



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-76

ON REPRODUCTIVE HEALTH

Kosovo Assembly,

Pursuant to the Chapter 5.1(h) and 9.1.26 (a) of the Constitutional Framework for Self-Government in Kosovo (UNMIK Regulation No. 2001/9 May 15, 2001).

Hereby adopts the following:

LAW ON REPRODUCTIVE HEALTH

Chapter I
GENERAL DISPOSITIONS

Article 1
Purpose of Law

This Law regulates organisation, functioning and the supervision of all activities in the field of reproductive health, in the health institutions, and protects reproductive rights of individuals and couples, including also the right to be informed and to have the access to necessary services.

Article 2
Definitions

For purpose of this Law will serve the terms' definitions from Health Law No. 2004/4, Chapter I, Article 1 and special following definitions:

Reproductive health: is a complete physical welfare, mental and social status which includes any status that belong to reproductive system and which is not defined only as a mere disease absence, function disorder or insufficiency.

Safe maternity: means every woman's right to care necessary for good health from conception to the birth. Main elements for providing safe maternity include high quality care before the pregnancy, during the pregnancy and after the birth.

Reproductive right: is an individual and the couple's right to decide freely and with responsibility on the number, frequency and time when they want to have children, the access right to information, education, communication and instruments which will enable their decisions to be based on evidence.

Family planning: is the individuals and couple's right to get informed, predict and freely decide about the number, frequency and time when they want to have children.

Contraception: means methods and instruments used to interfere the egg cell impregnation and pregnancy development.

Infertility: presents the highlighted-stressed and unwilling reproductive natural capacity reduction of a heterosexual couple for having children at the matured biological reproductive age, within two years' time of a stable sexual life and certified for not using contraception.

Assisted reproduction: is a complex of medical services aiming to regulate infertility including all trainings and procedures for an artificial insemination, in-vitro fertilization laboratory procedures, and medical actions with female and male genetic materials aiming to artificial fecundation and placement of the gained embryos.

Artificial insemination: presents a process through which the sperm is placed in or near the female reproductive organ using the assisted medical reproduction techniques and not sexual relations.

Fertilization in vitro: the assisted medical reproduction technique by egg cell fecundation with male gamete performed outside the female organism, actually in laboratory and resulting with an embryo, transferred into miter with purpose of its implantation and development into a fruit.

Confinement: 6 weeks' time period after the birth.

Menopause: female's life period when the menstrual cycle stops.

Andro-pause: male's life period when the male hormonal balance is changed.

Bearing mother: a female who accepts the embryo's carrying-bearing gained by the assisted medical human reproduction and its implantation into her miter-womb, keeping-holding the complete pregnancy and birth and who voluntary waives the legal right for the born child from this act, basing on the concluded contract with the infertile couple.

Article 3

Ministry of Health organizes and coordinates activities in these sexual and reproductive health fields:

1. Reproductive right;
2. Information, education and advice on sexual and reproductive health during all life cycle;
3. Safe maternity;
4. Family planning;
5. Prevention and appropriate infertility treatment;
6. Safe pregnancy interruption-stoppage;
7. Prevention services and sexually transmissible infections' treatment such as HIV/AIDS, as well infections and diseases of the reproductive tract;
8. Prevention, early detection-discover and treatment of the malign diseases of the reproductive system and breast carcinoma.

Chapter II
REPRODUCTIVE, INFORMATION, EDUCATION
AND ADVICE RIGHT

Article 4

4.1. Each individual, regardless of gender, ideological, religious or cultural orientation is guaranteed-ensured the right to information and education for sexual and reproductive health during all his/her life cycle.

4.2. All persons and couples have the right, respecting wishes of each of the couples, to decide freely about the time, number and birth intervals and to be informed about necessary means for their realization.

4.3. This Law guarantees to each individual the right to make a decision on realization of reproductive rights according to their free wish and interest without any discrimination, enforcement and violence.

4.4. Reciprocal respect, understanding, personal integrity indefeasibility and responsibilities sharing for sexual behaviors and their consequences are the female and male bilateral obligation.

Article 5

5.1. Each individual has the right to a healthy sexual and reproductive life chosen by his/her will.

5.2. No female can be forced to get pregnant.

5.3. Any medical intervention related to sexual and reproductive health shall be done according to Law for the citizens' rights and responsibilities to health care No. 2004/38.

Article 6

6.1. Any individual is provided with access to health services of the highest possible standard relating to sexual and reproductive health, and in his, her sexual and reproductive health protection and improvement and has the right to request advice, medical examination, suitable treatment and rehabilitation for a healthy sexual and reproductive life according to Law for the citizens' rights and responsibilities to health care No. 2004/38.

6.2. All persons have the right to benefit from the scientific progress and new technologies in relation to reproduction and sexuality, when they are safe and acceptable.

Chapter III
SAFE MOTHERHOOD

Article 7

Any female has the right to a safe motherhood.

Article 8

8.1. All females, before and during the pregnancy, during birth and in confinement period have the right to benefit without any co-payment in the public health institutions for following services:

1. pre-conception advice,
2. periodical antenatal health care,
3. health care during birth,
4. periodical and health care attendance while in confinement,
5. Baby care.

8.2. Every female has the right to health care during her pregnancy, the right to the assistance during the birth and to benefit from the application of methods and practices which minimize the risk of her health or the fetus's, newborn's and the child's health.

Article 9

9.1. Number and type of the recommended examination for the pregnant women and their performance periods will be determined with a sub-legal act by Ministry of Health.

9.2. All health employees of health institutions who offer pregnancy care are obliged to complete the personal Pregnancy booklet and the Child's booklet.

9.3. Use of the health documentations will be regulated by sub-legal act.

Article 10

Mother and baby newborn are entitled to highest possible level of health care and support.

Article 11

The care before and during pregnancy, birth and confinement will be offered by the gynecology and obstetrics specialized doctors, neonatology, pediatric, family doctors, midwives and family nurses within their duties and responsibilities.

Chapter IV
FAMILY PLANNING

Article 12

All individuals and couples have right to be informed about the risks, education and communication based on the evidence, free choice and benefit from use of safe means and methods, resistible and acceptable for family planning.

Article 13

13.1. Advice providing services for family planning will be provided by health or social trained staff and at institutions, which offer confidentiality.

13.2. It is duty of the health or social employee at the health institutions to inform the individual or couple relating to family planning.

Article 14

Acceptable family planning methods and means will be determined by a sub-legal act.

Article 15

Only specialists of gynecology and obstetrics and family doctor are allowed to prescribe contraceptives or recommend use of the means and medical contraceptive technologies.

Article 16

Chirurgic contraception and implantation application as well the intra-uterine dispositives will be performed only by the specialists of gynecology and obstetrics or urology.

Article 17

17.1. Artificial sterilization is a legal method for family planing and is executed according to the article 109 of Law on Health .

17.2. Each person has the right to undergo on its own will the surgical methods for sterilization.

Chapter V
ASSISTED REPRODUCTION

Article 18

Assisted reproduction corresponds to free will and couple parental request to have a child and by treating the infertility medical causes or prevent transmission of diseases from parents to child.

Article 19

Techniques Application of the assisted reproduction is performed-carried out by the team of licensed professionals by the Ministry of Health:

1. When the couple has failed in their attempts for having a child for a period of at least two years up to the moment when the assisted reproduction is executed;
2. When the writing approval is taken for each medical procedures cycle by the interested individuals and couple according to the Law for the citizens' rights and responsibilities in health care No. 2004/38.

Article 20

The assisted reproduction is used in cases when:

1. Other infertility treatment methods for a female, male or partners are not productive or suitable and do not guarantee a desired result;
2. It is recommended for the prevention of parent to child transmission of genetic diseases;
3. It is recommended for the prevention of transmission of other diseases which would result in a premature death, mental backwardness and or serious child disability;
4. It is considered as the only alternative for childbirth.

Article 21

The assisted reproduction includes the clinical and biological procedures, which enable:

1. artificial insemination,
2. in-vitro fertilization,
3. transfer of embryos,
4. other equivalent techniques, which allow reproduction out of natural process.

Article 22

Prior to being subject to assisted reproduction, according to the Law for the citizens' rights and responsibilities in health care No. 2004/38, the beneficiary couple shall be:

1. informed about procedures success or failure,
2. informed about mother and child's risks,
3. evaluated for their motivation,
4. informed about legal opportunities for a child adoption and address-refer to respective social institutions.

Article 23

The prohibited activities in the assisted reproduction field are as follows:

1. embryos abuse-misuse for commercial, industrial and experimental purposes;
2. genetic manipulations in embryos;
3. illegal embryos donations;
4. gametes trafficking;
5. gametes mixing;
6. intermediate agreement for a substitution maternity,
7. post-mortem insemination without the prior partner's written consent;
8. violation of the confidentiality data right on the gametes donator;
9. selective abortion of embryos of the specific gender,
10. child's gender selection, except to cases with health indications to mother and child and,
11. Health activities in conformity to article 46 of Law for Health.

Article 24

24.1. Commission formed by Ministry of Health for medical assisted reproduction will be responsible for activities coordination and supervision of the medical assisted reproduction.

24.2. Authority and composition of the Commission for medical assisted reproduction will be determined by a sub-legal act.

Article 25

Conditions, requirements for use of the assisted reproduction technologies, artificial insemination and fertilization resulting with embryo's implantation will be determined by a sub-legal act.

Chapter VI SEXUALLY TRANSMISSIBLE INFECTIONS AND HIV/AIDS

Article 26

Prevention measures, supervision, diagnosis and treatment of sexually transmissible infections, with exceptions to HIV/AIDS, based on standards and health protocols as provided in evidence, by legal and sub-legal acts will be provided by specialists from:

1. public health,
2. family medicine,
3. dermatovenerology,
4. gynecology and obstetrics,
5. urology

Article 27

HIV/AIDS prevention, supervision, diagnosis, treatment and care will be regulated by a sub-legal act.

Chapter VII
ORGANIZATION OF SERVICES FOR SEXUAL AND REPRODUCTIVE HEALTH

Article 28

Ministry of Health determines organization, structure, management, functioning rules, policies and strategies for sexual and reproductive health.

Article 29

Care for sexual and reproductive health includes:

1. services before and during the pregnancy, around birth and confinement;
2. services for child growth and development and child feeding;
3. services for teenage and young people's sexual and reproductive health;
4. services for sexual and reproductive health for persons around the period of menopause, andro-pause and senility;
5. services for advocate, information, education and communication on sexual and reproductive health;
6. services for family planning;
7. prevention and infertility treatment and the assisted reproduction methods;
8. treatment of the infections and reproductive tract diseases;
9. control and curing of the sexually transmissible infections;
10. HIV/AIDS supervision and treatment;
11. Reproductive health services in emergencies.

Article 30

30.1. Services for sexual and reproductive health will be provided by licensed public, mixed and private health institutions in all three health care levels.

30.2. Services Organization for sexual and reproductive health at the health care level will be regulated by sub-legal acts.

Chapter VIII
SPECIAL CATEGORIES

Article 31

Ministry of Health shall provide access to sexual and reproductive health at the highest possible level for these persons:

1. teenage and young people,
2. persons who are in menopause, andropause and senility at need,
3. persons with limited abilities,
4. trafficking persons,
5. marginalized persons

Article 32

Displaced persons and refugees in emergency situations will be provided access to sexual and reproductive basic health services of the highest possible level.

Article 33

Persons who suffer from reproductive system malign diseases and breast cancer will be provided the access to services of the highest possible level in prevention, early detection, treatment and supervision of the malign diseases in accordance to sub-legal acts.

Chapter IX FINANCING

Article 34

Reproductive health's services will be financed conform to article 57 of Law on Health 2004/4.

Chapter X ADMINISTRATIVE SANCTIONS

Article 35

35.1. In case of non-applying and violation of these Law dispositions measures will be taken conform articles 118, 119 and 120 of the Law of Health.

35.2. Violation of legal provisions defined by the present law presents a criminal act, as foreseen by Chapter 21 of Criminal Code of Kosova.

Chapter XI TRANSITIONAL DISPOSITIONS

Article 36

With purpose of this Law application, Ministry of Health will issue sub-legal acts determined by this Law.

Article 37

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-76
10 October 2006

President of the Assembly

Kolë Berisha