

Parental Responsibilities to Children in the Republic of Kosovo

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Abstract

For a long time, in Albanian customary law, parental responsibilities were an exclusive competency of fathers. In positive law, especially with the reform of the legal system in the Republic of Kosovo, now both parents are fully equal in exercising parental responsibilities. Children are the future of any society, and therefore, their upbringing, education and proper welfare of children is an objective and responsibility not only for the parents, but also of societal and state institutions. Although parent-child relations incorporate moral, biological and legal elements, the absolute power of parents must be shared between parents and proper social and educational policies, in the heart of which are always the best interests of the child.

Kosovo has already adopted a complete legal framework, approximated to the standards of the European Union and international instruments which clearly provide on the rights of the child and responsibilities of parents and institutions in enjoying such rights. Within the range of this new legal framework, we make an effort of addressing parental responsibilities, which are exercised in terms of personality of children, and derive as a result of personal non-material relations. Our work is focused on a study of parental responsibilities in terms of giving a personal name, healthy development, education and upbringing. We have also analysed

several court rulings related to the rights of the child and responsibilities of parents in enjoying such rights, which we believe are to enrich and render the paper more interesting.

Keywords: Parental Rights, Parental Duties to Children, Kosovo Law on Family; Equality of Spouses.

1. Parental rights are exercised by the father and the mother

Parental responsibilities to children are born together with the child or even during pregnancy, therefore, the children are recognized rights, but they acquire rights only by live birth of children, (Galogano, 2006) since rights and obligations for the child are acquired by validation of fatherhood and motherhood. In this manner, as per Article 128 of the Family Law, "the child is under parental responsibility from the moment of birth to adult age..."¹

Parental responsibilities to their children are important to be studied, but also defended by adequate legal mechanisms and instruments, since the child is considered to be a human being in need of special care, both moral and material, and legal remedies, since minors lack physical and intellectual maturity, and therefore, parental rights need to be exercised in compliance with child dignity. All this can only be achieved by treating children in an equal manner, and in harmony with their rights, as guaranteed by legal acts and international treaties.

The subjects exercising parental responsibilities are the father and the mother. Parental rights and responsibilities are established by birth of the child in marriage, but such rights may also be acquired by court ruling, or validation of fatherhood and motherhood. Parental responsibilities are commonly exercised by the father and the mother, in an absolutely personal and equal manner. The equality of exercise of parental responsibility is provided upon by legal provisions, and this shows the readiness of Albanian women not only to acquire rights, but also responsibility.

A child is not only a person under the age of 18, but even a foetus in a mother's womb, because by birth, such child will attain legal capacity and

¹ Parental responsibility for their children is born with the birth of the child "at its first breath", and continues to the stoppage of the heart beating. (Galgano, 2006)

be a subject of law, since as we have stated above, a foetus is recognized legal rights, not related to physical personality, but only those a foetus may enjoy if born alive, even if such child may die immediately upon birth. (Galogano, 2006). In terms of rights and duties, extra-marital children are fully equal to children born in wedlock.

Parental responsibilities are sanctioned by imperative legal norms. According to Article 128.4 of the KLF,² Parental responsibility includes rights and obligations, aiming to ensure emotional, social and material welfare of the child, by looking after the child, preserving personal relations, providing proper growth, education, vocational training, legal representation and administration of property. These legal norms clearly show that parents are bound to provide their children with an appropriate natural, moral, economic and social environment. Such a clear definition of parental responsibilities does not allow for any different interpretation of such responsibilities, be that in theory or practice. Such a reality is viewed as a great opportunity, especially in unification of court practice. Parental responsibility entails a set of duties and rights, which, if one is to classify between economically poised or not, we would find: a) parental rights and duties exercised in relation to the personality of a child, established as a result of personal non-material relations, and b) parental rights and duties exercised in relation to assets of children, which are a result of property relations (Omari, 2010). Due to the nature of this study, we shall only address the non-material parental rights and duties to their children.

1.1. Non-material parental rights and responsibilities to their children

Personal rights are closely related to parent's personality, and are absolute rights. No one may interfere with the relations between children and parents, while parents exercise their rights and obligations in the best interest of the child (Podvorica, 2011). Viewed from this angle, parents may claim measures against any person, *erga omnes*, preventing them from exercising parental rights. Another important feature is that these rights and obligations cannot be acquired by legal action, *inter vivos*, amongst the living and neither by *motis causa*, or inheritance in case of death. By will though, or legacy, one may appoint a custodian for his/her child.

Parental rights are strictly personal rights, jointly and equally exercised by the father and the mother of a child. It is good for the children to enjoy

² Family Law of Kosovo, Law no. 2004/32; 20 January 2006

their rights in family harmony, because such harmony is an essential condition for a dignified life. In case of divorce, children lose their opportunity of living with both parents. In such cases, the Court *ex officio* entrusts the children to the custody of the parent best suited to provide sufficient livelihood and accommodation to the children, for the upkeep, upraise and education of children. The court also awards the rights of visit to the other parent, so that all responsibilities of parents are exercised to the best interests of the child. A wider range of blood-related persons must also keep the responsibility of exercising obligations to children. Children also enjoy institutional protection. The exercise of rights and responsibilities must be observed by all, and all should refrain from interfering with such exercise, unless such interference is in the best interest of the child. Such interference may only be initiated by social care institutions and judicial authorities, again with a strict focus on the interests of the child.

Institutional protection of the interests of the child is provided upon by principles of exercising parental rights, as per the 1990 UN Convention on the Rights of the Child and the Kosovo Family Law. According to these principles: Every child enjoys an undeniable right to grow up in a family environment. Children that do not live with both parents are entitled to meet the parent with whom they do not live; children with mental or physical disabilities are entitled to special care, to a dignified life, and facilitation of active participation in social life.

“Children are eligible to free of charge primary schooling and access to information regarding different professions and schools. Children enjoy the right for protection from economic utilization, child exploitation trafficking and sexual exploitation and from any activity which could be harmful or hazardous to their education or health. Children shall be protected from maltreatment and sexual violations. Children shall be protected from illegal usage of narcotic drugs and psychotropic substances and it shall not be permitted that children are used for illegal production and trafficking of such substances” (Article 125 of the KFL). This definition of parental responsibility clarifies that parental rights and duties are exercised on the basis of biological, legal and moral relations, always at the best interest of the child.

Parental rights, as a constitutional and legal category, are regulated by imperative provisions. They must be exercised in compliance with applicable law, the UN Convention on the Rights of the Child 1990, international treaties such as: the 1924 Geneva Declaration on the Rights of the Child, the Declaration on the Rights of the Child, approved by the

United Nations on 20 November 1959, the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (specifically articles 23 and 24 of the latter), International Covenant on Economic, Social and Cultural Rights (specifically Article 10), Universal Declaration on Human Rights, UN - 10 December 1948, Short Guide to the European Convention on Human Rights, Publication 3, Strasbourg 2005, the European Convention on the Exercise of the Rights of the Child, Strasbourg, 1996, the European Convention on Human Rights and Fundamental Freedoms 1950, a text developed by the Secretariat of the European Court of Human Rights, November 1998.

Personal responsibilities that children exercise in mutual agreement and understanding, and that cannot be transferred or inherited, are: assignment of name and surname, custody and care for the child; education and upraising; keeping and representation. Otherwise, material obligations extend to administration of property of minor children, the obligation of designating them as necessary heirs to the inheritance (Ibrahimi, 2013)³. The exercise of parental responsibilities in a common manner by both parents also appears in deciding over adoption. In this manner, the KFL allows parents to consent with their wills to adoption. The consent consists of a statement of will of adopting parents for establishment of adoption relationship and acquisition of parental responsibilities. Adoption is allowed to spouses in a common manner, but it may also be allowed to a single spouse, if the other spouse is less than 21 years of age, as one of the conditions for establishing adoption. Such a legal definition allows children without parental solicitation a good shelter, since adopting parents exercise their parental responsibilities over the adoptee, thereby ensuring that parental responsibilities will be exercised in a better manner if consent is given by both adopting parents. By Decision of the Municipal Court in Prishtina, N. No. 171/ 2011, the court notified the adopting parents that they acquire common legal obligations towards the adopted child, and in this case, they have responsibilities as provided by law (Gashi, Aliu, Vokshi, 2012).

It would be good to see how the Kosovo legal system guarantees the exercise of parental rights only in compliance with the best interests of the

³ One of the basic principles of family law is institutional care, to ensure social welfare, and to not influence the heirs, and to prevent inheritance of children's property to persons who are not legal heirs. Necessary heirs are: "descendants of the testator, adoptees, parents and spouse" (Ibrahimi, 2013)

child, always moving away from the principle of absolutism, known in the ancient past, where parents were also entitled to take life of a child, since children were considered a property of the parent. According to the Convention on the Rights of the Child (1990), hereinafter the CRC, the parental rights are viewed as a societal and institutional obligation, centred around the provision that *“Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”* (Convention on the Rights of the Child, 1990). The exercise of parental responsibilities excludes all others from obstructing such exercise, and allows the parents to file claim with the Court to request restoration of parental rights in cases of prevention or removal of parental rights. Even in case of judicial decision to remove parental rights, in terms of limitation or removal of parental rights due to abuse and maltreatment, parents are still entitled to request restoration of such rights upon suspension of such circumstances or facts.

1.1.1. Personal name

Neither the legal theory nor legal provisions dispute the fact that the personal name is made of a name and a surname. There are also no dilemmas to the fact that one of the most basic rights of the child is the obligation of her/his parent to give the child a name, which would be the identifier of his/her personality. Such name is given by both parents in agreement, and then such a name is registered with civil registry in the civil registry office in the birthplace of the child. Parents are bound to declare the birth of the child, as per Article 34 of the Law on the Civil Status⁴. Child birth declaration to the civil status official should be submitted by: parents close family member capable to act, legal representative or custodian and, in their absence or impossibility by persons who have the right to certify the birth. The statement can also be submitted by mother’s representatives with special proxy.⁵

⁴ Law no. 04/L-003 on the Civil Status of the Republic of Kosovo

⁵ Also, in the law on the Civil Status of the Republic of Albania, the newborn registration is provided. The registration of children is made in the civil status offices of the settlement of the parents, or in the place where the birth has taken place. 88. Declaration of such birth shall be made within 30 days from the date of birth, or within 3 days when a child dies upon birth. When such timelines expire, registration may be made with a written order of

The registration of the name must be made at the latest 30 days upon birth of the child. According to Article 7 of the LPN: *“Parents or authorized persons shall give the child a name, according to the Family Law. Parents shall give their child a personal name by agreement. If parents do not agree on the name of the child, a custodian body may give the child a name, upon prior hearing of both parents in this regard.”*⁶

In giving the child a name, parents are bound to take care that the name is not offensive, immoral or racist (Latifi, 2007)

More recently, there is a tendency to give children names combined with ancestors, or religious names. The Albanian society, being in transformation, needs professional assistance in these terms and from relevant authorities. The Centre for Social Work⁷ should engage more seriously in preparing a guideline, which would instruct parents on how to go about giving children a name, which would be acceptable for parents and the environment, comprehensible and not imposed, thereby observing the parental rights on giving their children a personal name, as a personal right. As per Article 7 of the CRC: *“The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents”*.

The surname also serves to identify the family belonging of a child. The surname is assigned in agreement of both spouses, when parents have different surnames and common children cannot be assigned different surnames. In such cases, the child takes the surname of one or both parents. The KFL allows open options in giving the surname, and in this manner, the Article 130.2 allows the possibility of assigning both parents, in cases when parents join their own surname the surname of the other spouse, and also the children can attach their own parents' surnames. (Gashi; Aliu;

the manager of the administrative unit of the parents' settlement, or the place of birth of the child, upon validation of date of birth. The declaration of the birth of the child shall be made by the parents of the child, who shall also give it a name. When this is not done by the parents, in their absence, relatives may give the child a name. The declaration may be made also by other adult members of the family, or by the midwife present in the birth, or by the health care institution the birth took place in. the birth of the child is registered in the birth register.

⁶ Law no. 02/L- 118 on the Personal Name, 13 April 2007

⁷ By a preliminary decision of specialized institutions, which is archived with the civil status offices, the service for social work assigns appropriate names to children (Latifi, 2007, p. 82).

Vokshi, 2012). Common children cannot be given different surnames. With a view of preserving sound and harmonious relations between children, the law prohibits giving different children of the same parents different surnames.

When parents do not agree on the child's surname, the Article 130 of the KFL provides that such surname will be given by a custodian authority, upon hearing both parents. In case of disagreement, the surname will be given by the custodian authority, always in due diligence of such surname being acceptable by both parents.

For objective reasons, such as when one parent passes away, or when a parent loses capacity of acting, or when the other parent is unknown, the surname will be given by the parent who is alive and has capacity to act. When this is not possible, the surname is given by the custodian authority.

When a child changes family status, as a result of a successful challenging of a judicial ruling on fatherhood or motherhood, or by recognition of fatherhood or motherhood, the child is given a new surname within a two-month deadline from such change in family status. This is in compliance with the Article 132.1 of the KFL, which provides: *"The minor child who has been given a surname after changes in his family status by recognition of paternity, by wedlock of the parents, by verification of paternity or maternity or by the rejection of paternity or maternity, may be determined a new surname within a period of two months after the change of family status"*. On the other hand, according to Article 132.2 of the same Law, if such a surname is given to a child older than ten years of age, the child consent is required.

1.1.2. Upraising

From the moment of birth, the child enjoys the most sublime right – the right to life, which is guaranteed by all international and national treaties and laws. Parents are responsible for ensuring for their children a minimum of joyful and dignified environment commensurate of the child's intellectual and physical capacities, as proclaimed with the CRC and the KFL. *"A child is under parental responsibility until the age of majority. Parental responsibility includes rights and obligations, aiming to ensure emotional, social and material welfare of the child, by looking after the child, preserving personal relations, providing proper growth, education, vocational training, legal representation and administration of property"* (KFL, Article 128). Responsibilities of parents over the personality of a child may cease upon emancipation of the child, but may also extend over adulthood, if the Court

renders a ruling extending parental care over the adult. For children born out of wedlock, the mother takes responsibility from the moment of birth, while the father from the moment of recognition of fatherhood, or validation of fatherhood by court ruling. The responsibility of providing a sound environment first and foremost belongs to parents, but in case of divorce, if custody is given to one parent, then the parents must try their best to avoid conflict and reach an agreement towards providing dignified upbringing for the child, since this contributes to growth of the child in a sound environment. At the moment of reviewing the motion of custody, it *ex officio* takes care of ensuring personal contacts of parents in the way of serving a sound growth of the child. The court may also decide differently in its ruling over the custody of children. In this way, a judgment of the District Court in Prishtina, C. no. 309/2008, the court assigned the personal contacts of the parent not living together with the child to be twice a month, on the first and the third Friday of the month, between 10-15 hrs, the second day of state and religious holidays, and 10 days during the annual leaves (Gashi; Aliu; Vokshi, 2012).

Parental responsibility specifically includes care for the child's health and psychological and physical development. Such care can only be provided by parents, originally taking care of the child's health, thereby providing a sound environment, and in case of illness, they must give consent for any medical treatment or surgical intervention the child needs to be subject to. Parents are the ones to sign the statement for medical intervention, and choosing the institution for providing health care to the child (Podvorica, 2007). Minor children are prohibited from giving blood. Sound growth of a child means that parents are bound to protect the child from any form of infringement of its physical and mental integrity, and to ensure they are free from any type of sexual use or abuse (Convention on the Rights of the Child, UN 1989). The right of the child to live jointly with the parents may only be waived if in the best interest of the child.

In relation to providing health care services to the children, the CRC provides on responsibilities for the state institutions as well. The Article 23 of this Convention provides: *"States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other*

international human rights or humanitarian instruments to which the said States are Parties”.

Health care and child welfare can be best attained with the engagement and support of institutional mechanisms. They could be supported by social services, educational institutions of pre-school and primary levels, etc. Child welfare means that individuals must, as main responsible persons, make best efforts to provide children with a sufficient physical, mental, health care, moral and social development (CRC, 1990). In case of interests of the child require, a parent may also entrust the children to a person meeting the criteria for a custodian, for a better education and welfare of the child. When deciding in a judicial proceeding, the court must always have in mind the wishes and emotional needs of the child, in case the child is over 10 years of age. In such cases though, the Court always hires an expert, the custodian authority and the Centre for Social Work. In this way, the District Court in Prishtina, with its judgment C. No. 126/2010, decided that the child should live with its father, because of better living conditions, the attachment of the child with its father, and based on the psychologist's opinion and the opinion of the Centre for Social Care, to serve better the child's welfare and education (Gashi; Aliu; Vokshi, 2012).

Parents of children with physical and psychological disabilities have special duties of care. They must take measures to protect children from unauthorized use of narcotics or psychotropic matters, and to protect them from any form of unauthorized use or exploitation, they must protect them from physical and psychological violence, mistreatment, etc. All these are made possible in cooperation with social, police and rehabilitation institutions.

It is a responsibility of the parents to make sure their children are raised with values of honesty, love for country, respect for basic principles of behaviour, and independence against others, and freedom of expression. Such a style of upbringing means that parents have no moral or legal rights to influence the lives of their children (Austin, 2013). Welfare of the children as a responsibility of both parents is also guaranteed by the Convention on the Rights of the Child, Articles 7, 9, 10; the Constitution, section 27; Child Protection Act, sections 27, 28, 29, 30; Family Law Act, sections 116, 117, 118), “Family is a natural development environment for a child. Primary responsibility for raising and developing a child lies on his/her parents. Children have the right to be cared by both parents and

have the right to communicate with both parents even if they are not living together. ``

2. Upraising and education

The education and upbringing of the children is a constitutional right. At the same time, this is a responsibility and an obligation for the parents, but also for the institutions. As a physical creature, the child gets its first steps of education and personality within the family. The child is first educated in tolerance or aggressivity, good or bad conduct, in the family. It is a responsibility of both parents to educate their children on proper values, human rights and values, communication in society, protection of fatherland as an indisputable value, and tolerant conduct. Education must be provided in compliance with natural inclinations, skills and desires, for the child to enjoy full development of personality, and his/her mental and physical abilities. Nevertheless, education and upbringing is now obtained also outside the family, in kindergartens, schools, vocational and pedagogical institutions. The responsibility of providing education and upbringing is first and foremost a responsibility of parents, but institutions have their own responsibilities as well, as guaranteed also by the *Convention on the Rights of the Child*, articles 28, 29; *the Constitution*, section 37; *Child Protection Act*, section 39; *Basic Schools and Upper Secondary Schools Act*, section 9: ``A child has the right to education. The state must keep open enough educational institutions (basic schools, upper secondary schools, vocational schools and institutions of higher education) so that education would be available to everyone who desires it. Necessary study materials and basic and upper secondary school education have to be available without charge.``

There can be no dispute that punitive measures against children may be taken, when required in reasonable conditions, and in relation to the pedagogical manners and methods of educating children. Corrective education *ius corrigendi* has an extent, which means it may include a reprimand, deprivation of play with friends, or deprivation of an award or meeting a desire, which is not deserved due to the conduct, and may be tolerable. Still, exceeding pedagogical or educative methods, by using violence or other rough punitive measures, cannot provide encouraging results in child education, and may only represent a violation of basic rights of the child as a human being.

Education is an indisputable value, being the most dignified fighter in eradicating illiteracy. For the enforcement of all these responsibilities, parents cannot exercise such measures so as to limit the independence of children. Measures of control may only be moderated and extend to a degree of influencing the child, but not to stimulate lies, deceit or other inappropriate conduct (Podvorica, 2011). Parents are also responsible for education of their children jointly, by choosing schooling institutions in relation to the inclinations and affections of the child, and providing financial support to the child up to the age of 26. In this manner, *“If the child has not completed schooling until majority, parents are under the obligation to provide all necessary support to ensure schooling, respectively education at a faculty, the latest until the child is 26 years of age” (LFK, Article 290, item 2).*

By legal provisions of the KFL, children are provided free-of-charge compulsory primary and secondary education. In compliance with the Convention on the Rights of the Child, the Law on Pre-University Education in the Republic of Kosovo⁸ provides that primary education is compulsory, and is offered free of charge (LPUE, Article 9.3 and 9.4).

With their education, children are prepared to exercise various vocations, generate income, obtain basic scientific knowledge, communication and observation skills, and analytical abilities and creativity (LPUE, Article 1). Education is provided equally to all children, without any discrimination in racial, gender, community belonging or any other grounds. In terms of superior education, parents may choose between institutions, public and private, to educate their children for the best future possible. The responsibility for appropriate education is also held by public institutions, which with their public policies make efforts to guarantee their citizens education without any type of discrimination. In this regard, even the European Court of Human Rights has stated in case no 15766/03 on 16 March 2010 *Oršuš et al. versus Croatia* that a very serious reason must be behind unequal treatment of children in school. *“This case discussed the school education for Romas. Separate classes were formed of Romas, which were supposed to be opportunity classes. Formation of separate classes was justified with insufficient knowledge of the local language. The court decided that formation of separate classes is not in accordance with discrimination prohibition and right to equal treatment, as the language skills of Romas were not tested adequately before the commencement of studies and during the study process. Special classes could*

⁸ Law no. 04/L-032 on Pre-University Education in the Republic of Kosovo, hereinafter: LPUE.

*have been justified if suitable tests would have been applied and the school would have wanted to deal with the language skills of students in special classes with an aim to integrate them to ordinary classes step by step.*⁹

Education and upraising are national values, and they must be kept to the highest level possible. This is also guaranteed by the Accreditation Agency with its supervision¹⁰. In another case before the European Court of Justice, the Court has stated in case C-480/08 Maria Teixeira versus London Borough of Lambeth, Secretary State of Home Department that according to Regulation no. 1612/68, Article 12 of the Council of Europe, a child will have the right in the European Union to have access to education, if he/she has started to live in a member state of the European Union while his/her parent works there. *“The right is still valid even when the child's parent loses his/her job. The purpose of the article is to ensure that the children of the citizens of EU member countries could finish their studies at their school in the member state where their parents used to work as a migrant worker, if their parents should lose their jobs. The court has stated in the same case that the right of residence, allowing the parent to remain in the country, of the parent taking care of the child ends when the child becomes an adult (except in cases when a child needs the presence and care of his/her parent to continue and complete his/her studies).”*¹¹

3. Conclusions

Children are the most important values of peace and justice. For this reason, parental responsibilities are provided upon by law, the Constitution of the Republic of Kosovo, and international treaties.

⁹ Grand Chamber Case of orŠUŠ and others v. CROATIA (Application no. 15766/03) Judgment Strasbourg 16 March 2010

¹⁰ Accreditation: efers to the process by which under applicable law the National Qualifications Authority (NQA) defines, monitors and audits the institutions (assessment bodies) which assess candidates and issue certificates and diplomas and any other body which carries out functions on behalf of the NQA. (LPUE, Article 2.1.1)

¹¹ Judgment of the Court (Grand Chamber) of 23 February 2010. Maria Teixeira v London Borough of Lambeth and Secretary of State for the Home Department. Reference for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom. Freedom of movement for persons - Right of residence - National of a Member State who worked in another Member State and remained there after ceasing to work - Child in vocational training in the host Member State - No means of subsistence - Regulation (EEC) No 1612/68 - Article 12 - Directive 2004/38/EC. Case C-480/08. Reports of Cases 2010 I-011107

Parental responsibilities, starting from the most elementary, such as names and surnames, welfare and education, must be exercised in the best interests of the child, since children enjoy such rights by nature, and based on the applicable law, and in compliance with international treaties, they guarantee that such rights cannot be exercised by parents as if they were owners of such children.

Parental responsibilities against children are mainly related to the assignment of name and surname, education, welfare, upraising, representation, tenure, so that children are well-developed and in proximity with their affections and abilities, for them to be devoted and useful citizens.

To achieve such goals, the state and society guarantees free-of-charge primary and secondary education, which covers for the parents and children without the main conditions of living. Our legal system guarantees equality for both parents, fathers and mothers, in exercising their personal responsibilities over their children. Such equality did not exist in prior customary law, because from the assignment of the name and to the financial support, all responsibilities were exclusively kept by the father, the family's *pater patestas*. Now the women, namely mothers, have equal personal responsibilities to the children, and exercise the rights equally with the father on all parental responsibilities.

Court practice shows that judicial rulings and proceedings guarantee that the child is at the centre of attention, and the child's best interests are served. According to the law, these interests and rights are protected by official persons *ex officio*.

4. Recommendations

The Kosovo legal framework is now complete with parental responsibilities, and is approximated with European standards and international conventions. Therefore, we may only recommend strict implementation of legal rules in the area of personal parental responsibilities, especially in ensuring equal education for all children, free of discrimination, and commensurate to children's abilities and affections.

To increase parental and state institutions' vigilance, with a key focus on the best interests of the child, thereby allowing attainment of greater results in child education and upraising in rural areas, thereby providing also new

school facilities, for the attendance of schools by children to be the highest possible, and ultimately eradicating illiteracy.

Handicapped children must be provided appropriate conditions for education and upraising, adequate education aids, and specialized staff members to provide education in such schools.

Provide for institutional oversight (of custody, parents), psychologist present in schools and weekly meetings with children, with a view of preventing deviating phenomena in schools, such as: violence, use of narcotics, use of cold weapons, which are now endangering the safety of children in schools, etc.

The child, as the centre of interest of parents, society and institutions, undoubtedly requires the cooperation of parents, family members, and experts such as psychologists and centres for social work. Social services must include professional oversight of exercise of parental rights, while financial support for poor children and families be increased, for such children to be provided with dignified education, upraising and welfare. Such cooperation ensures that even in judicial proceedings, in terms of evidence collection and review, there are successes in reaching fair rulings for the interests of the child.

In the old Albanian society, it used to be practice that grandparents had a greater role in exercising parental responsibilities, even at the cost of parents's rights, and mingling with parental authority. With the democratization of social relations, the parental responsibilities are now exclusively limited to parents, thereby excluding everyone else from any interference with such exercise. In this manner, the grandparents have begun feeling the need to help parents in exercising their parental responsibilities. Children as human beings also need to meet grandparents, since they also are legally bound to provide for food. It being a right of the children and parents, we consider that parents cannot prohibit contacts of children with grandparents, as long as such contacts do not violate interests of the child. All this is understood, since parents have moral and legal obligations to provide their children with a sound environment, contacts with family and social circles.

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