave when juveniles were arrested. However, there is the
need to feed norms of juvenile justice into training both of the police and the judges.

Article 40 of the CRC covers the rights of all children alleged as, accused of or
recognised as having infringed the penal law. Thus it covers treatment from the moment
an allegation is made, through investigation, arrest, charge, any pre-trial period, trial and
sentence. The Convention requires States to promote a distinctive system for children
with specific positive rather than punitive aims. At the moment none of this is being
implemented in Kosovo. Furthermore, the UN Standard Minimum Rules for the
Administration of Juvenile Justice (The Beijing Rules) provides for detailed standards in
this field. In particular, they aim at promoting juvenile welfare to the greatest possible
extent, which will minimise the necessity of intervention by the juvenile justice system,
and in turn, will reduce the harm that may be caused by any intervention. At present the
rights of children in conflict with the law in Kosovo are not respected by a judiciary
system which is not specific for juveniles and by an enforcement system run by the
military. In addition, the apparent lack of mechanisms for the registration by children of
complaints of ill-treatment and for the full and impartial investigation of those
complaints and the protection of the rights of the child during investigation procedures
and during the period of pre-trial detention raise some scope for intervention and
advocacy for the promotion of children’s rights in this area.

**Law enforcement**

It is alleged that the KLA has appointed its own police forces and they are allowed to
enter flats and seize goods. Obviously this is contrary to the agreements with UNMIK
whereby an international police force was being set up. This international police force
would then train the local police officers mainly recruited from demobilised KLA
soldiers. Former Serbian police officers will also be allowed to apply to the new police
force and at that time there was no vetting system in place. However, the international
police did not seem to have any problems with this. Law enforcement is another area
where specific training on children’s rights is needed for both international and national
police officers. This is not something that has been thought through yet. However,
considering the young age of the population and the fact that police are the first point of
contact with the juvenile justice system, it is necessary that they act in an informed and appropriate manner. This point is also endorsed by Rule 1.6 and 12 of the Beijing Rules.

There has been no investigation of human rights breaches other than war crimes so far. There are several local groups which are collecting evidence related to human rights violations. However, this broad evidence collecting activities does seem to be very effective and it is not sure whether it will be handed to the International Criminal Tribunal on Yugoslavia (ICTY). Some of these groups were thinking of posting this information on the website without considering the issue of confidentiality.

There has been no talking yet of any sort of reparations or of any sort of recognition of the violations committed by the Serbian government.

EDUCATION

Education is highly valued in the Kosovar society. It is ostensibly also a priority for the UN mission. However, the agencies involved in education work were still in the emergency stage, including de-mining, repairing and rebuilding schools. A survey of schools found that 45% have been destroyed or severely damaged as a result of war. Up to 24 July 1999, the assessment of school buildings had been conducted in 23 out of the 29 Kosovo’s municipalities with 562 school buildings assessed out of a total of 1,000. The assessment results showed that 219 schools were severely damaged or completely destroyed and 136 were reparable. The status of the water and sanitation set up, already poor in the past, further deteriorated during the conflict. In 95% of the cases, requests were made for repairs of doors, windows and replacement of window’s glasses. Around 1/3 of the school building assessed needed the complete reconstruction of the roof. The schools assessed had undergone looting or destruction of school furniture and many of them had been mined. KFOR was very active in the re-construction of schools and transportation of various materials, including winterised tents, stoves and woods for the winter period (not all schools will be adequately re-built or re-paired before the winter months). KFOR has been trying to repair schools not expected for repair by any agencies.

The Joint Civil Commission for Education (JCCE) has been constituted by the Special Representative of the Secretary general as one of a series of Joint Civil Commissions established by the Civil Administration pillar of UNMIK. The JCCE is comprised of representatives from the previous education systems responsible for the provision of education in Kosovo: four representatives from the Albanian language system and two from the Serbian language system. In addition, one representative of KFOR, one representative of UNESCO and one of UNICEF are members. The role of the Commission is to facilitate discussions and work out agreements regarding the future education system and the continuation of educational activities in the interim. The Commission is responsible for facilitating discussions on all aspects of education, from the pre-school level to the University level.

The draft framework for transition and resumption of the school and university education programme is structured in three phases. The first stage provides for an interim arrangement whose aim is to give access to education to all Kosovar children. During this stage, there will be a single system based on non-discrimination on any grounds and children will be taught in two languages: Albanian and Serb. The second stage is the so-called transitional stage and will include the review of curricula and
textbooks; the setting up of school management committees and of a community based monitoring system. In the third stage, the Kosovar education authorities will hopefully be in place. This stage would include the provision of in-service teachers’ training and the establishment of schools clusters to promote active learning approaches. A quota system in order to promote female teachers and access of girls in secondary education are issues that will be supposedly tackled during this third stage. Further issues, such as awareness of the Convention on the Rights of the Child (CRC) in the training of teachers and a system promoting the study of languages will also be considered in the third stage. Currently Albanians resist the learning of the Serbian language and therefore, in order to insist on this, systems of mobility and promotion will have to be thought through.

Another issue that will need to be addressed is vocational training. Apparently nobody is involved in this kind of training and there has been no assessment of capacity yet. IOM is involved in demobilising KLA soldiers and offering them some vocational training. However, this is not specific for minors but for adults and minors alike.

Provided that UNICEF would like to have the children back to school by October, it seems that nobody is adequately tackling the issue of teachers. For instance, a census or database in order to know how many teachers are left in a given area would be very important. Furthermore, an outstanding issue was teachers’ salaries. It is foreseen that 3 million $ per month will be needed in order to be able to pay the teachers. In addition, an interim solution was being negotiated on the curriculum and textbooks which may essentially involve using the existing curricula with a set of guiding principles.

In considering the issues of children’s rights in education in Kosovo, there is the need to tackle the issue of participation of children as provided by Article 12 of the CRC. Participation is considered a general principle of fundamental importance and relevant to all aspects of implementation of the Convention and to the interpretation of all other Articles. Before the war, a very hierarchical structure was in place in schools which hardly allowed any student participation, such as, for example, school councils and other mechanisms. As the consolidated situation of the past may now be reviewed, it should be appropriate to promote the right of the child to express views in all matters affecting him or her.

In addition, the new education system as planned by the JCCE will have to ensure respect of children’s rights. The decision to have united schools where Serb children will learn their own language and will meet their Albanian peers during breaks and sport activities may not sufficiently protect them. Finally, a fundamental issue concerning Roma children still remained unsolved. In this respect UNICEF has adopted an inclusive policy whereby Roma children will have no special schools in the camps or collective centres but will have to attend local schools. This looks very integrational. However, it may raise the issue of protection of Roma children and of their right to be taught in their own language (for those who wish so). This inclusive policy may lead to no education at all for Roma children.

CHILD PROTECTION ISSUES
At present there is no child protection system and no measures to protect children from abuse in Kosovo. This has to be coupled with the lack of a system of justice which also affects the protection available to children. Article 19 of the CRC requires children’s protection from all forms of physical or mental violence while in the care of parents or others. Therefore, it requires States to take a variety of measures - legislative, administrative, social and educational - to protect children from all forms of violence. Furthermore, there is the need for adoption and fostering programmes and of a revamp of social policy. The current civil administration is not equipped to effectively implement these rights in terms of personnel and resources. There seems to be no sign that UNMIK is talking or thinking of such child protection issues.

It is alleged that 70% of the children born after 1990 has never been registered. This came out from a vaccination campaign which showed that 75000 children between 0 and 5 were not registered in 1996. In urban areas, children would be registered if born in a State hospital. However, most of them were born in private clinic or at home and therefore would not be entitled to registration. In addition, there is no registration of children born abroad. The lack of registration raises a number of problems. First, it causes problems related to the protection of children in the adoption and fostering areas. Furthermore, it may be envisaged that it will cause problems in relation to movement of children outside the country and removal of children against the wishes of one group of relatives. In addition, lack of registration may result in the denial of access to various social services in a system where the two are linked. Finally, trafficking and child prostitution may be expected to increase. These issues may also be facilitated by the lack of birth registration.

Another issue is child labour. With no social security benefits and with the parents forced in unemployment, you can see children selling cigarettes almost everywhere in Kosovo. Children would face beating, intimidation and torture. There are no data at present on the extent of the problem. There are also children involved in agricultural labour such as, for example, driving farm trailers, mowing and haymaking. But again it is not yet possible to know whether the war has increased the number of working children. It may be expected that children will attend school and be engaged only in seasonal work, such as in agriculture. However, this issue should be closely monitored in the future.

ORGANISATIONS

International

There are around 160 international organisations registered with the UNHCR. The dynamics of groups change every week. There are so many co-ordination meetings and briefings on various issues, such as, health, education, psycho-social support, security, etc. that someone could spend all day in meetings. However, at the NGOs meeting hosted by OSCE, the need for greater co-operation and co-ordination was expressed once more because of the existence of very similar projects. It was also decided to publish a bulletin once or twice a month containing any information coming from NGOs. Meanwhile, UNHCR has opened the community information centre where every organisation has got its own pigeon hole and any kind of information may be circulated.

Another challenge linked to the great number of organisations currently operating in Kosovo relates to how to ensure common standards in carrying out the job.
Furthermore, a considerable amount of money is available for programmes in Kosovo to both international governmental organisations and NGOs. Therefore, NGOs do not even bother to apply for funding made available by international organisations, namely UNHCR.

**Local**

We met some local NGOs particularly organisations working on children issues, human rights and youth groups. Many of them existed already before the NATO air strikes even though they were operating illegally according to the previous legislation. All the local NGOs has been subjected to looting and robbery. Therefore, when we met them they were in the process of looking for new office space, new office equipment and funding for starting new projects. The scenario now is very different: they can operate openly. Furthermore, as there was a considerable amount of resources coming in Kosovo, the international organisations will start channelling some of them through the local organisations. These will have eventually to manage all these resources and to deal with many different international organisations. An example is offered by the Mother Teresa Society, a long-standing local organisation, which is being used by several international organisations for distribution of some of their relief items.

The majority of local NGOs regretted of not having been sufficiently consulted during the very early stage of the UNMIK work. Some consultation in the form of meeting hosted by the OSCE and other international organisations took place during the mission. However, these meeting were more aimed at co-ordinating the various activities rather than gathering the input of local organisations on policies and other national matters.

All youth groups expressed the need of having some training on management of organisations, proposal writing and managing budgets. This is something that, together with some training on children’s rights and on how to use the CRC to better promote children’s rights, the Unit is planning to provide as UNICEF and other organisations will not have the capacity in the near future. This will be the logical follow-up of our monitoring work and will pursue one of the aim of the Unit, i.e. building capacity of local organisations in the area of children’s rights.

**CONCLUSION**

Kosovo is no longer in a situation of armed conflict. However, in August the emergency phase was still in force for all the international agencies. While some emergency measures are still required in some areas, such as, for example, the reconstruction of schools, the Unit takes the view that some long-term protection measures should be adopted by the civil administration particularly in the areas outlined above.

The first major outcome of this mission shows the need for specific training on children's rights for judges, lawyers and police officers. This Unit has, therefore, been requested to provide this training with the support of OSCE which is in charge of institutions building.

Furthermore, local youth groups expressed the need for specific training on management of organisations and writing of funding proposals. As a result, the Unit has been
requested to provide this training with the support of UNICEF and other international NGOs.

Finally, due to the shortcomings in the area of the administration of juvenile justice, the Unit has been requested by UNICEF and DFID to provide technical expertise skills in order to lead the establishment of a juvenile justice system and of a child welfare protection system in Kosovo.
**ANNEXES**

**ANNEX I: LIST OF ORGANISATIONS MET DURING THIS MISSION**

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**DONORS**

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ANNEX II: RESOLUTION 1244 (1999)
Adopted by the Security Council at its 4011th meeting, on 10 June 1999

The Security Council,

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security,


Regretting that there has not been full compliance with the requirements of these resolutions,

Determined to resolve the grave humanitarian situation in Kosovo, Federal Republic of Yugoslavia, and to provide for the safe and free return of all refugees and displaced persons to their homes,

Condemning all acts of violence against the Kosovo population as well as all terrorist acts by any party,

Recalling the statement made by the Secretary-General on 9 April 1999, expressing concern at the humanitarian tragedy taking place in Kosovo,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety,

Recalling the jurisdiction and the mandate of the International Tribunal for the Former Yugoslavia,

Welcoming the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 (S/1999/516, annex 1 to this resolution) and welcoming also the acceptance by the Federal Republic of Yugoslavia of the principles set forth in points 1 to 9 of the paper presented in Belgrade on 2 June 1999 (S/1999/649, annex 2 to this resolution), and the Federal Republic of Yugoslavia's agreement to that paper,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region, as set out in the Helsinki Final Act and annex 2,

Reaffirming the call in previous resolutions for substantial autonomy and meaningful self-administration for Kosovo,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Determined to ensure the safety and security of international personnel and the implementation by all concerned of their responsibilities under the present resolution, and acting for these purposes under Chapter VII of the Charter of the United Nations,
1. Decides that a political solution to the Kosovo crisis shall be based on the general principles in annex 1 and as further elaborated in the principles and other required elements in annex 2;

2. Welcomes the acceptance by the Federal Republic of Yugoslavia of the principles and other required elements referred to in paragraph 1 above, and demands the full cooperation of the Federal Republic of Yugoslavia in their rapid implementation;

3. Demands in particular that the Federal Republic of Yugoslavia put an immediate and verifiable end to violence and repression in Kosovo, and begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable, with which the deployment of the international security presence in Kosovo will be synchronised;

4. Confirms that after the withdrawal an agreed number of Yugoslav and Serb military and police personnel will be permitted to return to Kosovo to perform the functions in accordance with annex 2;

5. Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presence, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia to such presence;

6. Requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presence operate towards the same goals and in a mutually supportive manner;

7. Authorises Member States and relevant international organisations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below;

8. Affirms the need for the rapid early deployment of effective international civil and security presence to Kosovo, and demands that the parties co-operate fully in their deployment;

9. Decides that the responsibilities of the international security presence to be deployed and acting in Kosovo will include:

(a) Deterring renewed hostilities, maintaining and where necessary enforcing a cease-fire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;

(b) Demilitarising the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;
(c) Establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;

(d) Ensuring public safety and order until the international civil presence can take responsibility for this task;

(e) Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;

(f) Supporting, as appropriate, and co-ordinating closely with the work of the international civil presence;

(g) Conducting border monitoring duties as required;

(h) Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organisations;

10. Authorises the Secretary-General, with the assistance of relevant international organisations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo;

11. Decides that the main responsibilities of the international civil presence will include:

(a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);

(b) Performing basic civilian administrative functions where and as long as required;

(c) Organising and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;

(e) Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords (S/1999/648);

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;

(g) Supporting the reconstruction of key infrastructure and other economic reconstruction;
(h) Supporting, in co-ordination with international humanitarian organisations, humanitarian and disaster relief aid;

(i) Maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo;

(j) Protecting and promoting human rights;

(k) Assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo;

12. Emphasises the need for co-ordinated humanitarian relief operations, and for the Federal Republic of Yugoslavia to allow unimpeded access to Kosovo by humanitarian aid organisations and to cooperate with such organisations so as to ensure the fast and effective delivery of international aid;

13. Encourages all Member States and international organisations to contribute to economic and social reconstruction as well as to the safe return of refugees and displaced persons, and emphasises in this context the importance of convening an international donors' conference, particularly for the purposes set out in paragraph 11 (g) above, at the earliest possible date;

14. Demands full co-operation by all concerned, including the international security presence, with the International Tribunal for the Former Yugoslavia;

15. Demands that the KLA and other armed Kosovo Albanian groups end immediately all offensive actions and comply with the requirements for demilitarisation as laid down by the head of the international security presence in consultation with the Special Representative of the Secretary-General;

16. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to arms and related matériel for the use of the international civil and security presence;

17. Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilisation of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation;

18. Demands that all States in the region cooperate fully in the implementation of all aspects of this resolution;

19. Decides that the international civil and security presence are established for an initial period of 12 months, to continue thereafter unless the Security Council decides otherwise;

20. Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution including reports from the leaderships of the
international civil and security presence, the first reports to be submitted within 30 days of the adoption of this resolution;

21. Decides to remain actively seized of the matter.

Annex 1

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;
- Withdrawal from Kosovo of military, police and paramilitary forces;
- Deployment in Kosovo of effective international civil and security presence, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;
- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;
- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organisations;
- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarisation of the KLA;
- Comprehensive approach to the economic development and stabilisation of the crisis region.

Annex 2

Agreement should be reached on the following principles to move towards a resolution of the Kosovo crisis:

1. An immediate and verifiable end of violence and repression in Kosovo.
2. Verifiable withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable.
3. Deployment in Kosovo under United Nations auspices of effective international civil and security presence, acting as may be decided under Chapter VII of the Charter, capable of guaranteeing the achievement of common objectives.

4. The international security presence with substantial North Atlantic Treaty Organisation participation must be deployed under unified command and control and authorised to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.

5. Establishment of an interim administration for Kosovo as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, to be decided by the Security Council of the United Nations. The interim administration to provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

6. After withdrawal, an agreed number of Yugoslav and Serbian personnel will be permitted to return to perform the following functions:

- Liaison with the international civil mission and the international security presence;
- Marking/clearing minefields;
- Maintaining a presence at Serb patrimonial sites;
- Maintaining a presence at key border crossings.

7. Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organisations.

8. A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarisation of UCK. Negotiations between the parties for a settlement should not delay or disrupt the establishment of democratic self-governing institutions.

9. A comprehensive approach to the economic development and stabilisation of the crisis region. This will include the implementation of a stability pact for south-eastern Europe with broad international participation in order to further promotion of democracy, economic prosperity, stability and regional co-operation.

10. Suspension of military activity will require acceptance of the principles set forth above in addition to agreement to other, previously identified, required elements, which are specified in the footnote below.

11. A military-technical agreement will then be rapidly concluded that would, among other things, specify additional modalities, including the roles and functions of Yugoslav/Serb personnel in Kosovo:
Withdrawal

- Procedures for withdrawals, including the phased, detailed schedule and delineation of a buffer area in Serbia beyond which forces will be withdrawn;

Returning personnel

- Equipment associated with returning personnel;

- Terms of reference for their functional responsibilities;

- Timetable for their return;

- Delineation of their geographical areas of operation;

- Rules governing their relationship to the international security presence and the international civil mission.

Notes

1 Other required elements:

- A rapid and precise timetable for withdrawals, meaning, e.g., seven days to complete withdrawal and air defence weapons withdrawn outside a 25 kilometre mutual safety zone within 48 hours;

- Return of personnel for the four functions specified above will be under the supervision of the international security presence and will be limited to a small agreed number (hundreds, not thousands);

- Suspension of military activity will occur after the beginning of verifiable withdrawals;

- The discussion and achievement of a military-technical agreement shall not extend the previously determined time for completion of withdrawals.