



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

ADMINISTRATIVE INSTRUCTION (GRK) NO. 06/2023 ON THE DETERMINATION OF APPROPRIATE PREVENTIVE AND PROTECTIVE MEASURES TO PROHIBIT CHILDREN'S PARTICIPATION IN NIGHT CLUBS AND OTHER SIMILAR SPACES¹

¹Administrative Instruction (GRK) No. 06/2023 on the Determination of Appropriate Preventive and Protective Measures to Prohibit Children's Participation in Night Clubs and other Similar Spaces has been approved in the 154th Meeting of the Government of the Republic of Kosovo, with the Decision No. 04/154, dated 09.08.2023.

The Government of the Republic of Kosovo,

Pursuant to Article 93 (4) of the Constitution of the Republic of Kosovo, based on Article 8, paragraph 4, under paragraph 4.5 of the Law on the Government of the Republic of Kosovo, in accordance with Article 44 (4) of the Law on Child Protection (Official Gazette of the Republic of Kosovo, No. 14/17 July 2019) as well as Article 19, paragraph 6.2 of the Regulation of Rules and Procedure of the Government No. 09/2011 (OG, No. 15, 12.09.2011),

Approves:

ADMINISTRATIVE INSTRUCTION (GRK) NO. 06/2023 ON THE DETERMINATION OF APPROPRIATE PREVENTIVE AND PROTECTIVE MEASURES TO PROHIBIT CHILDREN'S PARTICIPATION IN NIGHT CLUBS AND OTHER SIMILAR SPACES

Article 1 Purpose

1. The purpose of this administrative instruction is to protect children's physical and mental health, safety and welfare by prohibiting their participation in night clubs, establishments intended for alcohol consumption, adult entertainment centres and other prohibited forms in which they are exposed to inappropriate situations and substances prohibited for their age.
2. This instruction also includes the determination of measures and actions that are required to be taken by the responsible authorities at the central and local level as well as the responsibility of businesses, parents and/or guardians regarding child protection from forms that threaten the health and safety of the child.

Article 2 Scope

1. This Administrative Instruction shall be applied by all relevant institutions, businesses registered as night clubs, adult entertainment centres and other forms to which the prohibition on child participation applies.
2. This Administrative Instruction shall also be applied by parents, guardians, child protection professionals, in accordance with the mandate, obligations and responsibilities provided by the relevant Law on Child Protection as well as other relevant legislation in force.
3. This administrative instruction does not address games of chance which are prohibited according to Law No. 06/L-155 on Prohibition of Games of Chance.

Article 3 Definitions

1. The expressions, terms and acronyms used in this Administrative Instruction shall have the following meaning:

1.1. **child protection services** – shall mean all services aimed at providing protection to children according to the principles of this administrative instruction;

1.2. **night club** – shall mean the places and bars that open and operate especially during night hours, where alcohol, tobacco and other substances prohibited for children are consumed, and/or have loud music and reduced lighting;

1.3. **adult entertainment centres** – shall mean the establishments intended for socialization and recreation where alcohol, tobacco and similar substances prohibited for children are consumed including, but not limited to, different bars, events organized for adults, outdoor events the character indicates that the participation of children may result in physical and mental harm and may threaten their safety, such as festivals, concerts, etc.;

1.4. **other prohibited forms** – shall mean the establishments prohibited by the legislation in force and those that by nature are not appropriate for the presence of children;

1.5. **MIA** – shall mean the Ministry of Internal Affairs;

1.6. **MIET** – shall mean the Ministry of Industry, Entrepreneurship and Trade;

1.7. **SOP** – shall mean Standard Operation Procedure.

2. Other expressions, terms and acronyms used in this administrative instruction shall have the same meaning as defined in the Law on Child Protection.

Article 4 Guiding principles

In all the actions and measures provided by this administrative instruction, relevant institutions and stakeholders shall be guided by and should take into account and implement with priority the basic principles defined in the Convention on the Rights of the Child and in the Law on Child Protection, in order to ensure that the life, dignity and integrity of the child is guaranteed and protected at all times.

Article 5 Prevention

1. The responsible authorities and institutions shall be required to undertake all measures and actions to prevent any and all actions that threaten the child's welfare and interest, including participation in the spaces or environments defined by this Administrative Instruction.

2. The responsible authorities and institutions shall undertake the necessary professional and legal measures to promote the rights of the child, raising awareness of and educating children,

parents and society in general, issuing proactive policies and measures to address the needs of vulnerable and discriminated groups, parents and family support.

Article 6 **Response and prohibition**

1. Responsible authorities and institutions shall respond to prohibit children's participation in night clubs, adult entertainment centres and other prohibited forms.
2. Responsible authorities and institutions shall actively control the spaces of night clubs in order to ensure that children are not present.

Article 7 **Treatment and assistance**

1. The responsible authorities and institutions shall, according to the Law on child protection and this administrative instruction, take actions to deal with the children who frequent night clubs, adult entertainment centres or other prohibited forms, including but not limited to:

1.1. legal compensation;

1.2. financial and professional support;

1.3. counselling and long-term treatment in accordance with the damage caused and the impact on the child's life.

2. Reporting and complaint mechanisms, including a direct helpline, should be integrated into the child protection system.

Article 8 **Proportionality of restrictions and prohibitions**

1. Proportionality of restrictions and prohibitions requires that the goal of restriction is achieved with the least restrictive measures, while protecting and balancing the interests and rights of the child.

2. In the event of a well-grounded suspicion or when a danger to the child has been identified, all responsible parties are obliged to take measures to prevent any participation of the child in night clubs and other prohibited activities according to this administrative instruction.

3. The restriction and prohibition referred to in paragraphs 1 and 2 shall end at the moment when it is estimated that the risk ceases to exist and that the child has reached the appropriate level of awareness of those risks.

Article 9

Prohibition of children's participation in night clubs

1. Night clubs are obliged to prohibit the entry of children in all club premises, whether external or internal.
2. Night clubs are obliged to take measures to control the age of participants in order to prevent the entry of children into the night club premises.
3. In case the child for various reasons has entered and is present in the night club, then the person in charge of the night club must immediately notify the police and/or the centre for social work.
4. If adults during their participation, or institutions during the control and inspection identify or discover that a child is present in the night club, the police or the centre for social work shall be immediately notified.
5. Night clubs must place distinctive signs at the entrance and in visible parts of the premises indicating that the participation of persons under the age of 18 is prohibited.

Article 10

Prohibition of children's participation in adult entertainment centres and similar spaces

1. If it is estimated that the child's participation in an entertainment centre or other similar space will be harmful to the physical or mental health or is against the best interest of the child, the responsible persons near these centres, but also parents and guardians shall take actions that prevent and prohibit the participation of the child, including but not limited to the prohibition of participation in the following places:
 - 1.1. recreational and sport centres;
 - 1.2. amusement centres;
 - 1.3. cinema or theatre;
 - 1.4. different bars;
 - 1.5. adult events;
 - 1.6. festivals or concerts.
2. Preventive measures from paragraph 1 of this Article shall apply in line with a prior assessment based on the following criteria:
 - 2.1. child's age;
 - 2.2. degree of hazard;

- 2.3. type of service provided;
- 2.4. potential level of impact;
- 2.5. format of the organized event.

Article 11 Identification

1. The following shall be responsible for identifying the child who is present in night clubs, participating in other prohibited forms:
 - 1.1. owners, managers or responsible persons of night clubs, adult entertainment centres or other prohibited forms;
 - 1.2. inspectorates at central and local level;
 - 1.3. Kosovo Police;
 - 1.4. schools;
 - 1.5. child protection authorities at central and local level;
 - 1.6. parents or legal guardians.

Article 12 Obligation to report

1. Any natural or legal person who notices, has reason to suspect or has information about a situation where the child is participating in night clubs, adult entertainment centres or other prohibited forms or even in situations where the child is being sold alcohol, or any substance harmful to their health, is obliged to report the case, in writing or orally to the police, to the relevant centre for social work.
2. The Centre for Social Work has a duty to inform the Police in any event of a child protection referral, and vice versa, the police body has an obligation to inform the Centre for Social Work in any event of reported cases of child abuse from the forms referred above.
3. Failure to report child abuse according to the legislation in force is a criminal offence and is prosecuted in accordance with the relevant legislation in force.

Article 13 Referral

Central and local level authorities, including parents and guardians, shall refer the identified or reported cases to the child protection services, when they are entities involved in situations prohibited by this administrative instruction and the Law on Child Protection.

Article 14 **Inter-institutional cooperation**

1. Central and local level authorities, as well as other responsible parties, shall take appropriate steps to strengthen inter-institutional cooperation in order to prevent, identify, report and refer cases to child protection services, for actions that include prohibiting participation in night clubs, adult entertainment centres or other prohibited forms.
2. Local or international non-governmental organizations and international organizations that are specialized in this field may also be part of the inter-institutional cooperation and coordination between authorities.
3. In the framework of inter-institutional cooperation, in addition to the aspects of preventing this phenomenon, aspects that help children in their physical, psychological and emotional rehabilitation should also be included.

Article 15 **Role and responsibility of the Ministry of Internal Affairs and subordinate Agencies**

1. The Ministry of Internal Affairs shall have the central role in coordinating actions and activities in the prevention, identification, reporting and referral of cases of children who participate in night clubs, adult entertainment centres or other prohibited forms.
2. The Ministry of Internal Affairs, through the Kosovo Academy for Public Security, shall develop special professional capacity building programmes in the field of child protection for the prohibition of participation in night clubs, adult entertainment centres and other prohibited forms.
3. The Ministry of Internal Affairs through the Academy for Public Safety in updating the training curricula for the further specialization of Police Officers in the treatment and protection of children.
4. The Kosovo Police shall assist other authorities in preventing and combating children's participation in night clubs, adult entertainment centres and other prohibited forms.
5. The Kosovo Police shall develop different actions plans in order to:
 - 5.1. prevent the dangers arising from children's participation in night clubs, adult entertainment centres and other prohibited forms;

5.2. identify children with a potential risk of becoming victims and those who can organize the performance of actions that contradict the prohibitions provided by the relevant law on child protection and this administrative instruction;

5.3. adopt SPOs for the purpose of detailing the principles and standards of action from the Kosovo Police in relation to the protection of children from the forms prohibited with the relevant law on child protection and this administrative instruction.

Article 16

Role and responsibility of the Ministry of Industry, Entrepreneurship and Trade

1. The Ministry of Industry, Entrepreneurship and Trade, namely the Business Registration Agency when issuing a business certificate, as well as the Municipality when issuing a work permit for night clubs, adult entertainment centres and other prohibited forms for children shall, according to this Administrative Instruction, define the operating conditions.
2. Businesses registered as night clubs may open and operate at a distance of at least 2 kilometres in direct route from schools and educational facilities.
3. As part of the licensing and work permit conditions, businesses registered as night clubs, adult entertainment centres and other prohibited forms shall also be prohibited from advertising near schools and educational facilities for the activities referred to in paragraph 1 of this Article.
4. The Market Inspectorate, in coordination and cooperation with other institutions mandated for the implementation of this administrative instruction, shall draw up plans for business inspections.
5. The Ministry of Industry, Entrepreneurship and Trade shall update and define new rules in accordance with the restrictions and requirements provided by this Administrative Instruction, upon issuing business registration certificates for existing and new businesses.

Article 17

Role and responsibility of the Ministry of Education, Science, Technology and Innovation

1. The Ministry of Education, Science, Technology and Innovation shall have the obligation to ensure the implementation of policies for the protection of children from the dangers of participation in night clubs, adult entertainment centres and other prohibited forms, through prevention and response throughout the work process that takes place in educational and training institutions.
2. MESTI shall accredit programmes aimed at implementing didactic modules that help teachers address children's participation in prohibited activities.
3. MESTI shall deliver capacity building of the educational staff on child security and quality case reporting and referral.

4. MESTI shall address this issue at all academic university units that train workforce to work with children.
5. MESTI shall coordinate the implementation of measures derived from this administrative instruction with the municipal education directorates.
6. MESTI shall coordinate with development partners and civil society in addressing the protection of children from these forms in the best way possible through the education system.

Article 18

Role and responsibility of the Centre for Social Work

1. Centres for Social Work shall undertake the necessary measures for case identification, reporting and referral of child abuse who participated in night clubs, adult entertainment centres and other prohibited forms.
2. Centres for Social Work shall undertake preventive and awareness raising measures in schools, neighbourhood, and the community on the dangers associated with the participation of children in night clubs, gambling and other prohibited forms.
3. Centres for Social Work shall provide professional services for the protection of children who are in night clubs, adult entertainment centres or other prohibited forms.
4. Centres for Social Work shall hire a social officer for the coordination of measures and interventions for the protection of children from the forms prohibited by the relevant Law on Child Protection and this Administrative Instruction.

Article 19

Role and responsibility of relevant inspectorates

1. The market inspectorate, in cooperation and coordination with other inspectorates at the central and municipal level, shall organize regular and emergency inspections and controls in order to implement the prohibitions provided for in the relevant Law on Child Protection and this Administrative Instruction.
2. In cases of violations and offences committed by businesses, the Inspectorate shall undertake actions according to the relevant legislation in force.

Article 20

Non-Governmental Organisations

1. Non-governmental organizations within the framework of their mandate and responsibilities for the protection of children from participating in night clubs, adult entertainment centres or other prohibited forms defined in this Administrative Instruction, shall engage in:

1.1. representation of the voice and interests of all children in decision-making structures;

- 1.2. representation of children's perspectives and promoting their protection from participation in night clubs, adult entertainment centres and other prohibited forms;
 - 1.3. promotion and increase of children's participation in all processes affecting their interests;
 - 1.4. mediation and facilitation of communication with the responsible authorities and institutions;
 - 1.5. awareness-raising for the protection of children from abuse in night clubs, games of chance and other prohibited forms;
 - 1.6. advocacy for the protection of children from abuse in night clubs, adult entertainment centres and other prohibited forms;
 - 1.7. provide protection services for children who are victims or who are at risk of participating in night clubs, adult entertainment centres and other prohibited forms
2. NGOs shall assist and support the responsible authorities and institutions in implementing the obligations derived from this Administrative Instruction, particularly:
 - 2.1. capacity building;
 - 2.2. awareness raising;
 - 2.3. local, regional and international cooperation.

Article 21

Capacity building

1. The Kosovo Institute for Public Administration, the Kosovo Academy for Public Security in cooperation with the relevant Ministries, central and local Inspectorates as well as the Kosovo Police shall, within the existing programmes or through the development of new programmes, develop curricula or special training modules for professional capacity building of inspectors, social officers, police officers, public officials and other professionals in implementation of this Administrative Instruction and the relevant legislation regulating this field.
2. The training programmes shall cover topics including but not limited to the following:
 - 2.4. legal role and responsibilities;
 - 2.5. case identification and tracking;
 - 2.6. reporting;

2.7.referral;

2.8.investigation, and;

2.9.treatment.

3. In implementing paragraphs 1 and 2 of this Article, training institutes and academies may also cooperate and coordinate activities for the development of trainings with civil society organizations.

Article 22

Information campaign

1. Responsible authorities and institutions, together with partners from civil society and the media, shall work intensively to share positive practices and models regarding child protection from participation in night clubs, adult entertainment centres and other prohibited forms.

2. Responsible authorities and institutions shall develop information and awareness campaigns, including children, parents, guardians, the community and all child protection professionals.

3. Information and awareness-raising campaigns shall focus specifically on:

3.1.raising children's awareness of the danger of their participation in night clubs, adult entertainment centres or other prohibited forms;

3.2.raising parents' awareness of the danger of their children participating in night clubs, adult entertainment centres or other prohibited forms;

3.3.raise awareness of the long-term impact on children's physical and mental health;

3.4.raise awareness of the educational, family, economic and social impact.

4. Awareness campaigns should be comprehensive and coordinated in terms of sending the message to interest groups and mobilizing them for the cause of protecting children from the dangers of participating in night clubs, adult entertainment centres and other forbidden forms.

Article 23

Awareness-raising and empowerment of children and parents

1. The Ministry of Internal Affairs, together with the Police and the Ministry of Education, Science, Technology and Innovation and the Municipal Education Directorates, shall take measures aimed at raising awareness and empowering children, parents and all citizens, on prevention and response in relation to:

1.1.the danger of children’s participation in night clubs, adult entertainment centres or other prohibited forms;

1.2.encourage the reporting of websites that advertise unwanted content;

1.3.increase joint responsibility of public institutions, civil society organizations, teachers, parents, and the media on child protection from participation in night clubs, adult entertainment centres and other prohibited forms.

2. Programmes and measures for the empowerment of children and parents shall focus on three directions:

2.1.behaviour and approach of children and parents, where they manage to:

2.1.1. recognize their abilities and needs;

2.1.2. are capable of taking actions that affect their lives;

2.1.3. are capable of taking actions to protect their rights;

2.1.4. share their knowledge and experiences to help others who are vulnerable or in need of protection;

2.1.5. develop sufficient self-confidence to face threats to themselves and others;

2.1.6. they have the will and desire to deal with the challenges or problems facing them.

2.2.children and parent’s training, where they achieve:

2.2.1. capacity to act;

2.2.2. are sufficiently equipped with knowledge, skills and information;

2.2.3. have the independence to think and act as individuals, but also within groups or different organizations.

2.3.create conditions and opportunities for children and parents, such as:

2.3.1. children and parents know the right address to seek information and report concerns and worries;

2.3.2. develop adequate knowledge in children and parents;

2.3.3. facilitate forms of communication between the institutions on the one hand, and children and parents on the other;

2.3.4. mutual education to increase trust and interaction between parents and children.

Article 24

Publication of the list of dangerous products for children's health and safety

1. No later than three months after the entry into force of this Administrative Instruction, the Ministry of Industry, Entrepreneurship and Trade shall update the list of dangerous products for children's health and safety.
2. Immediately after issuing the list referred to in paragraph 1 of this Article, MIET shall publish this list on the government portal, the website of the ministry as well as through other appropriate channels of information. The Ministry shall also notify businesses of the obligation to implement the list.

Article 25

Entry into force

This Administrative Instruction shall enter into force seven (7) days after the publication on the Official Gazette of the Republic of Kosovo.

Albin KURTI

Prime Minister of the Republic of Kosovo

25/08/2023