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NATIONAL COUNCIL FOR EUROPEAN INTEGRATION

THEMATIC ROUND TABLE ON INNOVATION INFORMATION SOCIETY SOCIAL AND HEALTH POLICIES KOSOVO 2020

REPORT

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This Report has been developed based on series of meetings conducted by the Thematic Roundtable on Innovation, Information Society, Social and Health Policies. As such this Report is part of a set of documents endorsed by Task Force for European Integration. The work of the Task Force for European Integration and its Thematic Roundtables, including the preparation of this Report has been supported by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) through the Project “Support to the European Integration Process in Kosovo”. The views, information and/or arguments do not necessarily reflect the official opinion of the MEI, GiZ or any other stakeholder to every detail.

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I. INTRODUCTION

This is a Diagnostic report of the Thematic Roundtable (TRT) on Innovation, Information Society, Social and health Policies which aims to present the current state of affairs in this sector by reflecting the consensus achieved by all participants. To elaborate the current state of affairs, this report strives to summarise the achievements and challenges in this sector within the EU integration process. As such, it strives to offer an overview of opinions, points of views and assessments which were discussed in the meetings of the TRT, which were held between July 2012 and January 2013.

The report is a result of a discussion paper drafted on the basis of public documents of the governmental institutions, academia, business associations, civil society organisations as well as donor projects and international organisations in Kosovo. The report was complemented in particular by finding of two day meetings organized as workshops in each area of these TRT meetings.

The Diagnostic report is a working document and does not have the status of a policy document. The report is a document with detailed information for the covered areas which will serve as an input in drafting the Overall Diagnostic report for the entire Task Force for European Integration and the Draft National Strategy for European Integration.

The report is structured in total five chapters which cover all areas under the scope of the roundtable, namely; Chapter 1: Education and Science, Chapter 2; Youth, Culture and Sports, Chapter 3; Labour, Employment and Social Policies, Chapter 4; Health Policies, Chapter 5; Information Society. Each chapter initially presents a summary of policies and main objectives of the EU in respective areas. Based on EU policies and objectives, the reports make an assessment of the main achievements in the concerned areas. In addition, each chapter identifies the main strategic challenges of the respective sectors which are a result of two day workshops for each chapter¹, including: 1. Strengths, 2. Weaknesses, 3. Recommendations on how to used the existing strengths, 4. Recommendations on how to eliminated the identified weaknesses.

The report ends with the main conclusions, which are formulated as problems, for all areas under the scope of the Thematic Roundtable on Innovation, Information Society, Social and Health Policies, presented as Annexes. These conclusions are a result of a plenary meeting of the Thematic Roundtable which was held at the end of the process, with the aim to summarize and identify the most important strategic and comprehensive challenges.

¹ Except the meeting on Information Society which was a one day meeting.

Chapter I – Education and Research

1. EU Policies on Education and Training

The EU has only a supportive role with regard to education and training policies. Member States are responsible for their own education and training systems, but they collaborate within the EU framework to achieve joint objectives. Treaty of Rome (1957) referred to vocational education as an area of European Community. However, education was formally admitted as an area of EU policies with the Treaty of Maastricht (1992). The Treaty of Lisbon that was adopted in December 2009 did not change the provisions pertaining to education.

Article 165 of the Treaty of Lisbon dealing with education and vocational training states that “The Union shall contribute to the development of quality education by encouraging co-operation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity”.² Other provisions of the Treaty of Lisbon refer to exchange, student and teacher mobility by mutually recognizing academic degrees, encouraging distance learning, and facilitation and cooperation among institutions within and out of the EU. Furthermore, Article 166 of the Treaty of Lisbon states that “The Union shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training”.³

Chapter 26 of the EU *acquis communautaire* deals with education and training (including culture and youth). Considering that education and training are a primary competence of the Member States, the EU aims at harmonizing national policies through a collaborative framework and maintaining joint objectives through the so-called open method of coordination. This approach resulted with “Education and Training 2010” programme which integrates all actions in the field of education and training at the European level. Member States need to have legal, administrative and financial capacities to ensure appropriate financial management of the European Community programmes for education, training and youth.⁴ The EU *acquis communautaire* for education and training consists of Directive 1977 (on education of children of emigrant workers), action programmes and Conclusions, Resolutions and Statements of the Council, or Council of Ministers of Education who meet within the Council for various issues (for example, equal opportunities, illiteracy, school safety, etc.).⁵

² CPS, Guide of the EU *acquis* related to Education and Culture, December 2010, Brussels & Istanbul, p. 7.

³ Ibid. p. 8.

⁴ http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index_en.htm.

⁵ http://ec.europa.eu/enlargement/archives/enlargement_process/future_prospects/negotiations/eu10_bulgaria_romania/chapters/chap_18_en.htm.

The EU has further strengthened cooperation in the area of education and training in 2009 through EU Strategic Framework for Cooperation in the field of education and training (ET 2020), as a result of prior Program on education and training 2010.⁶ Currently, education and training are considered as one of the EU policies to become a knowledge-based competitive economy. This was underlined in the ET 2020 “Education and training have a fundamental role to play in achieving the ‘Europe 2020’ objectives of smart, sustainable and inclusive growth, notably by equipping citizens with the skills and competences which the European economy and European society need in order to remain competitive and innovative, but also by helping to promote social cohesion and inclusion”.⁷

The EU recognizes that quality pre-school, primary, secondary and higher education as well as quality vocational education and training are key factors for the EU success. However, education process does not end with completion of formal education. The EU pays special attention to lifelong learning, considering it as a high priority in rapid changing world; lifelong learning is crucial for employment, economic success and opportunities of individuals to be fully integrated members of the society. Meanwhile, promotion of linguistic diversity, innovation, creativity and ICT adoption are considered relevant for all education levels.

Long-term EU objectives for education and training policies include:

- Making lifelong learning and mobility a reality;
- Improving the quality and efficiency of education and training;
- Promoting equity, social cohesion and active citizenship;
- Enhancing creativity and innovation, including entrepreneurship, at all levels of education and training.

EU benchmarks for the period up to 2020 are as follows:

- at least 95% of children between the age of four and the age for starting compulsory primary education should participate in early childhood education;
- the share of 15-years olds with insufficient abilities in reading, mathematics and science should be less than 15%;
- the share of early leavers from education and training should be less than 10%;
- the share of 30-34 year olds with tertiary educational attainment should be at least 40%;
- an average of at least 15 % of adults (age group 25-64) should participate in lifelong learning.⁸

⁶ http://ec.europa.eu/education/lifelong-learning-policy/framework_en.htm.

⁷ Council Conclusions on the role of education and training in implementing “Strategy 2020”, (2011/C 70/01), f. 1.

⁸ http://ec.europa.eu/education/lifelong-learning-policy/framework_en.htm.

Considering that Education and Training remains a competence of the Member States, it is up to Member States, with regard to enlargement policy, to harmonize their national legislation with EU Acquis on Education and Training. In this context, EU legislation and programmes do not aim to create joint policies, but aim to develop a collaborative environment between Member States in the field of acquis on education and training in order to meet joint objectives.⁹

2. Kosovo's Policy Framework in the Field of Education

During the last decade, Kosovo's education system has gone through a substantial reforming process. This has resulted with education being one of the few sectors that has developed a comprehensive education strategic framework that covers all education sub-sectors: Kosovo Education Strategic Plan (KESP 2011-2016), approved on 25 August 2011. KESP outlines the framework of policies towards meeting EU standards. Same as ET 2020, KESP too, as a six-year plan, places special emphasis on lifelong learning and inclusive education, as fundamental elements for a knowledge-based society and provision of education for all.

KESP was drafted based on existing strategies in the education sector, mainly on the Strategy for Pre-University Education. The Plan is divided in 8 programmatic areas, for which specific outputs and indicators were defined: 1. Pre-school and pre-primary education, 2. Pre-university education, 3. Vocational Education and Training, 4. Teacher Education, 5. Higher Education, 6. Adult Education, 7. Information and Communication Technology, 8. Capacity Building.¹¹

Funding KESP remains one of the main challenges for its implementation. Based on financial assessments, a total of 242 million Euros are needed to cover the total costs, where recurring cost of 238 million Euros will be needed during six years of implementation. Approximate annual cost for KESP implementation is 80 million Euros, while the costs that will continue to be incurred after KESP implementation are estimated to be 57,8 million Euros per year. In 2009, the budget for the public education sector was 181 million Euros, while the donor contributions outside the budget for 2010 were 46 million Euros (including co-funding).¹² Considering high financial cost of the Strategy, one of the key challenges for MEST is to set priorities, taking into account that donors are reducing their assistance substantially, even though their contribution to the sector still remains high. Donor coordination capacities at MEST are considered be weak and not very operational and they need capacity building in order to contribute to proper budget planning for implementation of the strategy.¹³

⁹ CPS, Guide of the EU acquis related to Education and Culture, December 2010, Brussels & Istanbul, p. 51.

¹⁰ http://ec.europa.eu/education/lifelong-learning-policy/framework_en.htm.

¹¹ Comprehensive Education Strategic Plan 2011-2016.

¹² Ibid.

¹³ Stabilization Association Process Dialogue Meeting: Innovation, Human Capital, Social Policies and Information Society, Brussels, 3-4 May 2012.

A Task Force for financial analysis is established to address identification, proposals and balancing of potential financial sources for strategy implementation. A Steering Committee is expected to be established which will analyse implementation of KESP. The Committee will be an inter-ministerial body with representation from MEST, MEI, MF, MTI and MLSW. The First Joint Review was held in March 2002, where progress, challenges and priority recommendations are presented in an Aide Memoire.¹⁴ The European Commission has acknowledged¹⁵ that KESP approval has positively affected planning and monitoring practices at MEST, with special focus on long term sector-wide planning and implementation. Even though many challenges remain to be addressed, KESP will serve as a key leading document in the education sector with regard to reforms, donor and other stakeholder coordination and financial planning.¹⁶

Strategic Priorities, issues and limitations addressed by KESP include:

- Developing and supporting an inclusive system of education enabling equitable access and diverse education;
- Developing and supporting a pre-school education system that encourages improvement of access and networking of public and private initiatives;
- Reducing the number of shifts in schools by reducing double shift schools (mostly located in the urban areas) by building new primary and secondary schools;
- Developing quality education standards;
- Developing and expanding upper secondary schooling;
- Improving the quality of teaching and learning by better aligning learning outcomes to employment;
- Restructuring of secondary education and promoting vocational education and training and building horizontal and vertical pathways through different sectors and levels of education;
- Developing Centres of Competence (CC) and connections with other providers of VET services;
- Closer alignment between education and employment including the development of tertiary vocational education and training in response to labour market demand;
- Improving the quality of higher education by ensuring quality control, the application of European standards and a review of academic structures organization;
- Expanding provision of higher education and the establishment of the new higher education institutions;
- Establishing research institutions within higher education institutions in order to better link them to societal and economic needs;
- Developing information and communication technology (ICT) in all levels of education;
- Declaring development of human resources a national priority and creating a life-long learning culture.¹⁷

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Comprehensive Education Strategic Plan 2011-2016, p.17

¹⁷ Ibid. p. 49.

Other strategic documents in the education sector include:

- The Strategy for Integration of Roma, Ashkali and Egyptian Community in Kosovo 2007-2017
- Strategic Plan for inclusion of special needs children in pre-university education in Kosovo (2010-2015)
- Vocational Education and Training Strategy (2012-2014)

3. Structure of Education System of Kosovo

Kosovo's education system includes 6 formal levels of education and can be easily described through ISCED system. Education levels from 0 to 3 cover pre-university education, level 4 practically does not exist in Kosovo, while levels 5 and 6 deal with Higher Education.

- Based on the Law on Pre-university Education and in line with ISCED levels, level zero (0) includes two categories of education; 1) pre-school education for age groups 0 to 5 years old which is not part of compulsory education, and 2) pre-primary education for age group 5-6 which is targeted to be part of compulsory education from 2015.
- Level 1 according to ISCED includes elementary education that lasts for 5 years, age groups 6-11, grades I-v respectively.
- Level 2: lower secondary education that lasts for four years, normally age groups 12 to 15, grades VI-IX respectively.
- Level 3: upper secondary education which lasts 3 or 4 years, depending on the curriculum defined by the Ministry, age groups 15-19, including the gymnasia, vocational high schools and music and arts school.
- Level 4: post-secondary education in institutions of vocational education and training in a period of 1 to 2 years, usually from age 18 and above.¹⁸
- Level 5: University education, bachelor and master levels.
- Level 6: University education, doctorate level.

Compulsory education starts at the beginning of school year after the child reaches 6 years old, which is the minimal age for compulsory education and ends at the end of ISCED level 2. Based on the Law on Pre-university Education compulsory education is provided free of charge.

¹⁸ This is defined by Article 9 of Law on Pre-university Education, but which does not exist.

National Qualifications Framework				
NQF Level	Contains qualifications associated with			EQF ref level
	Education programmes	Currently available qualifications	Potential work roles/occupational requirements	
8	Higher education - Bologna 3rd cycle (Doctorate)	Doctorate (A)	Entry to, or continuing professional development within, senior levels of management or higher level professional occupations	8
7	Higher education - Bologna 2nd cycle (Master)	Master degree (A)		7
6	Higher education - Bologna 1st cycle (Bachelor)	Bachelor degree (A)		6
5	Bologna short cycle and/or post-secondary VET	Title of qualifications still unknown (A), (C) Certificates of non-formal providers (D or E)	Specialist/Trainer/ Manager	5
4	Preparation for progression into higher education and/or labour market entry	Matura diploma in general or vocational subjects (B), (C), Vocational education diploma (C)	Qualified Worker/Supervisor	4
3	Preparation for labour market entry (young people and adults)	Vocational education certificate (C) Certificates of non-formal VET providers (D or E)	Semi-skilled Worker	3
2	Progression from lower to upper secondary education (young people), preparation for labour market (adults)	No existing qualifications of formal education system identified Certificates of non-formal providers (D or E)	Low-skilled Worker	2
1	Basic education	No existing qualifications of formal education system identified Certificates of non-formal providers (E)	Minimum level of basic skills, inc. literacy/numeracy, required for entry to lowest level of employment	1

Table 1. The levels of the NQF related to selected stages of lifelong learning in the context of the current education structure and legislation¹⁹

¹⁹ National Qualifications Framework.

4. Situation Analysis per Education Levels

4.1. Pre-school Education

The KESP overall objective of pre-school education is to provide inclusive and equitable access for all children to quality, non-discriminating education up to the age of 6 by 2016 through increasing the capacity of the physical infrastructure and by improved awareness campaigns and by enhancing curriculum and learning materials and initiating a programme for professional development for educators and staff.

Among education levels, pre-school and pre-primary education was not one of the main priorities during the last decade. It has gained more attention from Kosovo's institutions and donors only in the past few years. With respect to legislation, Kosovo has passed the Law on Pre-school Education in 2006, which is the basis for regulating and improving pre-school education. Pre-school education is also regulated by some other provisions of the Law on Pre-university Education, which was revised and adopted in 2011. Then, the Administrative Instruction for licensing of private providers of pre-school education was passed in 2011. Recently in 2011 the Early Childhood Education Development for 0-6 years old were developed. A working groups has been established which is going to pilot the developed standards, while curricula adopted in 2006 for age groups 0-3 and 3-6 year old are expected to be revised.

Besides the Law on Preschool Education, a number of Administrative Instructions on preschool education have been adopted as well:

- AI No. 15/2012 on early childhood care and education
- AI No. 06/2011 (14.09.2011) on licensing and registration of preschool education providers
- AI No. 2/2008 (3.03.2008) on financial means dedicated to financing of pre-school education
- AI No. 6/2008 (3.03.2008) on inclusion of children in preschool education
- AI No. 42 /2007 (9.10. 2007) on conditions and opportunities of supporting the preschool education by the community
- AI No. 44/2007, (9.10. 2007) on duration of other preschool programmes
- AI No. 45 /2007 (9.10.2007) on publication (notices) of organization in pre-schools education providers
- AI No. 46/2007 (9.10. 2007) on the form of preschool education selection by parents
- AI No. 43/2007 (9.10. 2007) on determination of procedures, cases and deadlines of work termination in preschool institutions
- AI No. 41/2007 (9.10. 2007) on tariff reduction to be paid by parents for more than one child in preschool education.
- AI No. 40/2007 (9.10. 2007) on professional pedagogical supervision of educators and professional associates
- AI No. 47/2007 (9.10. 2007) on weekly number of hours for educators
- AI No. 48 /2007 (9.10. 2007) on data of the applying child and forms of data collection

- AI No. 12 / 2006 (25. 04. 2006) on implementation of general preschool education standards (3-6 years old) in Kosovo
- AI No. 13/ 2006 (25. 04. 2006) on implementation of curricula for preschool education (3-6 years old)

Pre-school education in the Republic of Kosovo is currently organized as follows;

- In public institutions (nurseries that include children of 6 months – 3 years old and kindergartens for children of 3-6 years old;
- In private institutions (nurseries for children of 0-6 age group);
- In pre-primary grade (children of 5-6 age group, mainly attached to mainstream schools);
- In community-based centres;

Services are mainly funded through fees paid by users (parents), whereby many institutions are private. Among others, the preschool education financing is a responsibility of municipalities.

Years of early childhood education are critical for child development. Therefore, there is an urgent need to increase access to pre-school education, especially in economically disadvantaged and marginalized areas regarding education opportunities.

Based on MEST education statistics for 2011-2012, the total number of children for this academic year was 25,451, where 5,167 were in specialized pre-school institutions and 20,284 in pre-primary classrooms in primary schools, including 800 groups. In total, there are 41 public pre-school institutions in Kosovo. The level of inclusion of children from communities in pre-school institutions remains low, approximately 5.5% of the total number of children in pre-school institutions and in pre-primary classrooms. During 2011-2013 out 20,288 children registered in preschool education, 744 or 3.66% were from the minority communities. For more information on inclusion of children in pre-school education, please see the table below.

Statistics of Public Pre-School Education (MEST 2011-2012)			
	Pre-school (6 months-6 years old)	Pre-primary classrooms in elementary schools (5-6 years old)	Total
Number of children	5, 167	20, 284	25, 451
Albanian	98.2%	96.3%	94.5%
Other ethnic groups ¹	1.8%	3.7%	5.5%
Females	47% (12, 429)	49.2% (9,977)	48.8%
Males	52.5% (13, 022)	50.8% (10, 307)	51.2%

Personnel	
Total number	780
Educator	477 (61%)
Administrative personnel	65 (8.3%)
Supporting personnel	239 (30.5%)

Table 2: Statistics of Public Pre-school Education, MEST 2011/2012²⁰

Only 23 out of 34 municipalities have at least one public pre-school institution²¹. There are limited funds for enrolment of pre-school children allocated to municipalities. Opportunities for enrolment in pre-school education have increased with establishment of pre-primary classrooms in newly constructed schools. Currently, there are a number of community-based centres for early childhood education.²² Meanwhile there is a large number of private pre-school institutions, a considerable number of which are not yet registered or monitored.

Considering attendance statistics in pre-school education, Kosovo has a low level of inclusion in pre-school education (among 3-5 age groups) which was estimated to be less than 10%, and around 70% of attendance in pre-primary education (5-6 age group), which might have a very large impact on development and achievement throughout further education years. According to UNICEF 2010²³ report, Kosovo has the lowest enrolment rates in pre-school education in Central and South-Eastern Europe. Most of nurseries and kindergartens as well as pre-primary classrooms are located in urban centres, leaving the majority of children from rural areas unprepared for primary education. Recent policy initiatives to increase access to pre-school education are not supported by necessary resources.²⁴ A very low number of children with special needs are included in pre-school education: only about 0.27% of children with special needs were identified to have received support for their needs. A well-prepared program for offering services for various categories, such as children with special needs, girls, children coming from poor families and rural areas, RAE community children, street working children, etc. Also, special attention must be paid to development of teaching and learning materials in different languages and to invest more in teacher training for minority communities.²⁵

Number of teachers with adequate qualifications for pre-school education of 0-3 years old is limited. It is assessed that the majority of teachers have secondary medical school

²⁰ Education Statistics, MEST 2011/2012.

²¹ Evaluation report for children. Progress Report 2011 (Volume II) for implementation of National Strategy and Action Plan for Children Rights in the Republic of Education, 2009-2013, Office for Good Governance /Prime minister's Office, 2012, p .15.

²² Ibid, p. 15.

²³ Together for better childhood, UNICEF, August 2011.

²⁴ Education in emergencies and post-crisis transition, UNICEF, Kosovo, 2011.

²⁵ AIDE MEMOIRE, Joint Annual Revision of Education Sector, April 2012.

qualifications without any trainings or education for early childhood education.²⁶ The Faculty of Education is one of the main institutions that trains educators with appropriate qualifications for pre-school education. However, the European Commission's Progress Report 2011²⁷ stresses that many subject programmes in this Faculty did not meet accreditation requirements of the National Accreditation Agency. According to KESP, the programme for 0-3 age groups is foreseen to be established within the Faculty of Education. Given the importance of early childhood development, a long-term planning is required for increasing the number of pre-school educators in the future combined with the provision of training programs for training needs.

Overall, increase of participation in pre-school education remains a challenge for the education sector. Pre-school education does not provide support for specific age groups when it comes to provision of pre-school education. Maintenance of existing pre-school facilities is very weak. Special attention must be paid to increase of participation in pre-school education of at least up to 35% of respective age groups by 2015 (according to KESP). Licensing of pre-school education institutions has started in September 2011, and according to MEST the process will continue with an increased intensity during the current academic year. However, when undertaking this activity, priority should be given and attention paid to supporting various public-private initiatives at the municipal level as well as to community-based alternatives for pre-school education.²⁸

Key challenges:

- Low level of inclusion of children in pre-school education
- A very low level of inclusion of children from vulnerable groups (children living in rural areas, children living in poverty and in difficult economic conditions, children from communities, etc.).
- A very low level of access and inclusion of children with special educational needs
- Low budget for pre-school education
- Lack of qualified staff to work with children of 0-3 age groups
- Continued professional development of educators working with children of 3-6 years old.
- Lack of curriculum for 0-3 age groups
- Private pre-school institutions are not licensed and not monitored
- Educators in pre-school and pre-primary education are much more focused on academic content than on whole-child development
- Insufficient capacities to include children in pre-school education in entire Kosovo.
- Lack of pre-school education in rural areas.
- Lack of programmes for identification and intervention in early childhood development
- Insufficient human resources in central and local level
- Low level of awareness in municipal level for investment in early childhood

²⁶ Comprehensive Education Strategic Plan 2011-2016, p. 30.

²⁷ European Commission Progress Report, 2011, p. 38.

²⁸ AIDE MEMOIRE, Joint Annual Review of Education Sector, April 2012.

development

- Alternative forms of early childhood development are not supported
- Lack of pedagogic literature for early childhood
- Lack of cross-sektorial cooperation for early childhood (MH, MLSW, MEST, MF)
- Lack of programmes for parents
- Lack of database for evidencing the child situation (health, social and educational)
- Lack of the programme for early childhood education in Faculty of Education

4.2. Pre-University Education

The KESP overall objective for pre-university education is to provide inclusive and equitable access to quality, non-discriminatory education for all students for the 13 years of compulsory education.

The legal framework has been revised and finalized in order to harmonize it with new policies and developments in the education sector. Only during past three years, more than 20 administrative instructions were adopted. The Law on Pre-university Education was revised and approved in 2011, which was harmonized with the Law on Education in Municipalities. The Law brings new requirements with regard to teacher training, creates a new status for teacher employment as well as for transferring of responsibilities from municipalities to schools. According to the Law, pre-university education includes children of 6-18 years old in three levels of pre-university education: primary education (grades 1-5), lower secondary education (grades 6-9), and upper secondary education (grades 10-12/13), where the first two levels are compulsory. Pre-university education is the largest sub-sector in Kosovo's education system.

The Government of Kosovo is implementing reforms regarding decentralisation of provision of services. 36 municipalities of Kosovo already have an important role in educational management and principles for financing and budgeting for municipalities are structured in line with the Law on Local Government.²⁹ The Law for Education in Municipalities was adopted in May 2008 and it regulates organization of public education institutions at all levels of education and also defines responsibilities and competencies of MEST and municipalities in the field of education.³⁰ This is a positive step in the education reforming process but it also poses one of the main challenges as it requires substantial capacity building for educational management and planning at municipal and school levels.

The competency-based National Curriculum Framework which encourages lifelong learning was adopted, while curricula and syllabi are being developed for pre-school, primary and secondary education. The NCF changes the approach towards active, individual, participatory, and inclusive learning, and towards graduating students who are

²⁹ Comprehensive Education Strategic Plan 2011-2016, p. 25.

³⁰ The Law on Education in Municipalities of the Republic of Kosovo (03/L-068).

appropriately prepared to contribute to the needs of contemporary society.³¹ This new learning approach will require new skills in order to be at pace with new knowledge, pedagogical ideas and new technology.³² New standards for developing textbooks were developed.³³ The implementation of the NCF was postponed for 2015-2016 based on recommendations³⁴ that the necessary human and institutional resources need to be developed for adequate implementation of the NCF.

Regarding teacher licensing and professional development, a National Council for Teacher Licensing was established by an Administrative Instruction adopted in 2009. As result, the Administrative Instruction of Teacher Licensing (2010) and the Administrative Instruction for Criteria and Procedures for Accreditation of In-service Teacher Training Providers (2010) were adopted. In 2011, the first edition of the catalogue of accredited programmes and providers for teacher and educational administrator professional development was approved. The catalogue for teacher training lists 75 accredited programmes. The work on development of teacher competencies has been completed. A database for teacher licensing has been developed and data has started to be filled in.³⁵ The Administrative Instruction for Teacher Licensing defines amongst else types of licensing, promotion levels and criteria for career advancement. There are two types of licences: the temporary license and the regular license. Four levels of promotion have been defined: career teacher, advanced teacher, mentor teacher and emeritus teacher. This Administrative Instruction defines two main criteria for teacher licensing: participation in professional development programmes and performance evaluation. National Council for Teacher Licensing is drafting an Administrative Instruction on teacher performance evaluation and necessary instruments for its implementation.³⁶

The MEST is working on the process of teacher licensing by recognizing prior qualifications and on creation of favourable conditions for starting teacher performance evaluation based on AI for Teacher Licensing. Based on the developed catalogue, teachers have to select and attend a considerable number of trainings as per AI requirements.³⁷ Furthermore, AI on Teacher Licensing envisions 100 hours³⁸ of training during a 5 year period for each teacher, respectively for a total number of 25,000 teachers. It was considered that it was difficult to achieve this high number of required trainings by training providers because this is time-consuming for teachers, requires large number of trainers

³¹ Kosovo National Qualification Framework.

³² Comprehensive Education Strategic Plan 2011-2016, p. 28.

³³ Assessment Report for Children. Progress Report 2011 (Volume II) for implementation of the National Strategy and Action Plan for Children Rights in the Republic of Kosovo, 2009-2013, Office for Good Governance /Prime minister's Office, 2012.

³⁴ EU SWAP project. Report of short-term expert on Curriculum and Teacher Training, 6-20 July 2010

³⁵ AIDE MEMOIRE, Joint Annual Review of Education Sector, April 2012.

³⁶ First Edition of Catalogue of Accredited Programmes for Teacher and Educational Administrator Professional Development.

³⁷ Ibid.

³⁸ Administrative Instruction for Teacher Licensing (Article 13).

and considerable financial resources, and all of these pose a great challenge.³⁹

Inspection system until recently was focused only on administrative issues and it did not act as a professional supervisory or supporting body for teachers and directors. Even though some useful trainings were organized for inspectors, much more is needed to be done in order that the inspectorate is able to provide adequate support for successful implementation of the new curriculum in schools and classrooms. Inspectors will also need a certain period of time after completion of their trainings to develop their practical skills and to create the professional trust amongst them and teachers and directors and Municipal Education Directorates. Formal training must last for 3 years followed up by 2 years of professional development in the field to prepare for implementation of the new curriculum.⁴⁰

In 2011 National Qualification Framework was adopted, which is an important component within the reform of education and training system in Kosovo and which will be used as a working document. The document aims to improve access to employment and further education and to address needs of students, economy, and education and training institutions. Basic structure of the framework includes 8 levels within which qualifications, modules and other qualification components can be placed. Each NQF level is defined by outlining typical learning outcomes. These outcomes are of three types: knowledge, skills and broad competencies. NQF will also ensure a basis for cooperation and mutual recognition between local NQFs and European Qualification Framework.⁴¹

Considering that Communication and Information is becoming more and more relevant in our lives, the role of individual learning is essential. The Kosovo Government is currently investing in Information and Communication Technology (ICT) and it is planning provision of e-learning as supplementary learning to traditional learning and this sector needs further financial planning in the future.⁴² Integration of ICT in Kosovo's education system is on-going. In this context, MEST in cooperation with donors has worked on developing human resources by providing ECDL (European Computer Driving Licence) training. Around 10,700 teachers have completed the training. Also, substantial progress has been made in infrastructure investment which have affected in improving situation. Many schools have been equipped with computer labs. In secondary schools, the average of computer labs is as follows: vocational schools – 1.52 labs (35.15 computers); general schools – 1.2 labs (32 computers); mixed schools – 1.4 labs (24.8 computers); centres of competences– 6 labs (312 computers). Around 60% of all schools in pre-university education level are equipped with information technology labs. The remaining schools will be supplied with computer labs in next 2-3 years.⁴³

³⁹ EU SWAP project. Report of short-term expert on teacher professional development, 2010.

⁴⁰ EU SWAP project. Report of the short-term expert for Curriculum and Teacher Training, 6-20 July 2010.

⁴¹ Kosovo National Qualification Framework.

⁴² Comprehensive Education Strategic Plan 2011-2016, p. 28.

⁴³ Kosovo's responses to European Commission Questionnaire on Feasibility Study for Stabilization Association Agreement, June 2012.

The Kosovo Government has worked in expanding opportunities for communities that live in Kosovo for improving their access to education in their mother tongue. An independent commission was established in 2009 to review curriculum and textbooks in Serbian language in order to integrate them into the education system and revision of curriculum and textbooks for other communities will continue as well. The European Commission's Progress Report 2011 states that the Strategy for Integration of RAE Community into the education system is a good framework towards that end. Kosovo has developed and approved the first curriculum for Roma language, history and culture for primary school. A series of public debates were held for promotion and awareness raising. Teaching and learning materials for the curriculum in Roma language are already being used.⁴⁴ Educational centres for enrolling Roma students have been opened and simplified procedures are put in place for enrolling Roma students through an instruction, which is up to school directors to be approved.

Regarding inclusion of children with special needs, the MEST had developed a Strategic Plan for Inclusive Education of Children with Special Needs in Pre-university Education (2010-2015) and MEST remains committed to increase the level of inclusion of children with special needs in mainstream education. Special schools will provide education for children with severe special needs or with multiple disabilities. Currently, there are 7 special schools (five of which have been transformed into Resource Centres), which provide support for children with special needs (as well for their teachers and parents) that are attending mainstream schools and there are around 70 attached classes that operate within mainstream schools, which are expected to serve as transitory classes for children with special needs. Educators of attached classes need more trainings. There was an increase in enrolment rates for children with special needs; around 1179 children benefit from organized transport.⁴⁵

One of the key challenges in special education remains low number of qualified personnel. While there are 146 educators employed in primary education, there are only 23 in secondary education and none in pre-primary education. Special education is funded through central government, while municipalities do not allocate any budget for special education in their mainstream schools and this creates a situation with limited financial resources. MEST is in the process of drafting an action plan 2012-2016 for inclusion of children with special needs. Similarly, MEST is in the process of establishing municipal teams for professional assessment of children with special needs.⁴⁶ MEST has already passed the Administrative Instruction for professional assessment of children with special needs (2012).⁴⁷ The role of Teacher for Inclusive Education has been presented in three mainstream schools and these teachers are providing services for 40 students with

⁴⁴ European Commission Progress Report, 2010.

⁴⁵ Comprehensive Education Strategic Plan 2011-2016, p. 29.

⁴⁶ Assessment Report for Children. Progress Report 2011 (Volume II) for implementation of the National Strategy and Action Plan for Children Rights in the Republic of Kosovo, 2009-2013, Office for Good Governance /Prime minister's Office, 2012.

⁴⁷ MEST official website, http://www.masht-gov.net/advCms/documents/UA_07_2012_shqip.pdf.

special needs included in mainstream classes (2009). It has been planned to increase the number of inclusive teachers, including pre-school and pre-primary education institutions. All new schools that were constructed or are being constructed meet the requirements for children with special needs.⁴⁸

Inclusion in education and fighting school dropout remains a great challenge for Kosovo education. According to the latest data of census 2011 and education statistics 2010-2011 the level of attendance in obligatory education is 98%, while the attendance falls down to 77% in the higher secondary level. The inclusion of children in preschool education remains very low, only 13.7%, while the inclusion of children in pre-primary is 66.4%. While, 68% of the children of the age group 0-18 years old, respectively pre-university education and pre-school ages, are included in education system. However, we should take into account that there is a margin of mistake in calculating the exact inclusion of children in different levels of education according to census 2011 data as the age is calculated in absolute years, i.e. the age 15 includes only those persons who on the date of registration had already celebrated their 15th birthday, while the infants who were born recently and who did not celebrate their first birthday are considered as 0 years old. (See the table below).

	Total number of children ²	Total number of children attending education ³	Inclusion in %
Pre-school Education, ages 0-6 years old	179648	24655	13.7%
Obligatory education, ages, 6-14 years old	307,929	302253	98 %
Higher secondary education, ages 15-18 years old	140,015	108503	77.5%

Table 2. Summary of Pre-university Education Statistics.

During school year 2011-2012, around 99.3 % of pupils have passed from the lower secondary education level to the higher secondary education, while the gross registration in the higher education secondary level was 94.6%. It is internationally recognized and acknowledged that completion of the higher secondary level is an important precondition for entering the labour market. Inclusion of children from communities in pre-university education, including also preschool education, remains low. Only 42%⁴⁹ of the children from Roma, Ashkali and Egyptian communities are included in pre-university education. Even though the situation has improved in recent years, it is estimated that the drop out level still remains high. The extreme poverty is considered to have an impact in this respect as well. In theory, the education is free for all but the financial burden for buying books and providing food and transport remains completely on the families

⁴⁸ Comprehensive Education Strategic Plan 2011-2016, p .30.

⁴⁹ Kosovo Population and Housing Census 2011, Final Results, Main Data, KSA. & Pre-University Education Statistics 2010-2011, KSA.

when it comes to higher secondary education which is not yet part of the obligatory education. Among children who leave the school around 35% are estimated to do so due to economic reasons.⁵⁰

	Primary and lower secondary	Higher secondary education
Number of children	366047	
	295218	106829
Albanian	95.8 % (282,737)	97.7 % (104,320)
Bosnian	1.3 % (3,926)	1.0 % (1,058)
Ashkali	1.2 % (3,541)	0.2 % (243)
Roma	0.5 % (1566)	0.1 % (70)
Turkish	0.7 % (2018)	0.8 % (865)
Egyptian	1378 (0.5 %)	0.2 % (213)
Gorani	0.01 % (12)	
Croatian	0.01 % (31)	0.0 % (69)
Females	48.4 % (142,806)	45.9 % (49,087)
Males	51.6 % (152,412)	54.1 % (57,742)

Table 4. Pre-university education statistics, 2011-2012⁵¹

Gender differences are present during the entire education system in Kosovo. Statistics of overall gender trends as well as gender parity index, enrolment rate, and female enrolment rate show that gender differences are gradually decreasing in lower education levels. But gender differences increase significantly in favour of boys progressing towards upper education levels. Different factors and reasons need to be analysed to properly address inclusive education and equal education for all. Gender structure of teachers in pre-school and pre-primary education is dominated by females, but the number of females drops significantly in upper education levels. In secondary education, gender parity index increased significantly since 2004, but the rate of female teachers is still only 33% (2008-2009). In higher levels of education, mainly at the University of Prishtina, there are only 25 females employed as lecturers.⁵²

Regarding infrastructure, considerable progress was achieved in building new schools during the last decade. The Kosovo Government in cooperation with development partners managed to reduce number of schools that work in double shifts by improving school infrastructure and creation of new school spaces. Schools with three shifts have been eliminated to a large extent. Currently 24 schools operate in three shifts, 619 schools in two shifts and 77 schools operate in one shift. MEST is currently building 32 new schools, from which 19 secondary schools and 13 primary schools. After completion of construction of these schools, the number of schools that works in three shifts will be reduced to 10, while the number of students per class in upper secondary schools

⁵⁰ Human Capacity Analyzes in Kosovo, European Training Foundation, 2008, f. 10.

⁵¹ Education Statistics 2011-2012, MEST.

⁵² Comprehensive Education Strategic Plan 2011-2016, p. 31.

will be reduced as well (currently number of students per class is approximately 40).⁵³ Proper financial planning is needed for maintenance of school facilities.⁵⁴ It is acknowledged that most of the schools look unattractive. There is a need to transform them into more attractive classes in order that they become more enjoyable and encouraging for learning.

Student achievement is primarily measured through national test results that take place at the end of Grades 9 and 12. Average scores in the last test for grades 5, 9 and 12 were alarmingly low at 52%, 55% and 47%. This requires immediate attention and research as this fundamental indicator presents the quality of education in Kosovo.⁵⁵

Overall, the Kosovo Government has undertaken substantial reforms in pre-university education in the last decade. Strategic priorities were defined for pre-university education, which were agreed with all relevant stakeholders, including development partners. Primary legislation was adopted, and to a large extent, secondary legislation was adopted as well. The competency-based National Curriculum Framework was approved, which encourages life-long learning, and implementation of which remains the main challenge for pre-university education. Considerable progress was made with regard to training of teachers and educational administrators, but substantial work is required before starting with NCF implementation. The inspection of education will play an important role in this regard to ensure required quality in education and proper implementation of NCF. Decentralization of education to municipalities need to be followed by capacity building at municipal and school levels. Then, provision of education for all needs further analysis, planning and investments in order that every child has access to pre-university education and to reduce school dropout rates. Further work is needed to include minority communities into education system, especially Serb minority.

Key challenges:

- Lack of capacities of local authorities, schools and teachers to implement the new-competence based curriculum.
- Pre-services teacher training programmes are not in compliance with competence based approach
- Insufficient capacities for transfer of responsibilities from central to municipal level, and from municipal to school level
- Unsatisfactory level and quality of foreign languages knowledge
- Ensuring the sustainability of good practices
- Non implementation of the strategy for e-learning
- Insufficient resources to extend compulsory education from 9-13 years.

⁵³ Responses of Kosovo to the Questionnaire of the European Commission for the Feasibility Study for Stabilization Association Agreement, June 2012.

⁵⁴ Comprehensive Education Strategic Plan 2011-2016, p. 31.

⁵⁵ Assessment Report for Children. Progress Report 2011 (Volume II) for implementation of the National Strategy and Action Plan for Children Rights in the Republic of Kosovo, 2009-2013, Office for Good Governance /Prime minister's Office, 2012, p. 12.

- Number of schools working in 2-3 shifts.
- Insufficient capacities for devolution of responsibilities from central to municipal and from municipal to school level
- Low capacities for school management
- Overall education results are not satisfactory
- Still there is no mechanism in place for teacher evaluation and certification
- Weak mechanism for quality assurance in education
- Inadequate skills of the youth to enter local and global job market.
- School facilities and teaching and learning resources need to be improved significantly
- Further measures need to be taken for improving inclusion and equality of access to education
- Low quality services for children with special needs and low level of inclusion in regular schools
- Insufficient preparation of teachers who work with children with learning difficulties
- Assessment of special education needs and promotion of inclusive education for children with special needs is still weak
- Inappropriate infrastructure for children with special needs
- Lack of professional services at school level
- There are no counselling measures for reducing aggressive behaviour and disciplinary problems.
- Overcrowded infrastructure and low quality of school facilities.
- Inappropriate hygienic level in schools.
- Unattractive school environments.

4.3. Vocational Education and Training (VET)

KESP 2011-2016 has set two overall strategic objectives for VET: 1. To improve access to and the quality and relevance of VET and to improve the coordination and relevance to the labour market and to strengthen the institutional and management capacity of the VET system and the establishment of a sound financial basis for its long-term development and sustainability. 2. To increase opportunities for training of early school leavers, upper secondary school learners and leavers and adults with insufficient schooling who cannot make it to the next school level, in order to enhance employment, especially for women and self-employment prospects together with developing the Centres of Competence are keys to this approach.

Vocational education and training is one of the most important sub-sectors that trains individuals for jobs, equips them with skills, knowledge and required competencies for the labour market. Vocational secondary education is divided in two types: general vocational school-based education that is under responsibility of the MEST and training and retraining of the unemployed which is under the responsibility of the MLSW. VET sub-sector is part of upper secondary education (ISCED 3) and covers 15-18 age groups.⁵⁶

⁵⁶ Comprehensive Education Strategic Planning 2011-2016.

The legal framework in the area of vocational education and training includes the Law on Vocational Education and Training passed in 2006. Currently this law is being revised. The revision aims to eliminate the gaps in vocational education and training and adult education and training, to make VET a relevant factor for economic development based on job market needs, quality assurance in line with European standards and requirements, and harmonization with national legislation in place. During 2012, KQA has organized three rounds of validation of qualifications and accreditation of providers and evaluators of qualifications developed according to national and international verified standards. In total there are 6 qualifications and 12 institutions that provide vocational education. Also in December 2012, the process on verification of 14 vocational standards has been developed by KQA. In February 2013, KQA has developed also the accreditation of English language courses in Kosovo supported by British Council, a process which is in its final stage.⁵⁷

Based on the current Law on Vocational Education and Training approved in 2006, Vocational Education and Training Council (VETC) was established. However, the EC Progress Report 2011 stated that the Council needs to be fully operational. An Action Plan and Quality Assurance Framework were drafted in order to describe ways for monitoring and assessment of quality assurance and provision of quality performance by VET schools.

Current reforms include improvement of access to VET, integration of the new curriculum system for all school profiles, assurance of coherence between market needs and education programmes offered by VET schools. The National Qualifications Authority (NQA) has created the validation and accreditation procedures. NQA does operate effectively, even though with limited financial resources.⁵⁸

Vocational education is organized in 61 schools from total of 108 secondary schools, where two of them are Centres of Competence, while education is organized in several profiles, which includes 55.8 % of the total number of students in upper secondary schools (59633).⁵⁹ MEST in cooperation with donors is implementing several school programmes which aim at increasing entrepreneurship skills and general skills for the labour market by cooperating with private companies where students complete their practical work. However, this remains only a good initiative and a good step but it has to become an inseparable part of the VET. Currently, cooperation between VET and economic sector is not satisfactory.

VET functions almost independently from the rest of secondary education. VET system is mainly based in schools and it is not harmonized yet with the needs of the labour market. Economic and private sector still do not take part actively and systematically in

57 Kosovo Qualifications Authority. April 2013.

58 Communication of European Commission on Feasibility Study for Signing the Stabilisation and Associations Agreement between Kosovo and the European Union, 2012.

59 Education Statistics 2011/2012.

planning and implementation of vocational training. Vocational Education and Training Council (VETC) has established pre-conditions for institutional cooperation between government authorities for education and social partners. Currently, around 60% of students who complete primary education cannot enrol in general secondary schools (gymnasium). In 2006, 55% of students were enrolled in vocational schools. Non-existence of connection between vocational schools and economic sector violates the concept of vocational education and training. The level of participation in non-compulsory education and training is almost the lowest in Europe. Lack of adult education and lifelong learning is not only a main concern for VET system but it is also a social problem.⁶⁰

Currently, attraction for VET is low, both among students as well as economy and industry sector. For students, VET still does not offer required skills and better opportunities for jobs, while employers do not see required skills among those who have completed vocational education due to mismatch between VET and their needs. Centres of Competence are assessed and considered as good initiatives to raise awareness for attraction and prestige of Vocational Education and Training and for matching VET with sector-based labour market needs. Until today the Government has not found key motivators for real participation of social partners for VET planning and implementation.⁶¹

Overall, one of the main concerns is the issue of administrative capacities; policy-making in public institutions remains weak. This sector continues to be affected by political agenda, continuous lack of human resources, and insufficient capacities for implementation and monitoring. Successful achievement of objectives and targets set by KESP 2011-2016 as well as other reforms will largely depend from proper coordination among all institutions and stakeholders involved in the process. Therefore, close cooperation among governmental institutions in charge of VET and economy and industry sector remains the key challenge towards real development of VET system.

Main challenges:

- Low level of budget for larger inclusion of students in vocational education and training and for improving its quality.
- Non-existing links between vocational schools and economic sector undermines entirely the concept of vocational education and training.
- Teaching in two shifts impedes quality education
- Inadequate human capacities at both central and municipal level and lack of coordination in all levels
- Low quality and relevance of the curricula for the labour market needs (including key competencies for pre-university education) which also are not in line with international standards in order to enable transfer of credits for further education and training.
- Insufficient capacities for VET teacher training and management.

⁶⁰ Working document: Capacity Analysis of Human Resources in Kosovo, European Training Foundation, 2010.

⁶¹ Torino Process Kosovo, European Training Foundation. 2010.

- Full operationalization of the NQA for testing and inclusion of formal list of qualifications and accredited institutions.
- Lack of linkages between economic sector, social partners and schools and their true commitment to be actual part of the process.
- Lack of systematic analysis of required skills for the labour market and data on school to work transition.
- Low participation in vocational education and training, especially of females, whose participation is about 28%.
- Lack of career guidance services
- Lack of equipment and cabinets for practical work
- Lack of the post secondary level of vocational education and training
- Lack of appropriate state matura exam for VET
- Real decentralization of vocational education and training

4.4. Adult and Non-formal Education

KESP overall objective for adult and non formal education is to create an enabling environment and ensure partnership with civil society that youth and adults have access to quality basic learning opportunities, for increased knowledge and competences of the adult population and accounting for women, disadvantaged and minorities for equitable access to quality training, thus contributing to the creation of lifelong learning society and improvement in people's lives.

Adult education is a vital part of the EU education policies as it is essential for competitiveness and employment, social inclusion, active citizenship and personal development. The main challenge remains provision of opportunities for all, especially with regard to vulnerable groups who need education the most.⁶²

There is an existing legal base which regulates the adult learning, namely the Law on Vocational Education and Training, the Law on National Qualifications Framework, The Labour Law, the Law on Youth Empowerment and the Law on Adult Education are being revised.

Based on the Law on Adult Education amended in 2012, adult education and training means the entire public and private education and training offered for adults / or for youth above 15 years old, who are eligible to attended education programmes developed for adults. Based on this Law, adult education and training is an integral part of Kosovo's education system. Also, according to the Law, formal learning is based on education programmes offered by licenced education and training institutions approved and drafted by MEST Such learning is structured and leads to certification. Informal learning means learning obtained in everyday life, at the workplace, in the family and in spare time. Non-formal learning is based on education programmes that differ from those included in the definition of formal learning in this Law. This learning can take place within the same education and training institutions that offer formal learning pro-

62 http://ec.europa.eu/education/lifelong-learning-policy/adult_en.htm.

grammes or it can take place completely independent of them. However, this type of learning is systematic with regard to learning objectives, duration and learning resources. Certification means formal recognition of achievements, that recognizes completion of education and training or acceptable achievement in a test or examination. In the adult education and training context, it is a formal expression of students' outcomes (in relation to skills, knowledge and attitudes). These definitions are in line with definitions of the European Commission concept on adult education⁶³ and types of education and training.⁶⁴

Learning within the traditional formal system is more transparent and more accepted by the labour market and society in general. However, during recent years the appreciation for and relevance of non-formal and informal learning is increasing and in this regard there is a need to adopt new approaches for identification and validation of these not very obvious education experiences. Considering the period of years of instability in Kosovo, many adults missed the opportunity to go through formal education. Kosovo is at an initial phase of adult education development. Current political and economic transition poses new challenges for Kosovo in terms of provision of opportunities to acquire new knowledge and skills for employers and employees to be able to compete in the labour market and to adapt to its needs.⁶⁵

Non-formal basic adult education is a responsibility of MEST, while offering of the programmes for development of new skills for labour market needs as part of non-formal adult education is mainly a responsibility of the MLSW and MCYS. Lifelong learning is a concept accepted by the Kosovo institutions. Adult education in vocational schools in Kosovo started to be organized in 2005 upon approval of the Law on Adult Education and Training. Based on this Law, a number of administrative instructions (AI) were adopted, including 1. AI on working curriculum, criteria and procedures for selection of attendees, enrolment of participants, licencing of education and training institutions, equivalence and recognition of diplomas and certificates and recording and maintaining data for participants of adult education and training, 2. AI on participation of attendees in adult education and training (2011), 3. AI on implementation of curricula in all fields of vocational education, 4. AI on organisation of adult education and training (2011). This legal basis has regulated adult education. Adult education and training programmes have been implemented in VET schools of Kosovo since 2004/2005. Attendees of these programmes have had the opportunity to get trained and qualified for different profiles offered as part of formal education programmes.⁶⁶

The Comprehensive Education Strategic Plan 2011-2016 itself is based on the lifelong learning concept. Also, the legislation in place, the National Curriculum Framework and

63 http://ec.europa.eu/education/lifelong-learning-policy/adult_en.htm.

64 http://ec.europa.eu/education/lifelong-learning-policy/informal_en.htm.

65 Comprehensive Education Strategic Plan 2011-2016.

66 Research Report: Situation of adult education and training in vocational schools in Kosovo, Kosovo Pedagogical Institute, 2009.

National Qualifications Framework recognize the lifelong learning concept as a key element to create education and training opportunities for adults who for various reasons did not manage to complete formal education or who need to gain new skills needed in the current labour market. The Law on National Qualifications that was adopted in 2008 establishes the legal basis for recognition of prior non-formal and informal learning (Article 2). Based on the Law on National Qualifications recognition of prior learning means the assessment process of knowledge, skills, and broad competencies, which one individual has obtained before through formal, non-formal and informal learning. This practical knowledge will be used to give the individual the chance to advance or to be exempted from a part of the course or credits towards the qualification.

In February 2011, MEST adopted the Administrative Instruction on criteria and procedures for validation and approval of national qualifications and accreditation of institutions that offer qualifications in Kosovo. Meanwhile, NQA is currently testing current qualifications in the field, to see the level of fulfilment of standards and compliance with National Curriculum Framework and National Qualification Framework. Further, NQF during 2011, with support from EU KOSVET V has drafted a number of guidelines for supporting the vocational education and training on recognition of non-formal and informal education is expected to be completed during this year.⁶⁷ Also, the NQA has developed and approved a system of credits for vocational education and training which will help in and serve the needs of the NQA to facilitate accumulation and transfer of learning outcomes from different education systems, including formal and non-formal education and training.⁶⁸

Based on MEST data⁶⁹ 8032 candidates were enrolled in adult education programmes (in all three levels) for the period of 2005-2008, from these 4598 have completed these programmes and were certified. During 2009 a total of 2977 attendees attended adult education programmes, while in 2010, there were 3306 attendees. From these, there were 41 attendees in 2009 and 62 attendees in 2010 from minority communities, including Serbs, Croats and Romas who were training at Don Bosko training centre.

Adult education is organized in vocational schools and as part of training centres within MLSW. During 2008/09 adult education and training programmes were organized in 44 vocational schools and 3000 attendees were certified.⁷⁰ In addition, adult education is organized in other institutions offered by different providers and non-governmental organizations as well as private companies. Lack of regulation in adult and non-formal education poses a big challenge in terms of data collection in this area. Adult education and training in Kosovo is provided by various institutions and programmes: University

⁶⁷ Responses of Kosovo to the Questionnaire of the European Commission for the Feasibility Study for Stabilization Association Agreement, June 2012.

⁶⁸ National Qualification Authority Annual report 2011, p. 34.

⁶⁹ National Progress report submitted in preparation of the Global Report for Adult Learning and Education (GRALE) and end of United Nations Literacy Decade (UNLD), April 2012, p. 9.

⁷⁰ Comprehensive Education Strategic Plan 2011-2016. p. 38.

of Prishtina with its programmes on “in-service teacher training”, summer universities, local and international NGOs, programmes related to education (learning on various approaches and positive life values), training centres, various public and private companies, schools for teaching foreign languages and computer skills, schools, etc. A large number of NGOs funded by donors offer non-formal and adult education programmes which are directly implemented by them. But data from these NGOs are missing.⁷¹

Based on research conducted by the Kosovo Pedagogical Institute⁷² using data from 2005-2008, the main factors contributing to non-occurrence of adult education and training in vocational schools were the lack of licensing by VET schools to provide that education (29.90%), required conditions were not met and lack of labs (29/19%), there was no budget for implementing adult education (34.39%), and there was no demand by potential candidates (9.52%). Information means mainly included public announcements (47%), media information (26%), providing information to candidates in schools (50%) while in the majority of cases candidates were enrolled without an admission test (97%). Main challenges faced by VET schools in providing adult education and training were centralized process and impossibility to manage collected funds from attendees’ fees, lack of pedagogical documentation, procurement procedures, small number of students distributed in programmes, impossibility to complete vocational practice at school or company etc. In 71% of the cases, VET school leaders stated that local businesses are very slightly committed to enable completion of vocational practice in their companies. Schools also faced inadequate technical conditions for implementing vocational education and training as well as lack of literature and respective learning resources.

The largest number of attendees in adult education and training in vocational schools has been noticed in Prishtina region. Also, the level of attendance in adult education programmes in vocational schools of Kosovo is much higher by males than females. This is justified with the fact that the list of profiles appropriate for attendance match better with males than females. Successful implementation of adult education is conditioned directly by teachers’ professional preparation to work with adults; capacity of vocational schools or cooperation opportunities with companies for implementing practical component of professional practice; functioning of mock companies of pilot schools developed by Swiss Contact and Eco Net in some vocational and economic schools; technical conditions of schools to design and apply learning resources, etc. Within vocational schools that were part of the research, teachers were mainly trained in three main training programmes: methods/didactics, professional didactics and training for professional practice and CC computer programme for designing teaching and learning contents.

Kosovo is still at the initial phase of developing adult education and training system, and its provision by private providers is not regulated yet. The main challenge remains creation of an inter-institutional and inter-sectorial systematic and coordinated approach

⁷¹ Torino Process 2012, Self-assessment (Draft), Kosovo, September 2012.

⁷² Research Report: Situation of adult education and training in vocational schools in Kosovo, Kosovo Pedagogical Institute, 2009.

for development of adult education and training. There is a number of private providers such as Don Bosko Training Centre, Women for Women, Employment Promotion Agency, and MEST programmes in cooperation with UNICEF on literacy implemented in 19 women centres on literacy in 19 municipalities of Kosovo. More than 3000 women of rural areas have benefited from the programme, which is equivalent to primary education level. In particular, there is a need to offer specific programmes for older persons and those with disabilities who have never attended school or who were enrolled only for a certain period of time and who need a certificate from the compulsory education to be able to work and integrate into society.⁷³

The Ministry of Labour and Social Welfare has established 8 vocational training centres in seven regions, including one in Mitrovica and 5 mobile centres, which is considered as a genuine governmental initiative for skills development of the unemployed and unqualified. Trainings in these centres are offered only to those who are registered as unemployed at Public Employment Services, while priority is given to persons of 16-25 age groups, especially females, minorities and persons with disabilities.⁷⁴

The Ministry of Education, Science and Technology has drafted curricula for non-formal education for level I and II, grades 1-9 in 2005 in Turkish and Bosniak languages. However there is no interest of the communities to attend literacy programmes and Adult Vocational Education Programmes⁷⁵ while it is already known that Serb community does not participate in Kosovo's education system at all. Curriculum and vocational education for Serb community are offered in Serbian language in areas where they live. From 8 Vocational Training Centres (VTC), one is located in Northern Mitrovica (Doljanë, Zveçan), an area mainly inhabited by Serb community; in order to meet policy objectives for minority communities, MLSW has established mobile training centres in Rapotovë (Gjilan), Graçanicë and Dragash. `Don Bosko` Centre, in cooperation with development partners is offering vocational training for RAE community in Plemetin (Obiliq) and Fushë Kosovo. MLSW statistics show that the number of attendees of trainings from minority communities is around 4-5%, while the number of women that have attended trainings is around 40%.⁷⁶

Overall, it can be said that the concept of adult education and training and non-formal education was accepted as a concept a decade ago by Kosovo's institutions, and it was included as such in legal and strategic frameworks. It can also be said that efforts have been made and concrete steps taken in developing it in cooperation with the donor community and already all stakeholders recognize the relevance of this sub-sector in developing a knowledge-based society and for overall economic development. However, a lot of work remains to be done towards creation of a sustainable and efficient system for adult education, non-formal education and recognition of prior qualifications. MEST

⁷³ Comprehensive Education Strategic Plan 2011-2016, p. 37.

⁷⁴ Ibid.

⁷⁵ Ibid, p. 9.

⁷⁶ Comprehensive Education Strategic Plan 2011-2016, p. 149.

is already revising the Law on Adult Education which is expected to bring positive changes by improving the process. Also, adult education and non-formal education is an integral part of the Kosovo Education Strategic Plan 2011-2016 which sets priorities, objectives and concrete activities to be undertaken. Provision of quality education for beneficiaries of adult education will assist in creation of a lifelong learning society and will improve people's lives by supporting economic development of the Republic of Kosovo. The linkage between adult education and non-formal education must be strengthened in Kosovo; the strategy envisions opening of doors of formal education institutions to improve the level of equal opportunities for a larger number of those who had remained outside of formal education system.

Key challenges:

- Adult and non-formal education are not fully in line with economy and employment
- Insufficient budget for adult and non-formal education for meeting objectives for access and equality, especially with regard to provision of necessary technical conditions and expenditure items.
- There is still no high awareness about adult education and training, both among those who need to attend adult education and training programmes and among main stakeholders in charge for development of the sub-sector.
- Lack of meaningful partnership between the government and social partners and still there is no comprehensive approach of the government and this creates the mismatch between educational programmes and labour market needs and non-recognition to a large extent and non-cooperation with business community.
- There is a lack of data, information and research capacities for adult education and training.
- There is a lack of data collection for the sector within EMIS which would help in better planning and implementation of strategic priorities.
- There is a considerable gap due to lack of services after upper secondary education and as a result adult and non-formal education mainly takes place in institutions of secondary education and in training institutions.
- Certification and accreditation procedures are unclear and diverse and this affects losing attraction to adult and non-formal training and cooperation among involved parties.
- There is no proper cooperation between respective ministries (MLSW and MEST) and this produces inefficient use of the existing VTCs and vocational schools resources that offer similar programmes.
- There is a need for teacher training to ensure appropriate teaching for this type of education.

4.5. Higher Education

The overall objective of KESP for higher education is the development and implementation of effective and sustainable policies and legislation to promote equal access through the construction of an efficient and effective management of high-quality education that

produces high calibre students who meet the relevant European standards and to increase the capacity for scientific research. This strategic objective aims to build higher education up to the level that renders it compatible with similar trends in the region and European countries that support the mobility of students and staff.

The European Union has taken concrete measures to reform the higher education system, which was considered to be obsolete and not in accordance with modern needs, with the signing of the Bologna Declaration in 1999. One of the main objectives of the Bologna process is the creation of the European Area of Higher Education, where students will have the opportunity to choose programs and courses of study from a wide and transparent range of quality offers and benefit from mutual recognition procedures of their qualifications. The Bologna Process has prompted very much needed reforms in Higher Education in European countries to make it more compatible and comparable, more competitive and more attractive for Europeans first but also for students and academic staff from other continents. Three main objectives of the Bologna process from the beginning have been the creation of a system of three cycles (bachelor/ master/ doctorate), quality assurance and recognition of qualifications and period of study.⁷⁷ In addition to becoming the main instrument for the reform of higher education system in the European Union, the Bologna process has played and plays a very important role for the reform of higher education in Kosovo, regardless of fact that Kosovo is not a formal signatory party of this process.

Higher Education in the Republic of Kosovo is regulated by the Law on Higher Education, adopted in 2011 which harmonizes the current reforms in the education sector. This law establishes the basis for the regulation, functioning, financing, quality assurance in higher education in line with European standards and the role of the state and society in the development of higher education in the Republic of Kosovo. As a result, the MEST in 2012 has continued with harmonization of secondary legislation pursuant to the new law. Pursuant to the Law, higher education is considered education following upper secondary school level for which credit may be granted under the European Credit Transfer System (ECTS), as a system adopted in the framework for the implementation of the Bologna process. In relation to policies since 2004, the following were adopted: Higher Education Strategy 2005-2015, and in 2011 the Kosovo Education Strategic Plan 2011-2016 which also sets the priorities, objectives and goals for higher education.

Although it is not a signatory party to the Bologna Declaration, the declaration is officially included in a higher education system in Kosovo. More than 75%⁷⁸ of higher education institutions and programs in Kosovo use the European Credit Transfer System (ECTS) in order to transfer and accumulate credits. The Higher education system is organized in three cycles, in accordance with the Bologna process guaranteed by the Law on Higher Education; Bachelor, Master and Doctorate. However, more efforts are

⁷⁷ http://ec.europa.eu/education/higher-education/doc1290_en.htm.

⁷⁸ Higher Education in Kosovo, Executive Agency for Education, audiovisual and culture area, European Commission, July 2012, p. 8.

required to consolidate the system. On the other hand, higher education providers can be public or private and can offer their services once they are licensed by the Kosovo Accreditation Agency - as the main institution responsible for quality assurance of public and private higher education in Kosovo.

Kosovo has approved the National Qualifications Framework implemented by the National Qualifications Authority under the Law on National Qualifications. Furthermore it established the National Centre for Academic Recognition (the so-called NARIC), which is responsible for the process of recognition of qualifications with the aim of promoting the mobility of students, academic staff, researchers, and providing advice and information regarding the recognition process of degrees and the period of studies completed in other countries.⁷⁹ And this year, the Ministry of Education has developed administrative guidance setting the form and content of diplomas and diploma supplements of the competent authorities of higher education.⁸⁰

Currently, the MEST has entered the second phase of implementation of the strategy for higher education, respectively the phase 2010-2015, whose priorities are the development of institutional and intellectual capacities. Its six strategic objectives are in the process of being implemented, such as the promotion of inclusive policies in education and strengthening of the system of quality assurance in higher education. There is a need for further improvement in the effective management of financial resources and operational infrastructure development in the higher education system. Implementation and functionality of other objectives of the Bologna Process continued and progress was marked in respect to the autonomous operation of universities regarding the allocation of the budget, transparent operational processes and internal organization, quality assurance and evaluation, modern management systems.⁸¹

On the basis of the Law on Higher Education, higher education in Kosovo is provided by public and private institutions of higher education accredited as universities, colleges, institutes and high vocational colleges. In total there are four public universities; University of Prishtina, Prizren, Peja and Mitrovica (which is not part of the education system in Kosovo). The University of Prishtina is the largest public university with a total of 16 academic units across Kosovo. UP has a total of 121 Bachelor programs, 97 Master programs and 29 doctoral programs (2010).⁸² The overall number of students for the academic year 2011/2012 is 52, 564. The University of Prizren, which was founded in 2008, during the academic year 2011/2012 had 2, 784 students. The University of Peja was accredited for the first time in 2012 and is still in the process of establishment. On other hand, 22 private institutions of higher education are licensed with a total of 51, 714

⁷⁹ http://www.higherkos.info/hk/index.php?option=com_content&view=article&id=71%3Anaric-office&catid=40%3Acol3&Itemid=1.

⁸⁰ http://www.masht-gov.net/advCms/documents/udhezim_administrativ_03_2012.pdf.

⁸¹ Higher Education in Kosovo, Executive Agency for Education, audiovisual and culture area, European Commission, July 2012, p.3.

⁸² Ibid, p. 3.

students. The University of Mitrovica has circa 10,000 students and 3 high vocational schools in the Serbian language with circa 3000 students.⁸³ All licensed institutions of higher education integrated into the Kosovo education system have undergone the accreditation process organized by the Kosovo Accreditation Agency, and the process in question contributed to the enhancement of quality in higher education.

In 2008, the Ministry of Education obliged all institutions of higher education to establish Quality Assurance Offices and to consolidate their internal mechanisms for quality assurance. In 2009, all higher education institutions have established these offices within the Tempus project "Promotion and Development of Structures for Quality Assurance in Higher Education Institutions in Kosovo."⁸⁴

Kosovo's government is committed to the drafting of inclusive policies and thus to provide an appropriate environment that promotes increased access to higher education, in order to achieve the inclusion of 35% of the relevant age group (from 18 to 24 years of age) in higher education by 2015. The number of students enrolled for the first time in higher education has increased significantly and almost doubled (about 18,000 in 2009) compared to the number of students in 2008 (8,000).⁸⁵ While the total number of students currently at all levels of higher education is estimated to be approximately 120,921, of which more than 11,000 are from the Serbian community but who are not an integral part of the education system in Kosovo.⁸⁶ However, increased enrolment requires accompanying measures to maintain and improve the quality of education. The number of students from the communities has increased as well as the number of seats reserved for Albanians outside the boundaries of the Republic of Kosovo. A remaining challenge is the provision of opportunities for children with disabilities and special educational needs to participate in higher education studies.⁸⁷

In relation to the curriculum at the Bachelor and Master levels, reforms are underway in order to create 3 +2 or 4 +1 programs at these levels and programs regarding the modernization and adaptation of current programs with labour market needs. Higher education institutions are constantly harmonizing their programs with curricula that are relatively comparable to the European Universities in order to facilitate the understanding and recognition of degrees at the international level. The curriculum includes compulsory and optional courses. The PhD level is organized through a system of research-based studies.

Funding of higher education institutions in Kosovo is in accordance with the Law on Higher Education. Higher education institutions may be financed with funds from the

⁸³ Ibid.

⁸⁴ Ibid, p. 5.

⁸⁵ Strategic Education Plan 2011-2016, p. 37.

⁸⁶ Higher Education in Kosovo, Executive Agency for Education, audiovisual and culture area, European Commission, July 2012, p. 3.

⁸⁷ Strategic Education Plan 2011-2016, p. 37.

Ministry for teaching and research in the public interest; tuition and other fees by students; fees for commercial services and other services; donations, gifts, grants and other contracts with state bodies, international, public or private in the field of teaching, research or consultation. The University of Mitrovica, on the basis of the Law on Education in Municipalities, may receive funds from Serbia as long as those are made public and transparent. On the other hand, private higher education is mostly self-funded.

In terms of international co-operation, the Ministry of Education in 2008 established the Kosovo Centre for International Cooperation in Higher Education, Research and Technology to promote and facilitate cooperation, standardization, mobility, overcoming cultural barriers in communication and exchange in the field of higher education at the international, research capacity building, promotion of European programs, etc. The centre covers the 7th Framework Programme FP7 and coordinates programmes such as CEEPUS and other programs of the EU. Although Kosovo has been part of various programs of the European Union in the field of higher education, it is considered that Kosovo's participation in these programs is still low, especially in terms of participation in the 7th Framework Programme.⁸⁸

Like at the other levels of education in Kosovo, higher education is faced with insufficient space infrastructure. At the University of Prishtina, calculated space per square meter per student is estimated to be 2.98⁸⁹ (2009). Even though this average varies from faculty to faculty, for instance at the Faculty of Economy the average is 1 square meter per student, and in some other faculties achieves reaches 10 square meters per student, however this average is far from the acceptable standards, taking into account the increased number of students at every academic year. In addition, the University of Prishtina, the largest public university, lacks reading rooms and libraries. Moreover, the information technology infrastructure is poor in almost all faculties. Much data is stored and archived in a mechanical manner and still there is no overall coordination of the technological infrastructure. In this context, the development of e-education or online education is underdeveloped and requires specific actions in this respect, in the view of an important step towards achieving an inclusive and lifelong education.

Although the Government of Kosovo took a decision to increase the salaries of academic staff of the University of Prishtina for almost 100%, again, the majority of academic staff, despite the fact that they are employed fulltime university employees, finds other work. A number of professors teach at private universities in Kosovo, and some others also teach at the State University of Tetovo in Macedonia. In addition, a number of academic staff members also work in government institutions (such as ministries, Assembly etc.) and often do not meet their regular classes at the University. It is disturbing that the academic staff of the UP has very little time for research within the University. In some cases, the University has provided support to academic staff members in their individual research from the income collected from student fees. This was realized primarily in the

⁸⁸ EC Progress Report 2011.

⁸⁹ Study on the implementation of the Bologna Process at the University of Prishtina, OSCE. p. 20.

form of financial support for participation in conferences or short study visits abroad. However, the question of available time to carry out individual research remains essential, as is the support for research within the University.⁹⁰

Having in mind that the University of Prishtina is the largest University in Kosovo and the first to start the implementation of the Bologna Process requirements, the main focus is on it, and the UP at the same time serves as a reference point for the implementation of the reforms. UP has established several key structures for the implementation of the Bologna process. Office of the Vice-Rector for teaching and research is directly responsible for the Bologna Process and the reforms and academic activities in the University of Prishtina. The key structures within the University which currently oversee the implementation of the Bologna Process are the Academic Development Office, which has the function of promoting and implementing the objectives of the Bologna Process. This office contains three main units: Quality Assurance Unit, ECTS Coordination Unit and Student Support Services Unit (LINK Centre). In addition, this centre has a coordinator for academic development in all faculties who oversee the Bologna Process. In relation to international cooperation, UP is a member of the European University Association and many other international associations and structures. In 2009, UP had signed approximately 89 cooperation agreements, 88 of which were with the regional, European and international universities. An important step related to UP's international cooperation is participation in Balkans Academic Scheme for the internationalization of learning in cooperation with EU universities (Basileus), under the Erasmus Mundus.⁹¹

Although in formal terms, UP stands in a good position in respect to the establishment of structures and the implementation of reforms, there is still a need for a comprehensive approach and a better understanding of the Bologna process and the process of integration into the European Higher Education Area. This means better planning and prioritization, further adjustments to the curriculum, implementation of modern methods of teaching methodology, infrastructure development, in particular of information technology which would affect the acceleration of reforms required but also in reducing administrative and bureaucratic processes, greater cooperation with the business community, which is still lacking, the provision of professional higher education, research capacity development by students as well as from the academic staff, increased competition in higher education, etc. Above all, the particular challenge is how to ensure quality of higher education and the transformation of UP but also of private institutions in genuine scientific institutions, both of which are important for the development of the country in the future and for meeting the needs local, regional, European and wider markets.

Because of the young population and rising awareness about the importance of university qualifications, the number of students is increasing every year. This poses a challenge for the government with respect to funding, but also for the development of mechanisms and instruments to ensure equal access and quality education for all students.

⁹⁰ Ibid, p. 104.

⁹¹ Ibid. pp. 108-110.

Another challenge for the system of higher education is how to produce graduates with high employment rate in Kosovo, in the region and beyond. An important component for good quality of teaching and learning is research that requires additional investment and different skills from those that academic staff in these institutions has. Quality assurance system in higher education needs to be strengthened even more.

Key challenges:

- Despite the increased number of students in higher education, equal access and inclusion in higher education in Kosovo remain at low levels
- Insufficient budget for higher education institutions and its inefficient use, given the inadequate capacities of higher education institutions to absorb funds from different sources
- Kosovo membership to countries signatories of Bologna System
- Lack of financial support for students (scholarships, subventions)
- Lack of the necessary qualified staff
- Treatment of the academic staff as civil servants according to the Law on Civil Service
- Lack of accurate statistics of inclusion in higher education and research
- Ineffective and underdeveloped career and counselling service
- Study programmes still do not reflect the real labour market needs and the level of co-operation between the business community and higher education institutions is very low
- There is a need to build teaching capacities in higher education in compliance with new teaching methods
- The quality and the number of scientific research, the teaching quality as well as the mindset of scientific research, are all underdeveloped
- The inadequate environment for scientific research, given the lack of the necessary adequate physical infrastructure, laboratories, books, PCs and other equipment for relevant research programmes
- Quality assurance framework, including the relevant institutions for quality assurance in higher education, need to be strengthened further
- International co-operation, staff and students mobility is not at the satisfactory level
- Benefit from EU programmes for education and research is very low.

4.6. Science and Research

The main pillar of the Lisbon Strategy launched in 2000 is to make the EU the most dynamic and competitive knowledge-based economy in the world by 2010 and able to create sustainable economic development with more jobs and high social cohesion. The purpose of the European Area of Higher Education was the establishment of the European Research Area (ERA) in order to enable researchers, research institutions and businesses to move, compete and freely co-operate beyond their borders.⁹² Research, education and innovation are the three main drivers towards a knowledge-based soci-

⁹² http://ec.europa.eu/research/era/understanding/what/what_is_era_en.htm.

ety. ERA's main goal is to create a "fifth freedom"; freedom of movement of knowledge. This is based on the assessment that in modern times of globalization and technology transfer, fewer and fewer companies can operate in isolation from each other. Companies should establish links with the knowledge from universities and other research institutions. On the other hand, the role of universities to provide the necessary human capacity for research and innovation is unquestionable.⁹³

The Strategy for Higher Education in Kosovo 2005-2015 is one of the most serious first steps taken by the Government which has also set the strategic priorities for science and research, but these are not supported by adequate financial resources.⁹⁴ In July 2007, the Assembly of Kosovo established the National Research Council (NRC) and appointed its 15 members. NRC drafted a National Research Programme which was adopted by the Assembly of the Republic of Kosovo in 2010. This Programme sets priorities for scientific research in view of social and economic development of the Republic of Kosovo and is designed on the basis of a broad consensus. The adoption of the National Research Programme is necessarily an important step for the development of science and prioritizing research and coordination of activities in this field, however, it is an ambitious plan and to date its financial costs were not covered.

The current Law on Scientific Research, adopted in 2004, is under revision in order to harmonize it with the actual reforms in the field of science and the new law will introduce new provisions related to the field of innovations. On the other hand, the current Law gives room not only to the classical schemes for research funds, but also to schemes with more structure or international dimension.

A special attention and importance is paid to the public university sector, which is also attributed with the special responsibility for scientific research activity whereby the University of Prishtina serves as the reference point. Among other objectives, the Law on Higher Education provides the goal to create, develop, safeguard and transmit knowledge through teaching and research and scientific works.⁹⁵ The vision of the Strategy on Higher Education is for Kosovo to "become a democratic society integrated in the European education area, where knowledge and scientific research are at the service of sustainable cultural, social and economic development".⁹⁶ The Statute of the University of Prishtina reflects that vision by stating that it aim to develop academic education, scientific research, artistic creativity, professional counselling and other fields of academic activity.⁹⁷ This goal was confirmed in the Strategy for University of Prishtina 2009-2013.⁹⁸

⁹³ http://ec.europa.eu/research/era/understanding/what/era_in_the_knowledge_triangle_en.htm.

⁹⁴ Dedaj. B & Carabregu. M. Challenges in the establishment of research and development instruments and capacities of Kosovo, as a state in transition, Faculty of Economy of University of Prishtina and WUS Austria, 2012.

⁹⁵ Article 2 of the Law on Scientific Research Activity.

⁹⁶ Strategy on Higher Education 2005-2015, p. 6.

⁹⁷ Chapter 1.2, Article 5 of the Statute of the University of Prishtina.

⁹⁸ As cited in the Kosovo National Science Programme.

- *Organization and scientific research institutions*

Science and research in Kosovo is organized mainly in public and private institutions (universities, independent research institutes, think tanks, NGOs and international organizations).⁹⁹ However the current Law on Scientific Research Activity¹⁰⁰ recognizes only three categories of public research institutions: 1. Academy of Sciences and Arts of Kosovo, 2. Research institutes, Institute of Albanology and the Institute of History, 3. Universities.

The Academy of Sciences and Arts is regarded as the highest institution of science and art in Kosovo established by the Assembly of Kosovo, whose work includes the cultivation, promotion and development of scientific thought and artistic creativity.¹⁰¹ The main source of finance of the Academy is the national budget. However the Law on the Academy of Sciences allows financing its activities from other sources. KASA contribution to the development of science and research as well as in the overall development of the country has not been at the desired and expected level given the fact that the Academy brings together the country's most eminent academic personalities, perhaps due to limited financial funds from the budget. The Academy's budget for 2009 related to research projects was €25 000, which is estimated to be ten times lower than the annual budget amount collect private research institutes manage to collect.¹⁰² However, KASA appears to have failed to benefit from the opportunity of attracting funds from other financial sources. Despite the involvement and the important role of the Academy in the reform processes in the field of research and research activity, to date we cannot state that the KASA was the leading institution in the field of science and research.

The Institute of Albanology in Prishtina has the highest reputation as a non-university scientific research institute in Kosovo. It is an independent public research institution that studies the spiritual and material culture of the Albanian nation. The Institute of History is also one of most important independent public research institutions for the developments of science in areas that it covers.¹⁰³ In addition, the National and University Library of Kosovo also plays an important role in terms of providing the necessary academic national and international resources to facilitate scientific research. However, all of these institutions are faced with limited financial resources allocated by the budget only for scientific projects; most of the budget allocated to these institutions is used for operational costs of these institutions. In general, the KASA, Institute of Albanology, and the Institute of History are focused mainly on scientific academic research. These institutions too lack co-operation with the business community which would strengthen the relevance of scientific research with the market economy, and it would build up co-operation for the joint development and implementation of research project of common interest. The Law provides that private scientific research institutes may be

⁹⁹ Assessment of Research Capacities in Social Sciences in Kosovo, Riinvest Institute, 2009.

¹⁰⁰ Chapter 2, Article 11 of the Law on Scientific Research Activity.

¹⁰¹ Articles 1 and 2 of the Law on the Academy of Science and Arts, Assembly of Kosovo, June 2004.

¹⁰² Assessment of Research Capacities in Social Sciences in Kosovo, Riinvest Institute, 2009, p.23.

¹⁰³ Kosovo National Science Programme, 2010, p. 12.

established in compliance with Article 21 of the respective law.

- *Assessment of research capacities*

Research in Kosovo has always been and continues to be marginal and without a purpose. It is estimated that in the last decade in Kosovo, research has been almost led and driven by donors, mainly in the framework of various projects.¹⁰⁴ The technological basis of the economy as well as institutional organization is still lacking. Research intensity is low and also not in line with the strategic sectors. MEST is undergoing a restructuring process, and it is estimated that there is no sufficient capacity to conduct research and innovation. At the same time the demand from the industrial and economic sectors for research and developmental activities are near zero. Furthermore, there is no awareness about the advantages, conditions and complexity of the innovation system.¹⁰⁵

Strategic objectives are not accompanied by adequate allocation of budgetary funds. Although the current law (Article 7) provides that, in order to fulfil the necessary conditions for scientific research and ensure funds to undertake scientific research, 0.7% of the Kosovo Budget shall be allocated, so far public expenditure for research in Kosovo amounted to circa 0.1%, or maybe even less. This amount is much lower than the average European level and also lower than the average of countries in the region and many other developing countries.¹⁰⁶ When the National Research Programme was adopted, the Government of Kosovo decided to allocate a fund of €1 million for research and science. However, the total allocated for research and science for the past three years has been approximately €500,000 per year.¹⁰⁷

Taking into account that most research activities and most of the researchers are employed in universities, research and technological development cannot be viewed as independent of the higher education system reforms. This is especially important for Kosovo, where research and development outside the universities is very limited.¹⁰⁸ The University of Prishtina, the most important institution in the field of science and research, is considered to be primarily oriented towards university teaching. Significant support is provided by a regional project supported by EU funds. The project provided an analysis of the University which has resulted with the drafting of the UP Strategy for Scientific and Artistic Research and Development Activities 2011-2015, the establishment of the Developmental Research Centre and organization of activities for capacity building, the creation of a solid database of projects and scientific research activities as well as the establishment of formal relations with the representatives of the Kosovo

¹⁰⁴ Assessment of Research Capacities in Social Sciences in Kosovo, Riinvest Institute, 2009.

¹⁰⁵ Science and Technology in Kosovo, Research Platform for Western Balkans countries, 2008, p. 3.

¹⁰⁶ Dedaj. B & Carabregu. M. Challenges in the establishment of research and development instruments and capacities of Kosovo, as a state in transition, Faculty of Economy of University of Prishtina and WUS Austria, 2012, p. 1.

¹⁰⁷ Kosovo's answers to the questionnaire of the European Commission for the Feasibility Study for Stabilization and Association Agreement, June 2012.

¹⁰⁸ Science and Technology in Kosovo, Research Platform for Western Balkans countries, 2008, p. 9.

business community.¹⁰⁹

Based on research conducted at the University of Prishtina¹¹⁰, many individual research by young researchers at UP are carried out on irregular and not systematic basis. However, these activities are not reported or registered in an institutional way neither by the faculty nor by the University in a database which will serve for this purpose. Usually research activities are initiated and implemented on the basis of individual initiative and without institutional support and approval. Thus research carried out is not necessarily consistent and contributory to the mission of the Faculty, namely the University of Prishtina and the strategic priorities of the National Research Programme. Furthermore, it is considered that it is very difficult to find information on current research activities at the UP. UP has no point of contact responsible for the evaluation process. Thus the assessments are made on sporadic basis and never in a systematic manner for the entire university. Furthermore, this study also confirms the lack of cooperation between the UP and the business/industry community. As a result, there is no direct support for business community concerning research activities as a common interest of stakeholders. Due to budgetary constraints, the support given by the government for research activities is very low.¹¹¹

UP's internal environment is characterized by a low interest of staff to engage in research activities, lack of motivation to publish research results in internationally recognized journals, lack of cooperation with industry and the economy and EU research institutions and lack of experience to access various research announcements. On the other hand, UP statute does not require any scientific research activities for its teaching and research staff. Contracts of employment of the teaching and research staff of the UP are based on teaching and do not include the research component as part of the job description.¹¹² Furthermore, according to many reports, especially from civil society, UP is also considered as highly politicized institution and not a meritocracy-based institution. Resistance of older academic staff to the current reforms is noted, while the young academic staff is willing and more motivated in relation to the current reforms in higher education and in science.¹¹³

In the academic year 2009-2010 at the University of Prishtina, 155 candidates were enrolled in doctoral programmes. 17% of them were in the fields of philosophy, mathematics and natural sciences, 17% in the field of philology and 33% in law, electrical and computer engineering and medicine. At the University of Mitrovica, for the same period, there were 47 doctoral programmes. Among the candidates, 40% were female. Research institutes outside the universities are not involved in the organization of doc-

109 Dedaj, B & Carabregu, M. Challenges in the establishment of research and development instruments and capacities of Kosovo, as a state in transition, Faculty of Economy of University of Prishtina and WUS Austria, 2012, p.6.

110 Ibid, p. 4.

111 Ibid, p. 3.

112 Ibid, p. 6.

113 Study on the implementation of the Bologna Process at the University of Prishtina, OSCE p. 112.

toral programmes and it is estimated that there is no cooperation between higher education providers and research institutes. Main sources for financing doctoral programmes are mainly funds from budgets of higher education institutions, i.e. mainly from the Ministry of Education and various local and international funds. In addition to funding provided through international projects, amounts allocated by the Government are the main sources for the PhD programmes. Thus funding and resources for doctoral programs are limited and PhD candidates may start the studies even without ensuring the funds. There are no data on funding PhD research activities. The majority of candidates must finance their own doctorate, and due to lack of budget, the quality and importance of research in doctoral programmes may result in poor quality. In many cases it has been noted that doctoral themes are more an analysis of literature than an original scientific research. This has to do with the status of the PhD candidates who are not considered researchers but students.¹¹⁴

Following the implementation of the Bologna System, the PhD programmes last for 3 years, i.e. 6 semesters and are structure and composed of lectures in the first year (2 semesters, 35 credits), preparation and presentation of the research topic (3rd semester, 30 credits), publication of at least one scientific paper (4th semester, 30 credits), research (5th semester, 30 credits), writing the thesis and public defence (6th semester, 60 credits). Therefore the research part composes 60% of the candidate's time whereas lecture and studies make 40%. The lecture and study part includes two components: general lectures on the research methodology, academic writing skills, information technology related to research; and the specific part of lectures and professional studies. PhD candidates are not obliged to teach, unless they are hired as teaching assistants in their respective faculties.¹¹⁵ Thus in general we may say that the PhD programme at the University of Prishtina is well governed and in harmony with European standards, and its adequate implementation guarantees quality related to scientific projects, science and research. However another challenge is the adequate implementation of the PhD programmes, setting and adopting priority thesis topics provided by the UP strategy and the National Science Strategy, quality assurance of the scientific research and funding of the PhD programmes.

To date there is no registration system for individuals who completed their PhD studies. It is estimated that 90% of the PhD graduates work in the academic or research sector, and that 5-10% work in the private sector. PhD programmes are not that adequate or related to the labour market, or they are not specifically designed based on labour market needs. There are no post-PhD position assignments and as a result Kosovon PhD graduates apply for positions abroad. It has been reported that the demand for PhD is enormous in all sectors and that the unemployment rate for PhD graduates is almost 0%.¹¹⁶

¹¹⁴ Study on the organization of PhD programmes in neighbouring countries of the European Union, Kosovo under Resolution 1244/99, Technopolis Group & GHG, December 2010, pp. 2-5.

¹¹⁵ Ibid, p. 6-8.

¹¹⁶ Ibid, p. 8.

- *International co-operation/participation in EU programmes*

In relation to international co-operation, MEST in 2008 established the Kosovo Centre for International Co-operation in Higher Education, Research and Technology in order to promote and facilitate co-operation, standardization, mobility, overcome cultural barriers in communication and exchange in the field of higher education on an international level, research capacity-building and promotion of European programmes.¹¹⁷

In November 2011 the Ministry of Education, Science and Technology issued a decision on the appointment of the National Contact Point (CCP) for FP7, as Coordinator of the PKK. With the MEST support, the PKK coordinator is preparing the establishment of PKK System for Kosovo in 2012, in order to appoint the other contact points in specific thematic areas based on key thematic areas of the FP7 program and as well as on national priorities for research and innovation in Kosovo. To date, the PKK coordinator organized a series of information sessions for the scientific community in Kosovo informing them about different funding opportunities for their scientific projects. More than 100 researchers participated in 5 sessions held hitherto with general information about subjects for FP7 program, as well as about the specific program schemes, such as ICT, 'Marie Curie' mobility program, e-infrastructure scheme, air transport, aerospace, etc. Moreover, Training of Trainers session was held in April 2012 whereby 10 representatives from academia, research institutes, government, business, and civil society were present and they serve as the multipliers in the transfer of knowledge and practices acquired in this training to their peers and beyond.¹¹⁸

There were efforts to improve and enhance the participation of the scientific community in Kosovo in the EU Framework Programme for Research, FP7. To date, 24 applications were filed from institutes and research organizations from Kosovo, with 21% success rate. 20 of these applications are included in the thematic area 'Cooperation', 4 of which (3 in the field of ICT and 1 in socio-economic sciences and humanities) were adopted for funding. In addition, 4 other applications belong to the thematic area 'Capacities' (three applications) and thematic area 'People' (one application), from which only the project from the thematic area 'People' was funded. Moreover, in 2008 the MEST, supported by the Austrian government, established the Centre for Innovation and Technology Transfer, which is responsible for providing governance - in cooperation with all research institutions (public and private) and all businesses, industries, companies and NGOs in Kosovo - related to export in the fields of areas of research in applied sciences and it is responsible for the promotion of innovation and technology transfer to business community and vice versa.¹¹⁹

However, Kosovo's participation in EU research programs remains very low, especially

¹¹⁷ <http://www.masht-gov.net/advCms/#id=1228>.

¹¹⁸ Kosovo's answers to the questionnaire of the European Commission for the Feasibility Study for Stabilization and Association Agreement, June 2012.

¹¹⁹ <http://www.masht-gov.net/advCms/#id=1319>.

in relation to participation in the EU Research Programme FP7.¹²⁰ The rate of successful applications of 21% in FP7 Programme is a clear indicator of absorption capacity of research institutions in Kosovo. Moreover, high intensity activities should continue in relation to the awareness raising and information about EU programmes and the application procedures for specific programmes. Structural issues are very important, such as the creation of a transparent process regarding the application announcements and setting of evaluation standards as well as the transfer of research management. These aspects are not limited only to the Framework Programme FP7 but also to other programmes like CEEP, CIP, COST, etc.¹²¹

The absorbing knowledge and technological capacities in Kosovo are severely limited, both in number and in scope and quality. The reason for this shortcoming is the lack of funding for research and technological development activities for at least the last 20 years. Without sufficient funding, RDT will not have the potential absorptive capacity in the economy and in the academic community in Kosovo these are used at satisfactory level and were never able to cope with the technological progress. Thus their absorption function is limited already, in terms of adoption, and, even more, in terms of adaptation and further development of knowledge and technology with their creative and scientific activities.¹²²

- *National Science Programme*

The National Research Program includes five objectives: 1) development of human capacities, 2) development of infrastructure for scientific research activities, 3) internationalization of scientific activities and research, 4) strengthening relations between science, society and business in order to promote economic development and economic growth; 5) perfection in scientific research and European standards in scientific research. These objectives are considered necessary in order to support Kosovo's socio-economic development towards a knowledge-based society in line with the joint actions based on facts between basic sciences, citizens and the business community. The main priorities set by the National Science Programme are as follows: 1. natural resources; energy and environment; 2. agricultural production and food security; 3. health of population and medical health research; 4. scientific and economic sciences; 5. historical, language and culture sciences. However the ICT area is considered an inter-horizontal priority that may appear in any of the abovementioned areas.¹²³

In order to implement the science programme, the budget needed for the first 5 years (2010-2015) is estimated to be €22,872,600. If the planned activities by 2015 would no longer be implemented, but only basic programs until 2019 would be implemented then the budget needed would amount to €36,537.231, while the research activities in the 2010-

¹²⁰ European Commission Progress Report 2011.

¹²¹ Science and Technology in Kosovo, Research Platform for Western Balkans countries, 2008, p. 33.

¹²² National Science Programme, p. 15.

¹²³ Ibid, p. 16.

2015 period which would be implemented after 2015 would reach amount of €49,409,835 and it would require an annual budget of €4.5 to €5 million.¹²⁴ However, due to severe constraints in the Kosovo Budget, the Government has failed to adhere to this funding program and as a result the budget allocation for research and science for the last three years has been circa €500,000. Some programs have been established for the implementation and allocation of funds allocated for research purposes: 1. Special Science Grants, 2. Publication of scientific papers, 3. Brain gain, 4. Short-term mobility.¹²⁵

The Special Research Grant aims to establish a research program based on international standards through focused independent research in a research institution/special university. Institutions are encouraged to undertake research activities aimed at the execution of complex projects with a focus on research focused on inter-disciplinary scientific research. Scientific publications programme provides support for publication of scientific works as a result of non-profit research and related to one of the five priorities of research and publications on their own. Short term mobility grants short-term mobility grants are intended to enable Kosovo scientists' visits in prestigious universities or research institutes abroad for short periods, with the aim of gaining research experience and/or facilitate the participation of Kosovo scientists in scientific conferences in order to present the results of their research abroad. The Brain Gain Grant aims to attract the best Kosovon researchers living abroad and render possible a professional scientific career in Kosovo.¹²⁶

In 2010 in total there were 54 applicants with scientific project lasting 1 to 2 years, out of which only 10 were selected. The total amount for scientific projects in 2010 was €208,965,00. Within the scientific publications programme, in 2010 12 scientific publications were selected. The total amount was €40,000.00. Within the short-term mobility programme, 10 grants were allocated and the total amount was €10,500.00. Whereas in the Brain Gain programme (€60,000.00) there was no interest expressed and thus the awards for the scientist of the year 2010 was not awarded.¹²⁷

During 2011 the competition was announced for the following programmes: 1. Publication of scientific works, 2. Short-term mobility. 15 candidates were selected from scientific publications programme in 2011. The total amount of the grant was €32,315.00. In the short-term mobility programme 10 candidates benefited, 4 attended various conferences and 6 in research projects. The total amount of the allocated grant was €9,485.00. 8 other mobility grants were allocated to candidates who applied during the year and the total amount was €7,500.00.¹²⁸

¹²⁴ Ibid, pp. 47-49.

¹²⁵ Kosovo's answers to the questionnaire of the European Commission for the Feasibility Study for Stabilization and Association Agreement, June 2012.

¹²⁶ MEST official webpage: <http://www.masht-gov.net/advCms/#id=36>.

¹²⁷ Kosovo's answers to the questionnaire of the European Commission for the Feasibility Study for Stabilization and Association Agreement, June 2012.

¹²⁸ Ibid.

In general, science and research in Kosovo are not considered a priority for the country's institutions if we take into account the low share of the budget, i.e. 0.1%, which is considered the lowest in Europe and the region. The main scientific institutions are faced with low budget allocations, the greatest part of which is used for operational costs. Scientific and technological research is still not considered as an important driver of economic and social development. There is almost no co-operation between the scientific research institutes and universities with the business and industry sectors. On other hand, the higher education curriculum is not compatible with the labour market needs. Scientific research institutions do not have the adequate capacities to benefit from EU programmes. There are no joint PhD programmes with foreign universities. The academic staff working in universities, especially the University of Prishtina is not directly engaged in research work during their work at the University and they are mainly focused on teaching. Moreover, the scientific research within PhD programmes is considered mainly an academic exercise and literature review. All of the aforementioned are preceded by very limited funds financing PhD programmes and this renders impossible important, relevant and qualitative research. In a nutshell, the research capacities in Kosovo are considered to be low and moreover there is a lack of basic infrastructure for scientific research.

Key challenges:

- Lack of the necessary legal infrastructure for research
- Low level of research activity
- Lack of an National Agency for Research
- Lack of transparency of financial management of Higher Education Institutions and Kosovo Academy of Science and Arts
- Kosovo is not allowed to manage the cooperation projects
- Lack of independent institutes
- Scientific research is mainly a personal initiative
- Universities are focused on teaching and the academic staff is not obliged to undertake minimal scientific research activity
- PhD programmes are not compatible with the labour market needs, and there is almost no co-operation between the higher education institutions and scientific research institutions, as well as there is no co-operation between them and the business and industry sectors
- Lack of research and innovation culture of the industry
- Limited budget allocated only for scientific research which fails to meet the objective of 0.7% of the annual budget
- Low capacities on the part of institutions to steer development policies on scientific and technological research
- Operational capacities at MEST are not fully professional and trained in line with European standards for the implementation of scientific research programmes
- Insufficient human resources capacities for development of adequate PhD programmes and inadequate capacities of the higher education institutions to cope with projects of international co-operation
- Low scientific research capacities in public and private scientific research institutions
- Lack of the adequate infrastructure for scientific research and lack of access to

scientific data

- Lack of funding PhD programmes and its research part. The funding of PhD programmes is provided mainly by the candidates themselves.

5. Main Conclusions on Education and Research

Pre-School Education			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Policy framework for pre-school and pre-primary education is in line with children's right convention	Implementation of all policies and legal framework for early childhood	Gaps in implementation of legal framework (protection of children, low inclusion, access, budget, quality, lack of human resources)	Establishment of monitoring mechanisms for implementation of legal framework
Inclusive legal framework was approved	Capacity building at municipal level for transfer of powers from central level	Low inclusion of children in pre-school education	
Document of early childhood learning standards 0-6 year olds	Implementation of standards for early childhood 0-6 year olds	Lack of infrastructure for responding children needs and poor management of budget based on requirements	Modification and use of infrastructure according to children needs
Criteria for licencing pre-school institutions have been improved	Increase of quality of early childhood education	Inter-ministerial agreement for advisory committee on early childhood	Reaching of inter-ministerial agreements for early childhood programme
Raising institutional and community awareness for early childhood and children at risk	Provision of quality services that increase inclusion of children from at risk groups	Lack of inter-sectorial interaction for early childhood (MH, MLSW, MEST, MF)	
Catalogue of accredited training programmes	Encouragement and information for accredited programmes for early childhood	Insufficient budget for early childhood (1%)/ there is no special budget line	Planning and fair allocation of budget according to priorities
Advisory committee for early childhood	Empowerment of advisory committee for early childhood	Alternatives forms of early childhood education are not supported	
Increase of interest for supporting pre-school education by NGOs and relevant institutions	Channelling funds from potential donors for early childhood that assure sustainability	Lack of pedagogical literature for early education	
Interest for opening up/ transforming institutions in public-private partnership	Establishment of quick procedures in public-private partnership process	Lack of programmes for parents	
Family resources as alternative for pre-school education	Increase of knowledge on relevance of early childhood education in families	Lack of curricula for age group 0-3 year olds	Development (revision) of comprehensive curricula (standards, KCF0 for children aged 0-6 year olds)
Faculty of Education / module on early education		Low level of awareness at municipal level for investing on early childhood education	Increase of awareness for relevance of education in early childhood
Regional cooperation	Exchange of experiences through regional cooperation networks	Low inclusion of children in pre-school education	

		Insufficient human resources at local and central level	Establishment and operationalization of evaluation and monitoring teams, advisory groups at municipal level for early childhood
		Lack of programmes for identification and intervention in early childhood	
		Support system for children of at risk groups	
		Sustainability of public-private partnership / Community-based centres	Commitment to assuring sustainability of PPP / QBK
		Lack of databases for taking evidence of children condition (health, social and educational)	Establishment of database for following children condition
		Unqualified staff for the work with children aged 0-3 year olds and 0-6 year olds	Establishment of professional development programmes and qualification of educators for early childhood (0-6 year olds) and in-service qualification (0-3 year olds)
		Lack of study programme for early childhood at the Faculty of Education	Establishment of the study programme for early childhood (0-3/0-6 year olds) at the Faculty of Education
		Lack of donor funds for early childhood education	

Pre-University Education

Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Kosovo Curriculum Framework and preparations for its implementation	Implementation of KCF according to scheduled timelines	Non-implementation of the strategy for electronic learning	Gradual implementation of electronic learning in schools
Gradual improvement of school infrastructure quality	Infrastructure needs to be adjusted to KCF requirements	Inadequate preparation of human resources to implement the competence-based approach	Training of education staff for implementation of competence-based approach and integrated learning (pre- and in-service)
Teachers have basic skills for ICT use	Equipping schools with ICT and internet access	Pre-service teacher training programme are not in line with the competence-based approach	
Supportive policies for inclusion are implemented	Consistent implementation of inclusion policies	Lack of mechanisms for provision of quality assurance	Establishment of mechanisms for advisory and supervision at central and local level
Upgrade in level of attendance and reduction of dropout	Taking effective measures for increase attendance and preventing dropout		Provision of reliable feedback for the quality of education
Inclusion of about 65,000 students in training	Provision of adequate support for implementation of basic teaching methods in classrooms	Non-satisfactory level and quality of foreign language acquisition	Upon completion of higher upper secondary education, each student will be able to communicate fluently in English and have knowledge of another language
Accreditation system for professional development programmes		Inappropriate communication for new curriculum	Continued information of stakeholders on the new curriculum

		Ensuring sustainability of best practices	Implementation of assessment of interventions (practices) in order to include them in the system
		Inadequate link between theory and practice	-Supplying schools with teaching and learning aids in line with the new approach - Link theory with practice
		Non-satisfactory literacy skills	Significant improvement of literacy skills
		Non-provision of alternative learning forms for children in need	Provision of alternative forms for children in need
		Non-quality services for children in need	Provision of quality services for children in need
		Low inclusion of children with special needs in mainstream education	Provision of inclusion for children with special needs in mainstream education
		Teachers are not prepared to work with children with learning difficulties	Teacher professional development for inclusive education
		Lack of professional services at school level	Establishment of professional services at school level
		Inappropriate infrastructure for children with special needs	Adjusting infrastructure for inclusion
		Unsatisfactory integration of RAE community in education system	Increased inclusion of RAE community in education system

Vocational Education and Training			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Approved legislation	Harmonization of laws	Non-implementation of laws	Implementation of laws
Decentralization process		Coordination with all stakeholders is absent	Ensuring inter-institutional (ministerial) cooperation (MEST, MLSW, MTI, MF)
Support from development partners	Ensuring sustainability of projects	Services for career guidance are absent	Define, describe and implement mechanisms and responsibilities for career guidance
Private sector is interested for cooperation with VET	Drafting of legal infrastructure for cooperation with the business sector (practical work)	Lack of equipment and labs for holding practice teaching	Increase of budget for VET
Demand/need for qualified workers		Funding of VET	
Centres of competence	Improvement of attractiveness to VET through the use of model of Centres of Competence	Low quality at VET / lack of monitoring	Development of policies for teacher/trainer training
Self-assessment report		Centralization of VET	Implementation of decentralization / funding and self-funding

QA coordinators			Collection of data for demand and supply for VET
Existing institutions for VET (AKK, KAAP, AAAP-ARr)	Operationalization, coordination and empowerment of existing institutions (AKK, KAAP, AAAPARr)	There is a lack of regular information for labour market needs	Revision and relevance of VET curricula
Accreditation process	Implementation of NQF criteria	Poor management of schools	Building of management capacities at municipal and school level for VET
National Qualification Framework		Insufficient capacities in municipalities for VET	
Credits- agreements according to ECVET 1hour=10 credits		Low awareness for VET relevance (civil society and enterprise sector)	Implementation of promotion campaigns for VET
National Framework for Quality Assurance		Lack of post-secondary level	Provision of 5th level of post-secondary education
Curriculum based on professional standards		Lack of proper Matura exam for VET	Adjusting Matura exam for VET
Networking of VET schools, MI, 50-60%			Encouragement of mind-set for innovation and entrepreneurship and ICT use
			Empowerment of gender equality in selection of VET profiles

Higher Education & Science and Research

Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Financial autonomy of higher education institutions	Creation of mechanisms for assurance of transparency in financial management	Low mobility of students and academic staff	-Establishment of mobility funds -Provision of programmes in English
Continue reformation of curriculum	Promotion of student and academic staff mobility		Development of joint study programmes
Implementation of Bologna system 2001			Information for interested groups for using existing mobility networks (CEEPUS, Erasmus Mundus)
Comparability of diplomas with regard to application of Bologna System	Equal treatment of all graduates		Valuation of achievements (ECTS) as a mobility outcome
Establishment of quality assurance units in all Higher Education Institutions (HEI) in Kosovo	Creation of mechanisms for quality assurance in academic units	Low level of cooperation of HEI with business sector (economy)	Development of curricula in cooperation with economy and industry
Use of learning outcomes in description of study programmes	Enrich Diploma Supplement with learning outcomes in order to facilitate employment	Lack of accurate statistics for inclusion in higher education and science	Establishment of the database on higher education and science
	Existence of office for career development	Lack of financial support for students (scholarships, subsidies)	Establishment of special funds for student support (loans)
Kosovo Accreditation Agency /External evaluation of programmes	Permanent support to KAA	Lack of infrastructure in institutions of higher education (facilities, labs, libraries, ICT)	Increased investments in improvement of human and infrastructure capacities

Institutional support for project leaders		Non-membership of Kosovo in the group of countries that have signed Bologna Declaration	Insisting that Kosovo becomes a signatory country of Bologna Declaration
Support for the idea for establishing of office for project support		Relevance of qualifications in higher education	Career counselling for students
Special fund for scientific research	Creation of mechanisms for increasing the fund in line with standards of the regional countries at 2% of GDP	Lack of statistical data for Kosovo-wide labour market needs	Provision of accurate data for labour market needs
Gaining experiences from EU funded projects and improved infrastructure	Creation of mechanisms for promotion of successful projects	Lack of qualified academic staff	Promotion of two-way academic staff mobility
Tendency to increase the number of this age group	Empowerment through information on vocational post-secondary schools	Treating academic staff as civil servants based on Law on Civil Service	Changing the status of academic staff from civil servants into special civil servants
Beginning of participation in Framework Programme FP7	Information for relevant stakeholders on strengths and participation process in Framework Programme FP7	Lack of necessary legal infrastructure for scientific research	Establishment of legal infrastructure in line with the EU legislation
Beginning of cooperation between Framework Programme FP7 for capacity building	Use and expansion of existing networks with the focus on Framework Programme FP7		-Revision of the law on patents - Completion of law for scientific research
		Low level of scientific research activity	Full implementation of National Science Programme
		Low level of cooperation in the field of scientific research	Increase of language skills / promotion of study programmes
			Valuation of research work at university
			Establishment of joint doctoral programmes
		Lack of scientific research infrastructure	Establishment of special funds for provision of scientific research infrastructure
		Lack of National Science Agency	Establishment of National Science Agency
		Lack of culture among industry sector for research and innovation	Creation of mechanism for cooperation between industry, HEI and scientific research institutions
		Lack of transparency of financial management from HEIs and ASHAK	
		Lack of necessary funds for scientific research	
		Visa regime	
		Lack of human and infrastructure resources Kosovo-wide	
		Kosovo does not have the right to be a project leader	
		Lack of independent institutes	

Chapter II-Youth, Culture and Sports

1. EU Policies on Youth, Culture and Sports

Chapter 26 of the European Union *acquis communautaire* includes, in addition to education and training, youth, culture and sports. Same as education and training, youth culture and sports are a primary competence of EU member states. Therefore, the EU aims to harmonize national policies and to achieve joint goals through the collaboration framework and preservation of joint objectives through the so-called open coordination method.¹²⁹

1.1. Youth

One of the key elements of the EU 2020 Strategy is the initiative called “Youth on the Move” which aims to increase the performance of educational performance and facilitation for youth entry into job market.¹³⁰ This initiative, in addition to development of higher education system in the EU, also aims to promote entrepreneurship through mobility programmes of young professionals, promote recognition of informal and non-formal education and aims to launch and youth employment framework by drafting policies that aim to decrease the level of youth unemployment. The later should promote, together with social partners, entry of youth into job market through different internship forms that aim to increase employment opportunities for the youth by encouraging youth mobility within the EU.¹³¹

Cooperation in the field of youth is a very structured and developed policy in the European Union. The EU youth programmes have been implemented since 1988. Policy process in this field was developed with the White Paper 2001 and is currently based on main three pillars:

- Active Youth Citizenship through Open Coordination Method based on four priorities (participation, information, volunteering and larger youth knowledge), joint objectives, relationships of Member States and well-structures dialogue;
- Social and professional integration through implementation of the European Stability Pact with Lisbon Strategy based on three priorities (employment/social inclusion/education/training, and preparation for life and work). European Commission Statement “Promotion of full inclusion of youth in education, employment and society” has proposed additional activities;
- Reflection of youth policies on other policies (such as anti-discrimination, health).¹³²

¹²⁹ http://ec.europa.eu/enlargement/archives/enlargement_process/future_prospects/negotiations/eu10_bulgaria_romania/chapters/chap_18_en.htm.

¹³⁰ European Commission Statement, Europe 2020, A strategy for knowledge-based, sustainable and inclusive economic growth. Brussels, 03.03.2010, COM (2010) 2020 final. p. 5.

¹³¹ Ibid. p. 13.

¹³² European Commission Statement for the Council of Europe, European Parliament, Social Economic Committee and Regions’ Committee. EU Strategy for Youth – Investment and empowerment: A revised open coordination

The European Union has set three long-term strategic goals for youth:

- Creation of more opportunities for youth to education and employment
- Improvement of full access and participation of youth in society
- Empowerment of mutual solidarity between society and youth¹³³.

While two main objectives of the EU for youth by 2018 include:

1. Creation of more equal opportunities for all youth in education and job market, and
2. Promotion of active citizenship, social inclusion and solidarity for all youth.

More specific objectives through which the broad objectives above will be achieved include: 1. Education and training, 2. Employment and entrepreneurship, 3. Health and welfare 4. Participation 5. Voluntary activities 6. Social inclusion 7. Youth and the world (mobility), 8. Creativity and culture.¹³⁴

In the field of education and training, besides formal education and training, special attention is paid to more opportunities for informal education and training, improvement of quality of those opportunities and especially recognition of qualifications, results and/or skills obtained from them and their smoother transfer to formal education. Then, special attention is paid to counselling services and career guidance for the youth as well as development of participating structures as part of educational system as well as cooperation among schools, families and local communities.¹³⁵

In the field of employment, special attention is paid to facilitation of transition from school to work from being unemployed to youth employment. Increase of investments in provision of required skills for jobs that are demanded in the job market by providing a better match and a long-term prediction of skills that will be needed in the future. In this regard, special attention is paid to internship programmes during and after formal schooling. The EU encourages all its member states that youth employment is the main priority.¹³⁶

Regarding creativity and entrepreneurship, special attention is paid to development of talent, creative skills, building of entrepreneurship mind-set and cultural expression of youth. In this regard, the European Union encourages establishing start-up funds for funding different creative and entrepreneurial initiatives. In the field of health and sports, special attention is paid to healthy living of youth and physical education, sports

method for addressing youth challenges and opportunities. Brussels, 27.04.2009. COM (2009) 200 final. p. 3.

¹³³ Ibid. f. 4.

¹³⁴ COUNCIL RESOLUTION of 27 November 2009 on a renewed framework for European cooperation in the youth field (2010 -2018), p. 3-4.

¹³⁵ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. An EU Strategy for Youth – Investing and Empowering. A renewed open method of coordination to address youth challenges and opportunities. Brussels, 27.04.2009. COM (2009) 200 final. p. 5.

¹³⁶ Ibid. p. 6.

activities and cooperation between young employees, health professionals and sports organizations with the focus on preventing and treating obesity, injuries, addictions and abusive substances as well as mental and sexual health.¹³⁷

Regarding youth participation, special attention is paid to ensuring full participation of youth in social life in local communities and in representative democracies through support for youth organizations as well as different forms of “learning of participation”, by encouraging participation of non-organized youth and by offering quality information services. Special attention is paid to creation of opportunities and conditions for consultation and debates between public institutions and youth, i.e. inclusion and consultation of youth regarding policy making.¹³⁸

As part of social inclusion objective, special attention is paid to prevention of poverty and social exclusion of youth from vulnerable groups and stopping of transmission of marginalization from generation to generation through mobilizing of all stakeholders involved in the life of youth (parents, teachers, social workers, health professionals, youth workers, youth themselves, police and justice institutions, employers, etc.). Another EU objective in the field of youth is support for volunteering by creating more opportunities and making it easier to volunteer by eliminating obstacles, raising awareness for the value of volunteering, recognizing volunteering as a very important form of informal education and strengthening of volunteering in other states.¹³⁹

Therefore, youth in the EU policies is closely related to core elements of the EU Strategic Framework 2020 for a knowledge-based, sustainable and inclusive economy. Promotion of social and professional integration of youth is an essential component for achieving these objectives, including promotion of personal fulfillment, social cohesion and active citizenship. Therefore, youth, culture and sports policies are considered as inter-sectorial policies with policies of education and training, employment policies, inclusion, health policies and social cohesion, which ensure sustainable growth and development. The EU encourages cooperation among all sectors for considering and addressing issues that are related to youth in all sectorial policies.¹⁴⁰

One of the ways to achieve above-mentioned objectives is Youth in Action Programme by offering opportunities for youth mobility, learning and active participation in society in entire EU and abroad. The programme aims to inspire active citizenship, solidarity and tolerance among young Europeans and to include them in creation of the future of the Union. It also promotes informal education and inter-cultural dialogue and encourages the inclusion of all youth, irrespective of education, cultural or social background. The European Commission has enabled Balkans countries, including Kosovo, to benefit from the programme.

¹³⁷ Ibid. p. 7.

¹³⁸ Ibid. p. 8.

¹³⁹ Ibid. p. 8-9.

¹⁴⁰ Resolution of the Council of Europe dated 27 November 2009 on revised framework of Europe for cooperation in the field of youth (2010 -2018), p. 2.

1.2. Culture

Culture has never been at the centre of European integration. Even though economic, legal and political integration of the EU member states has a long history, the first moment of cooperation in the field of culture was in 1970 during the great recession, oil crisis and the first wave of expansion, when Great Britain, Ireland and Denmark became members. In 1973, member states signed “Declaration on European Identity” by underlining that they share the same views for life based on the determination to build the society; while in 1975 Tindemanns Report stressed the need for a policy that would transform the Europe of technocrats into a Europe of People. Subsequently, the European Commission started to develop a cultural policy through the support of the European Parliament and through substantial reports, programmes and initiatives (e.g. Eurovision or appointing European cities as “Cultural Capitals of Europe”) for strengthening European identity. However, cooperation between EU member states is a competence of the community since the introduction of culture into Maastricht Treaty in 1992.¹⁴¹

European Union Treaty requires that the European Union takes into consideration the culture in all its activities in order to encourage inter-cultural aspect and to promote cultural diversity. Lisbon Treaty, which has entered into effect in December 2009 did not change provisions related to culture.¹⁴² Article 167 of the Maastricht Treaty on European Union stresses that actions undertaken by the Union aim to encourage cooperation among Member States, and if necessary support and back-up for the actions in the following fields: 1. Improvement of knowledge and spread of culture and history of people of Europe. 2. Preservation of cultural heritage of special relevance for Europe, 3. Cultural non-commercial exchanges, 4. Artistic and literary works, including audio-visual sector.¹⁴³

The EU has set three overall strategic objectives¹⁴⁴ for Culture:

- Promotion of cultural diversity, i.e. encouragement of mobility of artists and professionals of culture, promotion of cultural heritage through enabling access of public and promotion of inter-cultural dialogue.
- Promotion of culture as a catalyst of creativity in the framework of Lisbon Strategy for growth, employment, innovation and competition. More specifically the promotion of synergy between culture and education in order to develop creativity and innovation; promotion of management, business and entrepreneurial trainings in the field of culture and creation of a more favourable environment for development of cultural and creative industry, including audio-visual sector by maximising their potential, especially of SMEs, through incentives for partnerships between culture sector and other sectors.
- Promotion of culture as a vital element in international relations of the Union.

¹⁴¹ Ibid. p. 4.

¹⁴² Ibid. p. 32.

¹⁴³ Consolidated Versions of the Treaty of European Union and Treaty on Operation of the European Union (2012/C 326/01).

¹⁴⁴ Resolution of the Council on European Agenda for Culture, 16 November 2007, (2007/C 287/01).

More specifically strengthening of the role of the EU culture in international relations, promotion of UNESCO Convention, strengthening of the inter-cultural dialogue and civil society of the EU with third countries, and promotion of cooperation of EU cultural institution with third countries.

1.3. Sports

Article 165 of the Treaty for Operation of the European Union provides a “soft legal framework” (by encouraging cooperation with Member States and support for their actions) in the field of sports, education and youth. Regarding sports, Article 165 invites the Union to:

- Promote issues that are related to sports, considering its specific nature, its structures based on voluntary activities and social and educational function
- Develop European dimension in sports promoting fairness in sports competition and cooperation among institutions in charge of sports and by protecting physical and moral integrity of athletes.
- Strengthen cooperation with third countries and international organizations.¹⁴⁵

On 18 January 2011, the European Commission approved the Statement titled “European Sports Dimension Development”. This is the first policy document issued by the European Commission in the field of sports after entry into effect of the Lisbon Treaty, which gives the EU the mandate for support, coordination and supplementing of measures for implementation of sports policies undertaken by Member States.¹⁴⁶

The Statement presents ideas of the European Commission for actions in the field of sports at the EU level. This statement has taken into consideration the White Paper 2007 on Sports and follows the same structure. It proposes specific actions for Commission and/or Member States within three broad chapters:

- Social role of sports,
- Economic dimension of sports, and
- Organization of sports.¹⁴⁷

The Statement is accompanied by a Working Document of Staff on freedom of movement of professionals and individuals of amateur sports in the EU.

Consultations with Member States have resulted with a higher consensus on the topics that need to be priorities for the EU agenda in the field of sports, including: physical activity for improvement of health, fighting of doping, education and training, voluntary activities and non-governmental organizations, social inclusion through sports, sustainable funding for sports in lower levels and good governance. Non-governmental sector

¹⁴⁵ Treaty on Operation of European Union. Article 165.

¹⁴⁶ http://ec.europa.eu/sport/news/communication-on-sport-adopted_en.htm.

¹⁴⁷ Ibid.

of sports has raised the following issues: level of participation in sports, provision of sport and physical activities in all levels of education, recognition of voluntary activities, fighting of violence and discrimination, sustainable funding and the need to support network and exchange of good practices at the EU level.¹⁴⁸

2. Policy and legal framework of Kosovo for Youth, Culture and Sports

2.1. Youth

In December 2002, a policy framework was developed for the first time by Youth Department at the Ministry of Culture, which included seven main areas that covered core areas of activities of Youth Department.¹⁴⁹ Kosovo Strategy and Action Plan 2010-2012 was only adopted in 2009. The strategy includes 6 main strategic objectives: 1. Participation, 2. Informal education, 3. Employment and entrepreneurship, 4. Health, education and health promotion, 5. Human safety, 6. Sports, culture and recreation.

In general, it can be noted that the objectives of this strategy are in line with the strategic objectives of the EU defined in the Resolution of the Council dated 27 November 2009 for the revised framework of Europe on cooperation in the field of youth (2010 -2018).

Regarding legislation on youth, in 2003-2004, Youth Department at the Ministry of Culture, Youth and Sports developed the first draft of the Law on Youth Empowerment and Participation (No. 03/-L-145) which was passed by the Assembly of Kosovo only on 30.09.2009, and was decreed by the President on 19.10. 2009.¹⁵⁰ The Law aims continued advancement and affirmation of youth participation in the decision-making process, without any distinction or exclusion, in development of a democratic society in order to improve the quality of life of youth and their social status.¹⁵¹

To implement this law, four administrative instructions were adopted in August 2011, including:

- AI 9/2010 on responsibilities and procedures of establishment and operation of youth action councils in Kosovo. This AI determines responsibilities and procedures for establishing, operating and type of registration of youth action councils in Kosovo;
- AI 10/2010 on youth voluntary work. This AI aims to regulate rights, responsibilities and procedures related to youth voluntary work as well as the work of the Commission for implementation of youth voluntary work;

¹⁴⁸ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. COM (2011) 12 final. Brussels, 18.01.2011. p. 3.

¹⁴⁹ Youth Empowerment in Kosovo – Realities and Opportunities: education for democratic citizenship and human rights. KAHCR (Kosovo Association on Human and Children Rights). May 2011.

¹⁵⁰ Official website of the Assembly of Kosovo. <http://www.assembly-Kosovo.org/?cid=1,191,372>

¹⁵¹ Law on Youth Empowerment and Participation. Article 1.

- AI 11/2010 on licensing of youth centres. This AI defines procedures for licensing Youth Centres in Municipalities;
- AI 12/2010 on informal education of youth. This AI aims to regulate learning areas, template for courses of informal education of youth, certification, criteria for informal education providers for youth as well as the work of the Commission for implementation of informal education of youth.¹⁵²

2.2. Culture

Currently Kosovo does not have an approved strategy for culture. Drafting and approval of the Strategy on Culture is planned to be completed during 2013.¹⁵³

Legislation in the field of culture includes:

- Law on Cultural institutions
- Law on Cultural Heritage
- Law on Special Protected Zones
- Law on Historic Center of Prizren
- Law on Hoça e Madhe
- Regulation on Cultural Heritage
- Handbooks drafted from the Council of Europe and local experts
- Law on Theatre
- Law on Philharmonic, Opera and Ballet of Kosovo (this law is planned to be amended during 2013)
- Law on National State Ensemble of Songs and Dances "Shota" and other ensembles
- Law on Cinematography
- Law on Copyright and approximate rights
- Law on Libraries
- Law on Publication Activity and Books
- Law on Archive Materials and Archives
- Law on Kosovo Libraries (published in the Official Gazette of the Republic of Kosovo);
- Regulation on theatre awards;
- Regulation on cinematography awards;
- Regulation for classification of jobs in civil service;
- Statute of the Kosovo National Gallery;

The following are expected to be passed during 2013:

- Regulation for registration of cultural institutions;
- Regulation for registration criteria of cultural institutions of Kosovo
- Awards for the best drama "Katarina Josipi"
- Law on Cultural Heritage
- Strategy on Cultural Heritage and Promotion

¹⁵² Website of the Ministry of Culture, Youth and Sports. <http://www.mkrs-ks.org/?page=1,112>.

¹⁵³ Department of Culture. Ministry of Culture, Youth and Sports, January 2013.

2.3. Sports

Kosovo does not have a special strategy for sports. However the field of sports is part of youth policies, i.e. Kosovo Youth Strategy and Action Plan 2013-2017.

Regarding the legislation, there is the Law on Sports No. 2003/24, adopted by the Assembly of Kosovo with amendments dated 21.12.2011 and decreed by the President of Kosovo on 06.01.2012. For implementation of the Law on Sports, the following Administrative Instructions were passed:

- Administrative Instruction on Establishment and Licensing of Institutions of Sports Medicine
- Administrative Instruction for Establishment and Registration of Public and Private Sports Clubs
- Administrative Instruction for Registration and Licensing of Sports Federations and Associations in Kosovo
- Administrative Instruction for Organization and Operation of Kosovo Olympic Association
- Administrative Instruction for Supervision of Administrative and Professional Work of Sports Clubs and Federations.¹⁵⁴

3. Institutional Framework

Ministry of Culture, Youth and Sports (MCYS) is the main institution at the central level that is responsible for policy-making and proposing legal infrastructure in the field of youth, culture and sports. On the other hand, municipalities are main institutions in charge for implementation of culture, youth and sports policies at the municipal level. Except for the municipality of Mamusha, 36¹⁵⁵ other municipalities have their Departments for Culture, Youth and Sports or a similar body, while the number of staff in these departments varies from municipality to municipality.

In 2010, there were 29 officers for youth at the municipal level. This means that 78% of municipalities have at least a basic and institutional structure for youth. The majority of youth officers have a university diploma; in at least 5 municipalities there were employed students as well. All municipalities have had budgetary issues with the youth; there were no allocation from budget lines for youth activities, while only 17 (46%) of the municipalities was able to clearly report the costs related to youth for 2010 (in 2009 the number was even lower, only 13).¹⁵⁶ The lack of the necessary budget at the local level poses the main challenge for implementation of policies for youth, culture and sports.

¹⁵⁴ Website of the Ministry of Culture, Youth and Sports. <http://www.mkrs-ks.org/?page=1,57>.

¹⁵⁵ Empowerment and Development of Youth Structures in Kosovo – Baseline Assessment GIZ – EDYK, February 2011, Shkurt 2011. p 26

¹⁵⁶ Ibid. p. 27

3.1. Youth

The field of youth is a sub-sector that is of inter-sectorial and inter-ministerial nature. Therefore a number of ministries play an important role in the field, including the Ministry of Education, Science and Technology, Ministry of Labour and Social Welfare, Ministry of Trade and Industry, Ministry of Health, National Qualification Authority, etc. Each of these institutions has, or at least should have, responsibilities in the field of youth development regarding formal and informal education and recognition of qualifications, preparation of youth for employment, facilitation of school to work transition, where a key element is practice work during and after formal education, their employment, education of youth for a healthier life and many other issues that is difficult to be seen as separate from one another in the 21st century.

Local level institutions are responsible to provide necessary human and financial resources for implementation of youth programmes, provide necessary public spaces for development of youth activities and informal education, support to youth organizations for informal education and other development activities, development of policies and plans for local youth – all of these in close cooperation and consultation with Local Youth Councils.¹⁵⁷ At the local level, respective municipalities are in charge for implementation of youth policies, more specifically the Directorate for Culture, Youth and Sports and Directorate for Education.

Youth Action Councils – In the field of youth, besides public institutions, Youth Action Councils also play a special role, including National Youth Action Council (established and recognized by MCYS in August 2011)¹⁵⁸ and Local Youth Action Councils, established by Administrative Instruction pursuant to Law on Youth Empowerment and Participation. By the end of 2012, 30¹⁵⁹ Local Youth Action Councils were established (5 of them during 2012), while it is assessed that only 22 are fully operational.¹⁶⁰ The number of municipalities that have not established these councils are small and new municipalities or those with a Serb majority. Based on the Law on Youth Empowerment and Participation, local and central institutions are required to consult with Youth Action Councils in cases when adopting policies and laws that pertain to youth. The Law also includes provisions that require youth participation in decision-making in relevant sectors such as: 1. Education, 2. Employment, 3. Public health, 4. Social issues, 5. Culture, sports and recreation, 6. Civic education and democracy, 7. Environment, spatial planning and rural development.¹⁶¹

Youth Centres – Establishment and functioning of youth centres is regulated with a Special Administrative Instruction pursuant to the Law on Youth Empowerment and

¹⁵⁷ Law on Youth Empowerment and Participation, Article 7.

¹⁵⁸ MCYS. Youth Department. January 2013.

¹⁵⁹ Ibid.

¹⁶⁰ Empowerment and Development of Youth Structures in Kosovo – Mid Term Evaluation Report - EDYK, December 2011. p. 1.

¹⁶¹ Law on Youth Empowerment and Participation, Article 13.

Participation.¹⁶² Based on Administrative Instruction 11/2010 for licensing youth centres¹⁶³ each municipality is required to license at least one Youth Centre, while any youth organization that is registered at the Ministry of Public Administration is entitled to apply for being licensed as a Youth Centre by their respective municipalities. Municipalities make their decision on the license in consultation with Local Youth Action Council. There are 17¹⁶⁴ youth centres in 15 municipalities (40% of municipalities). These youth centres now operate as NGOs.

Student Council – Based on the Law on Pre-university Education, all schools of ISCED level 2 and 3, i.e. lower secondary and upper secondary schools, must establish a School Student Council which includes at least one selected student from each classroom and it is elected every year with hidden ballots. The role of this council is to work on improvement of educational environment, working conditions and interests that are related to health, safety and welfare of students and be represented at the School Board.¹⁶⁵ The Council may serve as a good step in identification of needs and problems of youth and their representation in decision-making levels of Youth Action Councils.

3.2. Culture and sports

Department of Culture within MYCS drafts and implements development policies in the field of scenic-music arts, visual arts, publications and libraries according to European standards, considering culture as an influential and powerful mechanism for democratic development of the country, as well as for re-affirmation of cultural identity of Kosovo in the region as a constituting part of European cultural identity.¹⁶⁶ There are three divisions as part of the Department of Culture:

- Division of Scenic-Music and Visual Arts;
- Division of Promotion of Culture and
- Division of the Book, (it is still not filled up with staff, with exception of the officer for publication activity, books and licensing and officer for libraries).¹⁶⁷

As part of Division of Scenic-Music and Visual Arts (DSMVA), there are four sectors and an area in "Qafa" complex for organizing art exhibitions:

- Sector of Scenic Arts-Theatre;
- Sector of Scenic-Music Arts;
- Sector of Cinematography;

¹⁶² Ibid. Article 12.

¹⁶³ AI 11/2010 on Licensing of Youth Centres, Article 3.

¹⁶⁴ Empowerment and Development of Youth Structures in Kosovo – Baseline Assessment GIZ – EDYK, February 2011. p.29.

¹⁶⁵ Law No. 04/L-032 on Pre-university Education, Article 18.

¹⁶⁶ <http://www.mkrs-ks.org/?page=1,7>.

¹⁶⁷ Department of Culture. MCYS. January 2013.

- Sector of Visual Arts;
- Gallery “Qafa”

All sectors implement their activities based on DSMVA policies, whose key objective is to provide institutional support to culture, especially to cultural institutions that are under the umbrella of the Department of Culture.

In addition to local and central public institutions, cultural institutions that are established by law also have an important role. Based on the Law for Cultural Institutions, there are public cultural institutions and private cultural institutions, whose establishment is done in line with the criteria stipulated by law. Public cultural institutions are funded by the state budget, while private cultural institutions may be supported by the state budget.

Cultural institutions– Important cultural institutions that contribute to development and promotion of culture and arts in Kosovo include National Theatre and its theatres, cinemas, libraries, museums, Kosovo Philharmonic and Opera, Kosovo Ballet Institution, National State Ensemble of Songs and Dances “Shota” and other ensembles, Kosovo Gallery of Arts, Gallery of Arts “Qafa”, Kosovo Cinematographic Centre.¹⁶⁸

- *Sports institutions*

Sports Department within MCYS is the main institution at the central level that is in charge of developing and monitoring implementation of sports policies.

Departments for culture, youth and sports as part of Municipalities which are responsible for implementation of sports policies as well as for financial support of sports activities.

Kosovo Olympic Committee, based on the new Law on Sports is the highest non-governmental sports institution, which gathers sports federations, sports and other associations, whose activities are important for development of sports in line with its statute and regulations.¹⁶⁹

Sports federations– Sports federation play an important and special role in development and promotion of sports in Kosovo, including: Federation of Football, Federation of Basketball, Federation of Handball, Federations of Table Tennis, Athletics, Swimming, Box, Judo, Wrestling, Cycling, Tennis, Kickbox and Karate.¹⁷⁰ Various sport clubs of different sports also play a special role in development of sports.

¹⁶⁸ Website of Ministry of Culture, Youth and Sports <http://www.mkrs-ks.org/?page=1,60>.

¹⁶⁹ Law No. 04/L-075 on Amendment and Supplement of Law no. 2003/24 on Sports. Article 7. Assembly of the Republic of Kosovo.

¹⁷⁰ Website of Ministry of Culture, Youth and Sports <http://www.mkrs-ks.org/?page=1,50>.

4. Situation analysis: achievements and challenges

4.1. Youth

Youth is a fundamental stage of life where the youth start to understand their aspirations, seek their economic independence and making their place in society. Transition to maturity and world of work often take place simultaneously and this period might be very difficult for some youth. However, if this transition may be facilitated through effective support in order to ensure a good start in the world of work, it would positively affect professional and personal success for many youth in later stages of life.¹⁷¹

Youth needs to be understood as a transitory period between being dependent in early childhood to being independent in maturity as well as the awareness of interdependence as a member of the community. Youth is more of a fluid category rather than a fixed age group. Therefore, as youth often are considered the persons between the age when they complete compulsory education and the age when they find their first job. The later age has continued to grow constantly since the level of unemployment and cost of creating independent households makes it for many persons to extend the period of obtaining independence.¹⁷²

Officially and for statistical purposes, youth age groups vary from state to state. For statistical purposes, the United Nations use age group 15-24 year olds, while member states themselves use different categories. A large number of states define youth to include age groups between 15-35 year olds.¹⁷³ The EU programme “Youth in Action” aims to and recognizes the youth aged 15-30, while youth age groups also vary within the EU.¹⁷⁴ In Kosovo legal or official age that encompasses youth is 15-24 defined by the Law on Youth Empowerment and Participation.¹⁷⁵ However, considering that important determinants of this age group include education, employment and youth independence, it is more appropriate that the analysis of challenges related to youth in Kosovo is not strictly related to the 15-24 age group, knowing that issues with which Kosovo youth is faced with are present beyond that age.

Based on the statistics from the last census of 2011, about 47% (823976) of the population are under 25, while 19% (336,399) of youth belong to the 15-24 age group.¹⁷⁶

For the youth the largest threats include unemployment (47.3% of 10-14 year olds and 54.3% of the 15-24 year olds) and poverty (28.2%).¹⁷⁷ The Ministry of Culture, Youth

¹⁷¹ Vali Corbaneze dhe Giani Rosas. Transition of youth towards a decent job: Evidence from Kosovo. 2007.

¹⁷² <http://www.unesco.org/new/en/social-and-human-sciences/themes/youth/youth-definition/>.

¹⁷³ Ibid.

¹⁷⁴ http://ec.europa.eu/youth/news/doc/sec401_en.pdf.

¹⁷⁵ Law on Youth Empowerment and Participation, Article 3.

¹⁷⁶ Population Census, Households and Housing in Kosovo 2011: Final Results: Main Data 2011.

¹⁷⁷ Empowerment and Development of Youth Structures in Kosovo – Baseline Assessment GIZ-EDYK, Feb-

and Sports (MCYS) has allocated 404,000 Euros for implementation of the Youth Action Plan for 2010, which is a portion of the general planned budget, which for 2011 was at about 1,047,000 Euros.¹⁷⁸ In 2011 there was a budget increase of 14% in the field of youth. In the last four years (2010-2013), only around 0.05% of Kosovo overall budget or 5% of MCYS budget were allocated to Department of Youth.¹⁷⁹ About 2/3 of Youth Officers and Local NGOs are estimated to have received support from the Youth Department during 2011. In the case of Local Youth Action Plan Councils, only 1/3 of them have had support from Youth Department.¹⁸⁰

As part of the support offered by the Youth Department during 2012 in the field of informal education, employment, social inclusion, creativity, health, sports, volunteering a number of 6000 – 7000 of youth received support, where 40% of them were female, 60% male, 10% minorities, 10% of special needs persons. The amount of support for the winning NGOs was about 400,000 – 500,000 Euros. Also, Youth Department based on the Kosovo Youth Strategy and Action Plan 2010/2012 has supported about 40 youth to take part in many study visits, cultural and youth activities outside Kosovo in order to develop their creative potential. The total that the youth has benefited from was about 30,000 Euros.¹⁸¹

Youth Strategy and Action Plan considers powerful involvement of the line ministries, but so far this has not be reflected in their policies and programmes. Partners are not sufficiently coordinated while Youth Department due to its low budget is not able to manage implementation of the YSAP; Youth Department lacks office space and sufficient human resources and managing capacities. YSAP requires a broader and more participatory approach, which does not include only the public sector, but also includes NGOs and donors. There is a huge demand for coordination, but that is not sufficiently addressed.¹⁸² Regarding coordination mechanisms in the field of youth there are still gaps with regard to coordination at all levels: within the MCYS, among ministries and relevant stakeholders, between donors and MCYS and between Youth Department and Youth Departments at the municipal level.¹⁸³

One instrument for implementation of the youth strategy are calls for proposals managed by each of the three YD divisions based on their defined criteria. Civil society organizations are required to participate and submit their projects. It is estimated that for

bruary 2011 .p. 14.

¹⁷⁸ Ibid. p. 19.

¹⁷⁹ Laws on Annual Budget 2010, 2011, 2012 an 2013. Kosovo Assembly.

¹⁸⁰ Empowerment and Development of Youth Structures in Kosovo–Mid Term Evaluation Report - EDYK, December 2011, February 2011, p. 1.

¹⁸¹ MCYS. Youth Department. January 2013.

¹⁸² Empowerment and Development of Youth Structures in Kosovo–Baseline Assessment GIZ–EDYK, February 2011, 2011. p. 20.

¹⁸³ Empowerment and Development of Youth Structures in Kosovo–Mid Term Evaluation Report - EDYK, December 2011. p. 1.

every round of call for proposals there were between 40-60 proposals for each division, from which 15 were selected, each in the amount between 1,000 – 2,000 Euros. Proposals are assessed by an evaluation commission and donor participation.¹⁸⁴

In general the budget for the youth remains low, especially at the local level where only in the recent years some of the municipalities have started to allocate a special budget line for the youth. At the central level, considering the overall budget that is allocated for all relevant youth sectors, the budget for the youth is only higher than the budget that is allocated specifically for youth through individual budget lines. For example, expenditure related to youth at the Ministry of Education is ten times higher than those of the YD (about 5 million Euros). The Ministry of Labour can allocate about 1 million Euros. Ministry of Health spends for prevention of HIV/AIDS and other youth related issues. Line ministries also have costs related to youth which are not declared as costs for the youth sector. YSAP wants to unify these institutions and their budgets related to youth. However ministries have not assigned budget codes for youth activities yet. Budget codes have to pass through the Ministry of Economy and Finances and it is a slow administrative process.¹⁸⁵

Key challenges:

- Actual consideration of youth as a national asset by Kosovo institutions and reflection of this into all sectorial policies
- The increase of budget for the youth in central budget and at the local level in particular and allocation of special budget lines for youth
- Creation of necessary inter-governmental coordination mechanisms with other relevant stakeholders in the youth sector
- Strengthening the cooperation among the central and local level
- Empowerment of and greater support for National Youth Action Council and councils at municipal level
- Focus on sustainable projects for youth development
- Reduction on donor contribution to development of youth

¹⁸⁴ Empowerment and Development of Youth Structures in Kosovo–Baseline Assessment GIZ–EDYK, February 2011, p. 20.

¹⁸⁵ Ibid. p. 21.

4.1.1. Participation

The Law on Youth Empowerment and Participation No. 03/L-145 provides the legal basis for improvement of youth participation in society. This law requires Kosovo institutions to ensure youth participation and to ensure youth influence on important decision-making processes. Further the AI 9/2010 on responsibilities and procedures for establishing and functioning of Kosovo Youth Action Council was adopted, which determines responsibilities and procedures for establishment, operation and type of registration of youth action councils in Kosovo. This instruction sets the legal and institutional basis for increasing youth participation.

The level of youth participation is very low and participation drops with increase of age: only 2% of the adult youth responded that they are personally involved with a youth organization, compared to 12% of students. As part of identified youth organizations, youth participation is prevailing. As part of 450 members of identified NGOs, 35% were aged between 20 to 25, and 12% from 15 to 19 years old. 88 youth NGOs were identified in 34 municipalities. Only three municipalities have reported that they don't have any active youth NGO. It is assessed that their staff in general is of youth age.¹⁸⁶

Only 7.1% of age school students have heard of the existence of the Youth Strategy, while among adult youth only 6.6% (weighted results). Only 9 of those interviewed (0.6%) have personally been involved in the implementation process. From 87 youth members interviewed who knew something of the YSAP, 11% thought that opportunities to participate in YSAP implementation were limited (1 to 2 in a comparison scale of 1 to 5) and about half thought that participation opportunities are usual or average. Meanwhile 27% thought that participation opportunities are promising or high (un-weighted results).¹⁸⁷

There is a long time assessment that youth influence on decision-making institutions is low for two reasons: first, institutions do not feel obliged to respect youth rights for participation, and second, youth themselves do not see their participation as citizenship responsibility. Based on a UNICEF study¹⁸⁸ only 16% of respondents aged 10-14 and only 14% of those aged 15-24% are part of a youth club or organization. As an alternative, the majority of youth spent free time in extra-curricular activities in cafe bars with their friends (48%)¹⁸⁹, they consume media – by watching TV, listening to music or visiting social networks (3.5 hours a day are spent watching TV and about the same time is spent on surfing internet)¹⁹⁰ where the majority of them consider that there is no

¹⁸⁶ Empowerment and Development of Youth Structures in Kosovo–Baseline Assessment GIZ–EDYK, February 2011 . p. 30.

¹⁸⁷ Empowerment and Development of Youth Structures in Kosovo–Mid Term Evaluation Report -EDYK, December 2011. p. 23.

¹⁸⁸ Unleashing Change: Voices of Kosovo's Youth, UNICEF, 2010. p. 52.

¹⁸⁹ Ibid. p. 47

¹⁹⁰ Kosovo Youth: Looking to the future with roots in traditions. Survey 2012. Friedrich Ebert Stiftung & IDRA. p. 9.

alternative. In particular, the participation is lower among females in rural areas. It is considered that non-participation of youth does not have to do with their non-interest but it is more related to lack of information and education among Kosovo youth about active participation and citizenship.¹⁹¹

It is also considered that active participation and self-initiative is closely related to their participation in and influence on their families. Therefore, if youth are used that their voice is not heard and they don't exercise their influence on their families, this behaviour is enforced and internalized by youth and they are more likely to express the same behaviour towards society. Based on the study conducted by UNICEF in 2010¹⁹², 36.3% of youth that were part of the sample felt that their opinion was always taken into consideration. The majority of respondents, 46.4% stated that their opinion was considered sometimes and 15.8% felt that their opinion was never taken into consideration. In general, it turns out that youth thinks and feels that to some extent they play a role in decision making within their family.

The study conducted by IDRA (2012) found that "civic engagement" and "involvement with politics" are not trendy among the Kosovo youth. They were mentioned by 42% and 29% of youth respectively. It is a little bit strange and probably concerning too that the main worry of the majority of the youth in the sample stated that they believe "Looking good" is one of the trends that they youth pay the most attention. "Looking good" for the youth, besides being considered as an important element to be accepted by the social circles and to establish a relationship, it is also considered as important for finding a job. Three most often mentioned trends by youth included in the same include: "Looking good" (87%), "Complete university education" (86%) and "Being independent" (84%).¹⁹³ "Looking good" is a very important element for every individual, including youth. But to overestimate it by considering it as the key element of success of an individual in the society can be an important indicator for the youth perception and development trend. This study found that youth interest in and belief on their impact on social and political changes is small.

Historically youth influence and participation in Kosovo was much more significant if we consider the pre-war period and student involvement. Youth interest and will for participation into youth organizations and other participatory forms was much more significant right after the war, when participation and voluntary involvement was much more present. Also the donor community during the period was much more active and supported many initiatives. It is considered that youth participation and interest, as well as donor involvement, started to decrease gradually. In addition to reduction of donor support, it is also considered that their assistance was often inadequate and did not address real needs of the youth. Their focus was put on peace, tolerance and multi-ethnic

¹⁹¹ Unleashing Change: Voices of Kosovo's Youth, UNICEF, 2010 p. 52.

¹⁹² Ibid. p. 47.

¹⁹³ Kosovo Youth: Looking to the future with roots in traditions. Survey 2012. Friedrich Ebert Stiftung & IDRA. p. 60.

society projects, which are important nonetheless, but they side-lined real development projects of youth and this is considered to have contributed to discouragement of youth to be more active.¹⁹⁴

Youth action councils must serve as main generators of youth participation and influence on decision-making. Full operationalization of these councils and continued and substantial consultation with municipal and central institutions is a key element for improving youth participation. Further, establishing student councils in lower and upper secondary schools is an important step in promotion and early education of youth about importance of their participation and activation of and consultations with these councils is of special importance.

Key challenges:

- Promotion and early education for participation and its relevance and creation of the paradigm among youth about active participation in various decision-making processes
- Full operationalization of Youth Action Councils as main youth representation structures
- Real and substantial consultation with Youth Action Councils by public central and municipal institutions
- Increase of budget for promotion and increase of youth participation
- Profilization of youth NGOs
- Capacity building of youth centers (technical, implementing and financial)
- Improving the decision making of youth in local and central level
- Networking and information of youth organizations for application for international funds
- Recognition of youth experience obtained during various participatory activities
- Encouragement and active support for youth NGOs, including financial and technical support, provision of advice for their operation, fundraising, etc.

4.1.2. Non-formal education

Based on the Law on Adult Education approved in 2012, adult education and training means entire public education and training provided to adults and/or youth above 15 years old, who are entitled to attend education programmes drafted for adults.¹⁹⁵ Formal education takes place in a certain structured environment (e.g. in an educational/training institution or on the job) and it is clearly designed as learning (with regard goals, time and resources). From the learner's perspective, formal education is purposeful. Typically it leads to validation and certification. Non-formal learning is based on educational programmes that vary from those included in definition of formal educa-

¹⁹⁴ Unleashing Change: Voices of Kosovo's Youth, UNICEF, 2010. p. 54.

¹⁹⁵ Law on Pre-University Education, Article 2.

tion in the Law on Adult Education.¹⁹⁶ This learning may be implemented within the same education and training institutions that offer formal education programmes or it can be completely independent. However, this form of learning is systematic regarding the objectives, duration and learning resources.¹⁹⁷ Learning within the formal system is traditionally more transparent and more accepted in the job market and society in general. However, in recent years there is more appreciation for non-formal and informal education and in this regard there is a need for new approaches for identification and validation of these not visible education experiences.

Based on the administrative instruction on non-formal education, adopted based on the Law on Youth Empowerment and Participation, the Youth Department (MCYS) is required to support development of non-formal education for the youth in the following areas; 1. Democracy, tolerance and humanity, 2. Environment protection, 3. Historic identity, 4. Cultural development, 5. Inter-cultural changes and social and political dialogue, 6. Health protection and physical education, 7. Employment, 8. Promotion and youth.¹⁹⁸ These are the fields that are supported by the Youth Department but non-formal education for the youth is not limited to these areas alone. The AI regulates implementation of non-formal education for the youth, starting from non-formal education providers, curriculum standards, certification of non-formal education, etc. MCYS offers two types of certificates; Inter-disciplinary certification and advanced inter-disciplinary certification.¹⁹⁹ Further the Administrative Instruction envisions creation of a Permanent Commission on youth non-formal education composed of three MCYS members, two members from National Youth Action Council and two other members without a right to vote representing experts.²⁰⁰

Even though there are more terminology differences among laws on education such as the Law on Pre-university Education and the Law on Adult Education and legislation on the youth, i.e. the Law on Youth Empowerment and Participation and Administrative Instruction on Youth Non-formal Education passed by the MCYS, in principle the target group is the same. Educational laws on adult education target all the persons older than 15 years old but who for some reason have lost the pace with formal education, while the legislation on youth targets the youth aged between 15-24.²⁰¹ Currently, non-formal education is part of MEST Vocational Education Sector and it manages basic adult education programmes, while provision of programmes for developing new skills needed in the job market as part of non-formal education is mainly under the responsibilities of

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Administrative Instruction on Youth Non-formal Education, Article 3. Ministry of Culture, Youth and Sports.

¹⁹⁹ Ibid, Article 6.

²⁰⁰ Ibid, Article 7.

²⁰¹ Law on Youth Empowerment and Participation (Article 2) & Law on Pre-university Education (Article 2) and Law on Adult Education (Article 2).

the MCYS (for youth) and MLSW for all economically active age groups.²⁰²

An important step towards development of non-formal education is approval of the National Qualification Framework based on the Law on National Qualifications passed in 2008, which creates the legal basis for recognition of non-formal education.²⁰³ In February 2011, MEST approved Administrative Instruction on criteria and procedures of validation and approval of national qualification and accreditation of institutions which offer qualifications in Kosovo. During 2012, KQA has organized three rounds of validation of qualifications and accreditations of providers and evaluators of qualifications developed according to national and international verified standards. In total there are 6 qualifications and 12 institutions that provide vocational education. Also in December 2012, the process on verification of 14 vocational standards has been developed by KQA. In February 2013, KQA has developed also the accreditation of English language courses in Kosovo supported by British Council, a process which is in its final stage.²⁰⁴

Based on research findings with 15-24 age groups, which was conducted by the non-formal education sector within Youth Department during the first six months of 2012 on knowledge about non-formal education, it turns out that from 100 young people surveyed 68 % of them were not informed about non-formal education and its importance for career building. Also from 100 youth surveyed who had benefited from non-formal education, it was found that 72% of them had difficulties in getting recognition on the skills obtained through non-formal education.²⁰⁵

It is estimated that about 80% of NGOs in the youth sector offer education services, 70% offer services related to arts and 73% of organizations organize recreational activities. There is significant need for non-formal education but the lack of accredited programmes and lack of certification endanger real value of different initiatives.²⁰⁶ It is estimated that a large number of donor-funded NGOs offer non-formal and adult education programmes which are implemented directly by them. But the data for these NGOs are missing.²⁰⁷

Despite considerable development and progress with regard to approval of required legislation, institutional development and development of necessary instruments needed for development of non-formal education and its recognition, non-formal education remains still a new concept for the Kosovar society and institutions. There is still a lack of a systematic and coordinated approach for development of the non-formal education among respective ministries and other partners.²⁰⁸ There are no sustainable mechanisms for inter-ministerial coordination and cooperation. It is estimated that the majority of youth see formal education as the only route for career advancement and this percep-

²⁰² Kosovo Education Strategic Plan, 2011-2016. p. 35.

²⁰³ Law on National Qualifications, Article 10.

²⁰⁴ Kosovo Qualifications Authority. April 2013.

²⁰⁵ National Youth Draft Strategy 2012-2017.

²⁰⁶ Ardit Bejko. A summary of youth work in Kosovo. Forum Syd. 2010. p. 4.

²⁰⁷ Turin Process 2012, Self-assessment (Draft), Kosovo, September 2012.

²⁰⁸ Kosovo Education Strategic Plan, 2011-2016. p. 35.

tion is established due to lack of adequate offering of non-formal education.²⁰⁹ Further, another challenge remains establishment of an operational and sustainable system for provision and recognition of non-formal education. To have such a system, an accreditation process of institutions that offer non-formal education outside schools is required for organizations such as those of civil society, private providers of adult education as well private providers of non-formal education for youth. It is also important to promote recognition of qualifications obtained from non-formal education providers from Kosovo institutions, especially by employers and to be valued equally as qualifications obtained in formal education. This is more than necessary and important for equipping youth with skills required by the labour market and lifelong learning as a key concept of the EU policies.

Key challenges:

- Creation of a systematic and coordinated approach among all relevant ministries and other relevant partners with special emphasis on employers for non-formal education
- Provision of quality non-formal education for the youth and recognition of non-formal qualifications
- Development of reliability for non-formal education qualifications vis-a-vis formal education qualifications
- Awareness raising of youth for importance of non-formal education
- Provision of non-formal education based on data on actual needs of Kosovo youth.

4.1.3. Employment, Creativity & Entrepreneurship and Voluntarism

Kosovo youth faces a difficult school to employment transition phase.²¹⁰ Low labour market demand for the labour force on one hand and being young and inexperienced on the other may be key factors that affect higher youth unemployment rate. There is a lack of system for continued collection of information and data on labour market, which would also include current demand of the labour market on necessary skills as well as predictions for change of those demands in the future.²¹¹

Since informal economy in Kosovo is very much present and it constitutes a challenge in and of itself, it is difficult to know exact youth unemployment rate. Based on the census, the total number of economically active population is 508,100 (29%). Census data show that unemployment among economically active population is about 45%²¹², and based on some estimates that largest part of those unemployed are youth. The majority of reports and studies estimate that youth unemployment could be up to 70%.²¹³ Based on

²⁰⁹ Draft National Strategy for Youth, 2012-2017.

²¹⁰ Sector Strategy 2009-2013, Ministry of Labour and Social Welfare, Prishtina, June 2009, p. 9.

²¹¹ Conclusions of the Thematic Roundtable "Employment, Social and Health Policies" within European Integration Task Force, November 2012.

²¹² Kosovo Census 2011: Final results: Main data. p. 30.

²¹³ Feasibility study for starting the negotiations for Stabilisation Association Agreement with EU. 2012. p. 16.

available information, about 44% of all unemployed youth can be categorized as long-term unemployed.²¹⁴

It is assessed that in the next five years about 200,000 youth will reach employment age and approximately 110,000 of them will enter the labour market, while the number of persons who reach retirement age is about 60,000 during the same period. Continued net growth of the labour force will increase the need for creation of more jobs.²¹⁵ Based on the youth employment trends so far, this remains a concerning issue for the Kosovo youth in the future.

There is a general assessment among employers that students who graduated in Kosovo lack professional training since the education system, especially in public universities is still considered to be more theoretically grounded during the past decade. University of Prishtina students traditionally have spent more time on memorizing knowledge and theories but have had little opportunities to implement them in practice. Lack of training and mastery of skills still presents a difficulty about the employability of University of Prishtina graduates. It is assessed that graduates from foreign universities have a slight advantage in this regard.²¹⁶

Only 15% of the youth aged 15-24 have moved from schooling to employment, which is full-time employment and who do not plan to quit job or return to schooling. More than 37% did not go through that phase of transition from school to employment, which means that they are still continuing education or are inactive and who do not aim to work. About 46% are still in the transition phase, who are either unemployed or employed in a job that is not related to their career or in a temporary job or are inactive but plan to get employed later.²¹⁷

Considering the overall unemployment rate in Kosovo, which is very high, as well as the overall economic development of Kosovo with a very low demand of the market for labour force, it is difficult to expect significant changes with regard to youth employment only through public policies. Therefore youth development policies and youth employment must be oriented towards development of youth self-initiatives and development of entrepreneurship mind-set which affects youth self-employment and at the same time the youth would become the generator of economic development in general. An important factor in this aspect is youth voluntary work, voluntarism and special public and non-public fundraising for business start-ups, or the so-called “start-up funds”.

Voluntarism is a powerful tool for engaging people in addressing development chal-

²¹⁴ Empowerment and Development of Youth Structures in Kosovo – Mid Term Evaluation Report - EDYK, December 2011. p. 19.

²¹⁵ Sector Strategy 2009-2013, Ministry of Labour and Social Welfare, Prishtinë, June 2009, p. 9.

²¹⁶ Jeton Mehmeti. Job crisis in Kosovo – An assessment of National Employment Policies: Employment Policies in SEE: Joint challenges and different circumstances. Friedrich Ebert Stiftung. May 2012. p. 28.

²¹⁷ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011. p. 10.

lenges, which can also transform the discourse and nature of the development process. Voluntarism is beneficial first of all to the volunteer and then to the society in general by strengthening the belief, solidarity and reciprocity among citizens and by creating deliberate opportunities for participation.²¹⁸

The legal basis on youth voluntary work is in place. Article 14 of the Law on Youth Empowerment and Participation determines general principles of youth voluntary work. Based on this law, the AI 10/2010 on youth voluntary work was adopted which defines the rights, responsibilities and procedures related to youth voluntary work as well as the work of the Commission for implementation of youth voluntary work. This Administrative Instruction stipulates specific provisions for keeping track of voluntary work, which is a key element in promotion and recognition of youth voluntary work experience. Provisions regulate and require institutions that enter agreements with volunteers to register their data and inform respective Youth Directorate in the respective municipality which is then required to inform the Youth Department at the MCYS²¹⁹, while MCYS, based on this instruction, may issue an index card for voluntary work, based on the request from the Municipality Directorate, which index card serves as evidence for the type of voluntary work completed, duration and other relevant information.²²⁰

During 1990s, voluntarism was the main pillar of political and social developments in Kosovo. The same sentiment prevailed during the war and immediately after the war. However, it is assessed that voluntary work and contribution dropped drastically after the war, especially among youth. The majority of youth responded that the main source of information for voluntarism and voluntary work opportunities was their friends network and NGOs.²²¹ This means that information on voluntarism and importance of voluntary work is mainly incidental. "Voluntarism in Kosovo is conceptualized as charity, financial support, food or clothes and it is not conceptualized as a social activity".²²² In general it is assessed that about 80% of Kosovor youth are not involved with any youth organization or youth project/initiative.²²³ From 1300 respondents only 11% of respondents actually responded that they do unpaid voluntary work for any organization and less than 10% responded that they do voluntary work for humanitarian and charity organization. From 100 organizations, 48.5% of them responded that voluntary work has decreased during past five years in general.²²⁴

²¹⁸ UNDP. Youth Voluntary Work in Kosovo: An opportunity to learn. 2010. p. 29.

²¹⁹ AI 10/2010 on Youth Voluntary Work. Article 5.

²²⁰ AI 10/2010 on Youth Voluntary Work. Article 7.

²²¹ Youth volunteer work in Kosovo: A good opportunity to learn. Kosovo Public Policy Cener. March 2010. p. 9.

²²² Gani Lluga, sociologis. As cited in Voluntarism Bulletin in Kosovo, European Year of Voluntarism. KCSF & CCSD. Project funded and managed by the European Commission Liaison Office in Kosovo. 2011.

²²³ Youth volunteer work in Kosovo: A good opportunity to learn. Kosovo Public Policy Cener. March 2010/Mars 2010.

²²⁴ Voluntarism Bulletin in Kosovo, European Year of Voluntarism. KCSF & CCSD. Project funded and managed by the European Commission Liaison Office in Kosovo. 2011.

In general, transfer of youth from voluntary work to full-time employment is very rare. Only 1% of respondents said that they quit their voluntary work because they found a full-time job. The main reason for quitting voluntary work, for both genders was that they had completed the assigned voluntary work (8%). In general about 38% of youth stated that they were satisfied with the voluntary work, while only 2.5% stated that they were not satisfied. In general it is assessed that there is will and desire among youth for voluntarism. One of the main stated reasons from them for non-voluntarism was the lack of opportunities for voluntary work and the majority of youth attend schooling and this impedes them to get involved with voluntary work. The third reason stated by youth was the fact that voluntary work is not paid. The main benefit that youth perceive to get from voluntary work is experience and obtained skills.²²⁵

Internships for youth are a key element to pass through transition of phase from school to work, including both during and after completion of schooling. Youth are more and more aware that education without job experience is not sufficient to compete successfully in the job market. About 55% of those registered as unemployed have less than high school education, while 82% of them do not have job experience in the job market and this shows the importance of having a first experience in the job market or creation of the work experience to reach to full-time employment.²²⁶

There is a prevailing impression that students do not get necessary training during their formal education or after they graduate since no sufficient training is provided either by government or private institutions.²²⁷ Even though public university curricula require internships, depending on study programmes, completion of a number of internship hours, but this has not been well implemented in practice and monitoring of internships is not done systematically. It is assessed that in public universities internship is not required and the majority of students have never had any internship opportunity during their studies.²²⁸ In general it is estimated that internships during pre-university education is still not very well organized and it is very fragmented. Businesses are not cooperative and do not express interest for admitting students to do internships as part of formal schooling. In 71% of cases, leaders of professional schools have stated that local businesses show very little willingness for internship opportunities.²²⁹

However, internships take place during formal pre-university and university education, in particular internships in public institutions through various memoranda of understanding among institutions. But public institutions express more willingness to

²²⁵ Youth volunteer work in Kosovo: A good opportunity to learn. Kosovo Public Policy Center. March 2010. p. 15.

²²⁶ Active Labour Market for Youth – Annual Progress Report. UNDP. March 2012. p. 9.

²²⁷ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011. p. 10.

²²⁸ Jeton Mehmeti. Job crisis in Kosovo – An assessment of National Employment Policies: Employment Policies in SEE: Joint challenges and different circumstances. Friedrich Ebert Stiftung. May 2012. p. 28.

²²⁹ Research report: State of play of adult education in VET schools in Kosovo. Kosovo Pedagogy Institute. 2009.

receive interns during their schooling or studies. Therefore it is easier to implement internships during formal schooling and formal arrangements, while internships in different public and private institutions in individual basis is more difficult to implement. On the other hand, it is assessed that in general there is a lack of initiative and will among youth to do internships and have some experience in a certain areas as a very important factor for passing through the transition phase to full time employment.

There are different initiatives of the donor community for implementing internships in different sectors, which are more incidental initiatives. There is a lack of overall mindset for the relevance of internships in Kosovo, both among institutions and youth. A greater commitment of Kosovo institutions is required to stimulate private sector through different stimulating measures for organizations that accept youth aged volunteers.

Entrepreneurship is a new concept that has been promoted widely in recent years especially by foreign donor agencies such as USAID. Entrepreneurship as a self-employment method has been encouraged widely through USAID programmes which have assisted youth with training on how to start their businesses or how to expand their existing businesses.

In current economic conditions, youth face numerous difficulties to develop their entrepreneurial activities such as: lack of understanding for the job market; lack of information on developments regarding market supply and demand; poor education on entrepreneurship; lack of understanding of legal basis to get involved with entrepreneurship; lack of idea development to take start-up initiatives; lack of self-confidence and confidence on entrepreneurship environment for being successful; lack of knowledge on loans and other services that banks offer to businesses. From this perspective it is important in particular to provide entrepreneurial support, mentoring and instructions for young entrepreneurs in new businesses as well as promotion and development of culture of entrepreneurship.²³⁰

Youth admit that insufficient support is provided for young entrepreneurs. Also those who have already started their business list a series of obstacles for business start-ups such as complicated procedures, corruption in public administration, lack of necessary information and high level of capital needed for the business start-ups due to limited infrastructure. Furthermore the youth consider that taxation system for business start-ups is not conducive regarding tax rates and complicated procedures for preparation of documentation.²³¹ Banks offer loans for business but have very high interest rates of 15%-24%. These interest rates are unaffordable for many businesses and they are also very discouraging. More affordable interest rates could generate more new start-ups and would also enable existing businesses to expand their activities and to increase the number of employees.²³² In particular more preferable policies need to be designed for

²³⁰ National Draft Strategy for Youth 2013-2017. MCYS. p. 14.

²³¹ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011. p. 10.

²³² Jeton Mehmeti. Job crisis in Kosovo – An assessment of National Employment Policies: Employment

the youth with regard to new business start-ups as well as provision various opportunities of financial support.

Key challenges:

- Allocation of budget for youth employment, voluntary work, internships and entrepreneurship
- Awareness raising of youth, institutions and businesses for importance of voluntary work and internships for youth and their continued promotion
- Creation of mind-set of self-initiative and youth entrepreneurship and training them with start-up skills during formal schooling.
- Stimulating youth creativity during entire phases of their education.
- Creation of a sustainable information system for youth on new employment opportunities, internships, voluntary work and funds for start-ups.
- Stimulation of youth for starting up businesses
- Encouraging private sector for admission of youth to be involved in voluntary work and internship placements in particular through development of relief of incentives for private sector in case they admit youth for voluntary work or internships (tax reliefs, financial support, etc.).
- Continued collection of information for market needs and information of youth
- Adapting the education programs with the labour market needs
- Reduction of high youth unemployment
- Inter-institutional coordination, especially among MCYS, MEST, MLSW for joint development and implementation of youth employment policies.

4.1.4. Social inclusion

The concept of social inclusion is a key element in the European Union. Europe is committed to become the most competitive economy in the world and it has recognized that this can only be achieved if it aspires to become the most open and fairest country to live in. Social inclusion goes beyond the EU. It comprises the core of human rights and human dignity and in this case it is of fundamental importance for Kosovo to determine what society it wants to build.²³³

Social inclusion is a process where an individual or groups, being affected by poverty, inadequate educational qualification, lack of professional, physical or intellectual skills, are prone to live in margins of the society. This removes them from employment opportunities, income and education, as well as it removes them from communication and social network benefits. To make things worse, unfavourable social situation in which they find themselves limits them to affect or have a louder voice in decision-making processes or policy-making which affects them, and thus being less likely to directly affect improvement of their life.²³⁴

Policies in SEE: Joint challenges and different circumstances. Friedrich Ebert Stiftung. May 2012. p. 133.

²³³ Human Capacity Development . UNDP. 2010.

²³⁴ Kosovo Assembly. White Paper – Challenges of Social Inclusion in Kosovo. 2009. p. 11.

Society needs to be more responsive to youth needs, especially to those that belong to groups at risk. There are many factors who affect social exclusion such as unemployment and poverty, limited ability, place of residence, discrimination, mental and physical health, abuse, domestic violence, etc. Social exclusion may lead to radicalization and violence. European Union considers that stopping or change of discourse on transmission of poverty and exclusion from generation to generation is the main focus of social coordination in EU policies.²³⁵

One of the reasons for social exclusion is related to geographic barriers, especially rural areas, since opportunities in rural areas of Kosovo are more limited. Unemployment of those who live in rural areas is higher compared to urban areas. People who live in urban areas are considered to have more employment opportunities based on the employment rate in urban areas of 31% compared to employment rate in rural areas of 20%. It has been found that there is high correlation between educational qualification and education. Employment rate of those who have completed secondary school or less is only 9%, which is a big difference from those who have completed tertiary education, whose employment rate is 76 %.²³⁶ Further, expansion of youth activities in rural areas is very limited and this, in addition to affecting social exclusion, also could limit their opportunities for expressing their needs, demands and difficulties they are faced with.

Considering high correlation between educational qualifications and employment, another challenge with which formal education system in Kosovo is faced is school drop-out, which despite improvements in recent years, is still considered to be very high. It is assessed that only one third of those that were registered in first grade completes secondary vocational education or receive higher education qualifications.²³⁷

High poverty in Kosovo is one of the prevalent reasons that contributes to social exclusion. In these circumstances, youth is among those who are most affected.²³⁸ 45% of Kosovor population live in poverty, and about 17% of them live in extreme poverty. Individuals aged under 25 constitute about 57% of those who face extreme poverty, where persons of age group 15-24 constitute 22.4%. It is very concerning that 20%²³⁹ of unemployed youth live in extreme poverty. Extreme poverty also affects educational attainment. In theory, education is free for all but financial burden for being school textbooks, food and transportation remains a responsibility of the family when it comes to upper secondary education, which is not part of the compulsory education. It is estimated that

²³⁵ COM (2009). 27.04.2009. Communication of European Commission to European Council and European Parliament, Social Economic Committee and Committee of the Regions. An EU Strategy for Youth – Investment and Empowerment – a new coordination method for addressing challenges and opportunities for youth. Brussels. p. 9.

²³⁶ Jeton Mehmeti. Job crisis in Kosovo – An assessment of National Employment Policies: Employment Policies in SEE: Joint challenges and different circumstances. Friedrich Ebert Stiftung. May 2012. p. 125.

²³⁷ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011. p. 8.

²³⁸ Kosovo Assembly. White Paper–Challenges of Social Inclusion in Kosovo. 2009. p. 11.

²³⁹ Empowerment and Development of Youth Structures in Kosovo – Mid Term Evaluation Report-EDYK, December 2011, Shkurt 2011. p. 17.

among children who drop out, about 34% of them drop out due to economic reasons²⁴⁰ and 15% of them due to the reason that they had to work and generate income for their living. This is more present in rural areas.²⁴¹

Despite laws on the rights of persons with disabilities in Kosovo, approximately 150,000 individuals with disabilities suffer from exclusion and discrimination in all aspects of daily life, including health, education, employment, access, citizenship participation and legal issues. This exclusion also affects their families and their guardians.²⁴² Care and creation of conditions for persons with disabilities is fundamental in any stage of life. However the sooner the persons with disability have access in all above-mentioned services the more they will be included and will have opportunities to use their potential by being active and effective members of the society.

Even though considerable reforms were undertaken with regard to social inclusion in Kosovo during the last decade, social inclusion in general still remains a challenge in Kosovo. Social system still is not oriented towards a proactive approach and integrating and developing nature, but it is more oriented towards provision of social assistance for categories that are guaranteed with applicable legislation. There is a lack of funds and programmes for empowering categories at risk. Unfortunately youth, as a social category that is considered as most worthy in Kosovo is at risk from social exclusion due to many different factors and this requires special attention by Kosovo institutions in order that their potential is used. To do this, it must be ensured that the youth has access into education, health services, be part of youth activities, have information about job vacancies, voluntary or practice work, be part of youth institutions, etc.

Key challenges:

- Inclusion of higher education as part of compulsory education and creation of conditions for fulfilling the right for everyone to education
- Reduction of school dropout, especially among those who come from rural areas and those that live in poverty
- Expansion of youth activities, especially activities of Councils for Local Action and NGOs in rural areas
- Development of special programmes for inclusion of youth, especially those that belong to vulnerable groups
- Inter-institutional coordination in the field of social inclusion of youth.

²⁴⁰ Analyses of Human Capacities in Kosovo. European Training Foundation, 2008, p. 10.

²⁴¹ Kosovo Assembly. White Paper-Challenges of Social Inclusion in Kosovo. 2009. p. 28.

²⁴² <http://www.unv.org/en/what-we-do/countries-and-territories/kosovo/doc/all-together-to-promote.html>.

4.1.5. Health, Sports and Recreation

Since the end of war, the concept of health education for youth has started to be accepted, and among else a specific institution was established about the issue which is the Division for Health Education as part of MYCS Youth Department.²⁴³ MYCS, in cooperation with other relevant ministries and with considerable support of donor community has implemented continuous activation for youth health promotion.

World Health Organisation in cooperation with UNICEF, IOM, Ministry of Education, Science and Technology, Ministry of Health (National Institute for Public Health) and Ministry of Environment and Spatial Planning have initiated "Health Promotion Schools" programme. To implement the programme, a Memorandum of Understanding was signed between MEST, MH and MESP and all parties agreed to establish an Inter-ministerial Committee for Health Promotion Schools, which consists of the three Ministries, and a coordinator was appointed for the "Health Promotion Schools" programme.²⁴⁴

Based on Health Promotion Schools programme and recommendations of MEST, MH, MESP and MYCS, the project "Healthy teeth, happy children for school year 2012-2013" was initiated which is being implemented by Organization for Education, Science and Health "KISCOMS", National Centre for Oral Health Education "DENT-IN" and Kosovo Association of Dentistry Students "KADS", which so far have visited about 2/3 of pre-school institutions. The projects expects to include directly more than 1150 pre-school institutions, primary and secondary schools of the Republic of Kosovo, which in turn translates into a number of about 450 thousand children/students.²⁴⁵

Currently, there are no sufficient health services in Kosovo which are dedicated to youth such as the so-called "friendly groups" as informal groups in which the youth would have access to. Such services would need to train health personnel who would be trained to deal with the youth and teenagers and with their unique issues more specifically. Issues related to provision of suitable health services for the youth are of financial, participatory and educational nature. The low budget for health care further aggravates the situation since even existing health services in Kosovo cannot address the needs of youth.²⁴⁶

In general, it is assessed that there is lack of health education and health awareness. These factors are accompanied with domination of the assumptions that "the youth is healthy", hesitation to discuss taboo topics such as sex²⁴⁷ and social stigmatization. There

²⁴³ MKRS. <http://www.mkrs-ks.org/?page=1,74>.

²⁴⁴ http://www.masht-gov.net/advCms/documents/SHPSH_masht_2008.pdf.

²⁴⁵ <http://m.telegrafi.com/shendetesi/dhembe-te-shendoshe-femije-te-lumtur-viti-shkollor-2012-2013-drejt-perfundimit-te-fazes-se-i-re-7-4488.html>.

²⁴⁶ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011. p. 11.

²⁴⁷ Kosovo youth: looking towards the future with roots in tradition. Survey 2012. Friedrich Ebert Stiftung & IDRA. p. 9.

is a lack of health subjects in the school curriculum; there is a lack of health services in schools; there is no necessary information about reproduction health and there is a small number of counselling services for youth. On the other hand, there is a number of youth NGOs which implement health programmes but not necessarily in close sustainable cooperation with the Ministry of Health.²⁴⁸

Generally, the youth consider that their health situation is very good and 25% of them reported that they see a doctor on regular basis. An additional proportion, about 25% of them had reported it was impossible for them to have regular access to a doctor. Family members are the main source of health advice, followed by advice from peers and doctors.²⁴⁹

It is assessed that the sex education and awareness among youth is not at the required level. From 312 young respondents who reported that they had had sexual intercourses only 35% of them reported to have used protective measures on regular basis, 34% used protection occasionally and 25% did not use protection at all.²⁵⁰ Youth and teenagers are considered to be one of the most endangered groups from sexually transmitted diseases. While information about HIV/ AIDS is high (based on studies 90% of them have heard of them), actual knowledge related to the ways of spreading and prevention of HIV is low, where only less than 20% of respondents gave accurate responses to five standard questions about HIV (16% of those aged 15-19, and 20% of those aged 20-24). Knowledge about sexually transmitted infections was even lower: while 90% of the respondents had heard of HIV/ AIDS, only 30%²⁵¹ had heard of other STIs, while the actual knowledge on symptoms/signs of these infections were even lower. Incomplete or inaccurate information contribute further to the youth at risk from HIV.

It is assessed that drugs and other psycho-active substances are available in Kosovo and that all types of drugs are used by Kosovo youth. The use is taking place in an environment with limited possibilities of prevention and treatment. Even though there is a considerable number of entities that possess information on drugs, there is no relevant comprehensive study which would present the real dimension of the issue regarding drugs.²⁵² Based on a study conducted by WHO, UNFPA and UNICEF in 2008 (the only relevant study) found that about 43 % of youth smoke and average age in which they started to smoke is 16 years old. A total of 37.8% of youth have reported that they consume alcohol (47.8% of the age-group 20-24 have had continued consumption compared to 30.6% of those aged 15-9). Average age of starting drinking alcohol was also 16 years

²⁴⁸ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011p. 11.

²⁴⁹ Use of psycho-active substances in Kosovo: Rapid Assessment and Response of youth, users of injection drugs and prisoners. WHO/UNFPA/UNICEF. 2009. p. 16.

²⁵⁰ Kosovo youth: looking towards the future with roots in tradition. Survey 2012. Friedrich Ebert Stiftung & IDRA. p. 50.

²⁵¹ Kosovo Strategic Plan for HIV/ AIDS 2009-2013. Ministry of Health. p. 12.

²⁵² European Monitoring Centre for Drugs and Drug Addiction. <http://www.emcdda.europa.eu/publications/country-overviews/xk>

old. 3.8% of those surveyed have reported that they have tried cannabis (marijuana, hash, weed). The majority of youth that used cannabis said that when they used it for the first time they were 17 years old, without any significant difference between male and female respondents or among the respondents of different ethnic backgrounds. Less than half (47%) of the users of injected drugs have ever gone through drug treatment or any detoxification programme. From the received trainings, the most received trainings included detoxification from methadone (18%), from other drugs (21%), and rehabilitation with custody (34%).²⁵³

Regarding sports and recreation, the majority of youth would like to be active participants in sports activities, as amateurs in general, but there is also a proportion of them who are professional athletes. Sports infrastructure is very limited. The youth consider that better physical education needs to be provided in schools.²⁵⁴ Physical education in schools should not be oriented towards sports activities alone, but it should educate the youth about the importance of physical activity on human health. From 36 municipalities, only 8 of them have sport halls that meet some national criteria for organizing sports activities – while they do not meet the majority of technical criteria for organizing international sports activities.²⁵⁵

Even though there were continued activities and projects in the field of health promotion in general and awareness raising activities dedicated to youth, especially projects funded by the donor community, it can be assessed that in general there is a lack of health services for the youth, and information and awareness for health as well as institutions and sustainable initiatives for health promotion are also lacking.

It is very important that there is a tradition of different events at the school level related to sports and recreational activities. This is usually done on occasions of celebrating different relevant dates and it is a good opportunity for the youth to become participants in these activities as well as to demonstrate and develop their diverse talents in sports, culture and arts.

Main challenges:

- Deepening inter-ministerial cooperation for health promotion among youth
- Establishment of sustainable health-friendly services for youth
- Introduction of courses or content to existing curricula in primary schools on health and healthy living, including sex education, infectious diseases, education on drugs and other psycho-active substances, healthy eating, etc.
- Construction of more sports areas that meet the needs of the youth
- Creation of more opportunities for cultural and recreational activities for the youth

²⁵³ Use of psycho-active substances in Kosovo: Rapid Assessment and Response of youth, users of injection drugs and prisoners. WHO/UNFPA/UNICEF. 2009. p. 8-9.

²⁵⁴ Ilir Hoxha. Review of Youth Policies in SEE. Kosovo. January 2011p. 13.

²⁵⁵ Fatmir Kabashi. Strategic priorities for Professional School Infrastructure in Kosovo. American University in Kosovo & Rochester Technology Institute. 2011. p. 13.

4.2. Culture

Department of Culture of the Ministry of Culture, Youth and Sports, supports different cultural activities through funding of various projects, organizing important cultural events, awarding prizes in specific areas of culture and the participation of artists, directors, producers, scriptwriters, Kosovar playwrights in international events.

The three main objectives of the EU in the field of culture can also serve as objectives and orientation for Kosovo for development of culture as well as meeting the EU standards on culture. Analysis of the development of culture in this report will be based on three main objectives of the EU in the area of culture: 1. Promotion of cultural diversity, 2. Promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth, employment, innovation and competition, 3. Promotion of culture as a vital element in the Union's international relations.

4.2.1. Promotion of Cultural Diversity

Division for Cultural Promotion under the Ministry of Culture, Youth and Sport is responsible for promotion of cultural diversity and art. The main objectives of diversity and cultural dialogue are:

- Promote, raise awareness, preservation and encouraging cultural diversity in Kosovo;
- Promote and encourage dialogue and multi and cross cultural interaction;
- Promotion of cultural diversity, especially in maintaining peace and stability and contribute to development process ;
- Promotion of cultural diversity as a common framework of understanding, trust and tolerance established between the different communities in Kosovo;
- Promotion and integration of cultural diversity in Kosovo within the broader European and International context.²⁵⁶

In terms of European Integration, cultural heritage in Kosovo is treated more as part of fulfilling the political criteria, namely under the minority and cultural rights. However, in the context of this report, a brief overview of cultural heritage in the context of cultural diversity and its importance in the overall social development will be presented.

In general it can be stated that Kosovo has taken concrete steps in the field of cultural heritage, especially in terms of legal, institutional and executive frameworks. Preserving cultural heritage is guaranteed by Article 9 of the Constitution of the Republic of Kosovo. The Law 02/L-88 on Cultural Heritage sets the legal infrastructure related to the protection, preservation and promotion of cultural heritage of Kosovo. The Law Nr. 03/L-035 on Police, namely Article 11.5 envisages that the Kosovo Police provides security and protection of the cultural and religious heritage in Kosovo. However, more challenges remain in terms of preservation but especially in terms of promoting cultural

²⁵⁶ Official website of MCYS. February 2013. <http://www.mkrs-ks.org/?page=1,62>.

heritage. The biggest challenge remains in terms of real promotion of cultural heritage in daily life, namely respecting and learning about another's culture and intercultural cooperation.

The Republic of Kosovo has not ratified the 2005 UNESCO Convention on the protection and promotion of cultural diversity, even though Kosovo has expressed its willingness for ratification. Provisions for ratification and acceptance of the Convention provide that ratification can be made by UNESCO member states and member states of the UN, and so far, the Republic of Kosovo is only a member of the International Monetary Fund and World Bank, but has not received the invitation from the General conference of UNESCO.²⁵⁷ MCYS, in compliance with the provisions of the Law on Cultural Heritage has revised and supplemented the List of Cultural Heritage for Temporary Protection. The list contains 1181 cultural assets, including archeological categories with its sub categories and it has integrated all the special protected zones as well as two architectural conservation areas in accordance with the Law on Special Protected Sites. All the assets included in the list should be included in other strategic documents of the Ministry of Environment and Spatial Planning, in accordance with the Law on Cultural Heritage and Law on Special Protected Sites.²⁵⁸

The fact that the comprehensive list of cultural heritage sites is not yet in place is in contradiction with the law. A stronger commitment to cultural spatial planning should be provided by government institutions. The EU Progress Report states that only a limited progress has been made in relation to cultural rights. Although Kosovo has improved coordination and new structures are into operation, however, the implementation of the relevant legislation is weak²⁵⁹. To date, a strategy for effective protection of cultural and religious heritage of all communities is not adopted yet. In 2008, the Kosovo Assembly has adopted the laws on special protected cultural heritage sites, which are related to the protection of communities as envisaged by the law on communities.²⁶⁰ As regarding the Law on Special Protected Sites, Ministry of Environment and Spatial Planning is the responsible institution, while MCYS is a supporting institution.

MCYS has consistently supported various projects in the field of cultural diversity. After the war, intercultural cooperation and the promotion of cultural diversity has always been present in governmental policies, especially in projects implemented by donors. One of the components of the majority of projects implemented by donors has been inter-ethnic and intercultural cooperation, especially regarding the inclusion of minorities in the implementation of project activities. And that in one way or another has affected primarily on awareness raising on equal rights, and indirectly in the promotion of cultural diversity as well.

²⁵⁷ Human rights – Answers to the feasibility study of signing the SAA between EU and Kosovo

²⁵⁸ Department of Cultural Heritage. Ministry of Culture, Youth and Sports. March 2013.

²⁵⁹ 2011 Progress Report for Kosovo: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf.

²⁶⁰ <http://www2.ohchr.org/english/issues/religion/docs/A-HRC-13-40-Add3.pdf> (pg 17)

A very important project in terms of the promotion of cultural diversity is the project of the European Commission in cooperation with the Council of Europe “Support to the promotion of cultural diversity in Kosovo - PCDK” whose purpose is to facilitate and develop a sustainable planning and management of cultural heritage in Kosovo in accordance with European norms and standards. The cultural heritage is used as a tool to encourage intercommunity dialogue and sustainable economic development to the benefit of all communities.²⁶¹ This project has offered his support in capacity building, education and awareness raisin of citizens, and support to local level on cultural heritage which at the same time were also 3 of the 4 components of the project. With the support of this project, under the component for education and awareness raising, among others has also developed a Handbook for Teachers of Cultural Heritage and Cultural Diversity, University Module on Heritage and Diversity. The second phase of this project will start this year.²⁶²

Teachers’ handbook has been prepared as an additional subject course for heritage and cultural diversity for primary and lower secondary schools (grades 3 - 9), in order to provide resources for teachers in this field. This handbook was developed based on an assessment made in 2010, where the teaching resources for heritage and diversity were identified as a need for subject course of civic education. The manual consists of 8 lessons and has been developed with extensive participation of government institutions, civil society, teachers, pupils and parents of the 14 pilot schools.²⁶³ The development of this manual and commitment to implement its teaching units can be regarded as a very important step towards creation of the mentality of protection, cultivation, preservation and development of cultural heritage and cultural diversity. This can be done the best by investing in early education.

During the first phase of the project, a number of handbooks in the area of cultural heritage are prepared, such as: Handbook on stocktaking of cultural heritage assets, handbook on archeological research, handbook on licensing the archeological research, handbook on criteria and conditions on assessment of cultural heritage assets, handbook on drafting the basis of cultural heritage conservation within the planning process, handbook on conservation and restoration activities of cultural heritage, handbook on preservation of movable cultural heritage.²⁶⁴

As Kosovo is a post war society, there is a need for sustaining and improving existing values with long traditions and history of this country in the context of Europe. Kosovo’s social and cultural development could be a key factor to promote diversity of cultural expressions with respect for all cultures that are part of Kosovo’s cultural diversity braid. Starting from the fact that Kosovo is a multiethnic society, inter-culturalism, cul-

²⁶¹ <http://www.coe.int/t/dg4/cultureheritage/cooperation/kosovo/Publications/PCDKbrochure-ALB.pdf>.

²⁶² <http://www.gazetaexpress.com/?cid=1,15,104098>.

²⁶³ Handbook for Teachers: Teaching unit for Cultural Heritage and Cultural Diversity. Project “Support to Promotion of Cultural Diversity”. Council of Europe & European Commission. p. 14.

²⁶⁴ Department of Cultural Heritage. Ministry of Culture Youth and Sports. March 2013.

tural development of minority groups on the basis of equality and creative cooperation should be an integral part of cultural policy. In Kosovo the promotion of cultural diversity expression rests on the assumption of equal recognition and respect for all cultural minorities that are part of the Kosovo mosaic.²⁶⁵ But only the protection of equal rights by law does not guarantee the development of a society where the cultural diversity is perceived as a very valuable asset.

In general, there is a lack of a coordinated approach of governmental institutions for implementation of sustainable activities on promotion of cultural heritage and cultural diversity. There is a lack of real practical intercultural cooperation among different communities in Kosovo. Kosovo institutions and donors usually implement their activities separately with different communities, especially as far as Serb and Albanian communities are concerned. In order to successfully implement the concept of cultural diversity, the intercultural and intercommunity cooperation is necessary. Mobility of artists from all fields and representatives of cultural institutions in the country and abroad is more than necessary.

Key challenges:

- Inter-ministerial cooperation on defining policies and sustainable implementation of activities on promotion of cultural heritage and cultural diversity
- Implementation of teaching units on cultural heritage and cultural diversity in primary and lower secondary schools.
- Mobility of artists and professionals of culture in the country and abroad
- Creation of a mentality of preserving and promotion of cultural heritage and cultural diversity as a national treasure
- Implementation of the existing legislation into force
- Creation of real intercultural cooperation
- Undertaking sustainable initiatives for intercultural projects
- Capacity building for promotion of cultural diversity in schools
- Awareness raising for the importance of cultural diversity

²⁶⁵ Esin Sisko. Priorities for Kosovo`s Cultural-Artistic Associations, including Minority Groups. Master Studies. American University in Kosovo. 29 February 2012. p. 17.

4.2.2. Promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth, employment, innovation and competition

It is an acknowledged fact that cultural activities and creativity may be a powerful force to economic development. One of the three objectives of the EU in the field of culture is promotion of culture as a catalyst to creativity in the framework of the Lisbon Strategy for growth, employment, innovation and competition. In more concrete terms this objective includes promotion of synergies between culture and education with the aim to develop creativity and innovation; promotion of availability of management, business and entrepreneurial trainings in the area of culture and creation of a favourable environment for development of cultural and creative industry, including also the audiovisual sector, in particular that of SMEs, through stimulation of partnerships of cultural sector and other sectors.

The same as in the aspect of cultural heritage and cultural diversity, the MCYS has offered its support also to promotion of culture, arts and creativity, within the budgetary possibilities. As an illustration, in the following there are presented some of activities and projects supported the ministry during 2012 for the cultural institutions, projects, subventions, etc.

1. Open call for publishing houses for publication of books;
2. Open call for cultural projects of Kosovo NGOS, individual artists, new initiatives, etc. within the country and abroad;
3. Awards for literature and National Award "Azem Shkreli"
4. Awards for the theatre ;
5. Annual awards for music and National Award for Life Work "Niketë Dardani";
6. Award for best drama "Katarina Josipi";
7. Participation of artists, directors, producers, scriptwriters, play writers in international events and many other cultural and artistic events which are of special importance on the overall development of culture and arts in Kosovo as well affirmation and promotion of Kosovo's cultural imaged abroad;
8. It should be stated that the Department of Culture during this period has support also the cultural projects of the communities living in Kosovo.²⁶⁶

Ministry of Culture, Youth and Sports continues to support on annual bases different cultural activities such as, film, theatre, books and literature, music, ballet, etc. however, the allocated budget for culture in general is very limited to meet all the needs for cultural activities, in particular as regarding film. Only 1% of the Kosovo Budget is dedicated to cultural sector.²⁶⁷

²⁶⁶ Department of Culture. Ministry of Culture, Youth and Sports. January 2013.

²⁶⁷ Esin Sisko. Priorities for Kosovo's Cultural-Artistic Associations, including Minority Groups. Master Studies. American University in Kosovo. 29 February 2012. p. 23.

Ministry of Culture, Youth and Sports			
Year	Total Budget of MCPYs (million €)	Total Budget of DK (million €)	Subventions for culture & arts (million €)
2008	9.44	4.11	1.74
2009	12.10	4.45	2.10
2010	12.38	3.63	2.67
2011	13.12	4.43	1.74

Source: Ministry of Culture, Youth and Sports 2011. ²⁶⁸

The allocated budget for culture in EU countries is also around 1%. However, EU countries have ensured other alternative ways of financing culture. One of these forms is the so called 1% rule which was introduced in Germany and Hungary. Based on this rule, for any construction project at municipal level, the companies are obliged to allocate 1% of the budget for cultural and arts activities. In other EU countries, based on their legislation, the citizens are allowed to give 1% of their income tax for culture.²⁶⁹ Another form is entering into partnership with different companies which sponsor different cultural activities and which get financial or other benefits in return. Usually besides financial benefits, the interest of many companies to sponsor cultural activities is the marketing. In Kosovo as well, many companies support different cultural activities in various ways (direct financial support mainly on small amounts, technical support, etc.). However, there is not yet a strong partnership between private business sector and institutions or different cultural projects that could be considered as a developed cultural industry.

A good example in Kosovo that can illustrate the economic impact of culture is the International Festival of Documentary Movies and Short Movies DokuFest. The DokuFest is the major film event in Kosovo which is held every year in Prizren. It was established in 2002 as a small festival from a group of individuals who deal with art. Currently DokuFest has managed to become one of the major cultural events in the region and one of the 25th²⁷⁰ best documentary festivals in the world. From the total number of visitors in the 10th jubilee of DokuFest, it is estimated that 50% of visitors were from Prizren, 50% from other cities and from the world, where 25% were internationals.

Direct beneficiaries of the DokuFest festival are local businesses of Prizren: coffee bars, restaurants, mobile sellers, hotels, landlords, etc. but also the businesses at national level like flight companies banks and telecommunication companies. If we take into account the number of visitors of the DokuFest 2011, its impact on GDP reaches 3.1. Million Euros, while if also the consume expenditures are calculated, the annual impact reaches 3.8 million Euros. The overall impact for the forthcoming period 2011-204 is forecasted to be above 17 million Euros.²⁷¹

²⁶⁸ Ibid. p. 25.

²⁶⁹ Ibid. p. 39

²⁷⁰ Economic impact of DokuFest for the period 2011-2014. GAP Institute. February 2011. <http://www.dokufest.com/2012/?cid=1,9,284>.

²⁷¹ Ibid.

The actual situation on film making in Kosovo has managed to grab some international attention. Beside the fact that the funds provided by Kosovo Cinematography Centre do not cover the necessary expenses for film making, and which at the same time shall not be used as the main justification, the film makers in Kosovo are doing a good job. It is estimated that film makers in Kosovo do not manage to collect more than 350,000 Euros, for which they think are not sufficient having into consideration the high cost of film making. However, at the same time, this amount should not be considered as insufficient and as a justification.²⁷²

It is necessary to cooperate more with American and European film makers in order to promote Kosovar talent. The last evidence is the cooperation for “Doruntine Show”, between Blessed Unrest of New York and ODA theatre, which at the same time is the only private theatre which besides theatre activities organizes also other cultural events such Jazz Festival. Blessed Unrest is the first American company which hosted a Kosovar theatre company. While Blessed Unrest was also hosted in Kosovo and performed their play “Lying” through an integrated bilingual actor.²⁷³ Therefore another opportunity for development of culture, not only film industry, is establishing cooperation and business partnerships with foreign companies.²⁷⁴

It is estimated that there are around 6,160 OJQ registered NGOs in Kosovo (2011). Around 2,300 (37.3 %) are active or partially active, while 3,860 (63.6%) of them are inactive. 1,100 (17.9%) of NGOs are estimated to be Cultural Artistic Associations. Around 250 (22%) are partially active, while 850 (77.2%) are active.²⁷⁵ Supporting the cultural artistic associations as well as independent artists is a must for development of culture and identification of cultural artistic talent. It should be taken under consideration that the majority of the population is of young age and many of them may not have the chance to express their talent if there are no transparent supporting schemes for cultural activities and independent artists and of cultural artistic associations.²⁷⁶

Besides continues support of the cultural sector by Kosovo institutions as well as by donors, yet many challenges remain. It is estimated that the pre war period, in particular post war period has discouraged the Kosovo society to deal with art and culture. The reasons for this situation are partially sociological, internal and external factors as well as loss of interest of the society for culture. Refreshing of art and culture, preservation and stimulation of creativity through cultural and artistic activities are crucial for promotion of cultural assets. Art and culture enable the integration and cultural development which can result on changes in relation to education, culture and humanity which in turn can have a positive impact on the society.²⁷⁷

It cannot be discussed about cultural artistic industry without mentioning the protection

²⁷² Olta Andoni. Strategy on export of cultural assets. LL. M. IP candidate 2009. Chicago-Kent Law College. p. 16.

²⁷³ Ibid. p. 17.

²⁷⁴ Ibid.

²⁷⁵ Esin Sisko. Priorities for Kosovo's Cultural-Artistic Associations, including Minority Groups. Master Studies. American University in Kosovo. 29 February 2012. p. 19.

²⁷⁶ Ibid. p. 23.

²⁷⁷ Ibid. p. 17.

of copyrights. Even though the Law on Copy Rights and Related Rights is adopted,²⁷⁸ and a Department for Copyrights is within the MCYS is established, the protection of copyrights in Kosovo is almost nonexistent. Piracy in Kosovo is something very common and not unusual at all. A situation like this is very discouraging for development of cultural and artistic industry.

The primary obstacles that the cultural sector in Kosovo is facing with are: 1. Lack of financial resources for art and culture which causes unsustainable cultural development and viability of the cultural artistic creativity; 2. Lack of strategy for culture, the framework which improves the cultural life and promotion of cultural values and activities of all communities in country; 3. Lack of cultural networking which affects promotion, recognition of artistic creativity, and cooperation; 4. Deficiency of decentralization process of cultural activities into the municipal level; and 5. Institutionalization: there is no institutionalized body -independent governmental body- which engages cultural rights, activities, financing, networking, and further development of Cultural Artistic Associations.²⁷⁹

Some secondary obstacles include: 1. Lack of infrastructure, facilities for training and realizing artistic and cultural performances, which is mainly governmental issue and essential constraint regarding the capital investments in cultural development; 2. Lack of equipment such is musical instruments, costumes, traditional clothes; cameras and other primary assets for art and culture; 3. Decreasing the attractiveness of culture in society which is directly affected through the lack of funds and mostly by sociological, economical and some political issues; and 4. Lack of cooperation among countries in the region and beyond which conceives chain of constraints for the sustainable cultural development and cultural diversity. Convincing the society that culture may be a great contributor to the development of the country is of a crucial importance. The cultural sector shall identify concrete measures, while avoiding the pollicisation of this field. Strengthening cultural traditions and diversity shows a richness of a society.²⁸⁰

Kosovo does not yet consider culture as an essential part of public policy and development integrated planning. This governance mentality has been overcome by European developed countries two decades ago. The development concept focused only on economy is not sufficient to adequately address the development challenges of the end of 20th century. As a result, in 80' the concept of sustainable development is articulated through promotion of the triangle economy-society-environment. However, for less than two decades, even this triangle was managed to be challenged. As a result, today culture is considered as the fourth pillar of sustainable development; not in only as a development dimension, but also as an equal part of the process parallel to economy, society and environment.²⁸¹

²⁷⁸ Kosovo Assembly. Law No. 2004/45 on Copyrights and Related rights.

²⁷⁹ Esin Sisko. Priorities for Kosovo's Cultural-Artistic Associations, including Minority Groups. Master Studies. American University in Kosovo. 29 February 2012. p. 22.

²⁸⁰ Ibid.

²⁸¹ European Cultural Foundation, Local Cultural Policies Handbook, 2012, në http://www.culturalfoundation.eu/sites/www.culturalfoundation.eu/files/local_cultural_policies_handbook_eng_2011.pdf.

Key challenges:

- Sustainable financing of innovative cultural/artistic activities which are based not only on cultural artistic values but also on their possible socio-economic impact
- Adoption of the strategy on culture with a broad inclusion and consultation of the main relevant stakeholders
- Creation of basic conditions for development of culture and arts; the necessary spaces for development of art, equipments, etc.
- Development of culture through promotion of cooperation of cultural institutions, organizations and independent artists with the business sector.
- Development of alternative financing mechanisms additional to the annual state budget allocated for culture.
- Support from public institutions and promotion of cooperation with international institutions and sponsors, in particular with those coming from America and Europe.
- Support to regional and international networking and mobility of artists
- Promotion of culture and awareness raising of institutions and Kosovo society that development of cultural sector, artistic creation and creativity may be an important promoter of socio and economic development.
- Decentralization and democratization of culture
- Cooperation among central and local level
- Further international recognition of the state of Kosovo
- Depolitization of culture
- Institutional support to independent culture
- Capacity building in local level
- Implementation of the copyright legislation
- Improving the monitoring of projects by MCYS

4.2.3. Promotion of culture as a vital element in international relations

The third EU objective in the field of culture is Promotion of culture as a vital element in the Union's international relations of the Union. In more concrete terms, strengthening of the role of EU culture in international relations, promotion of Unesco Convention, strengthening the inter cultural dialogue of the EU civil society with the third countries and promotion of cooperation of EU cultural institutions with the third countries.

Since 2008, the Kosovo diplomacy is limited to using the conventional means of communication with other countries. When we add also the fact that Kosovo is not an economic or military power that would strengthen its position in international relations, the natural conclusion is that the foreign policy is one of the weakest points of the country. The cultural diplomacy proves that today, more than ever, culture plays an important role in international relations, in order to understand the motives and humanity which makes up their foundations. The cultural communication provides a forum for establishing informal political relations: it maintains the communication channels with countries

where there are little or no political relations.²⁸² The foreign policy of Kosovo shall use the culture potential to increase the number of countries that recognize Kosovo; it can support the membership in international organizations and putting Kosovo in a competitive position in international relations.²⁸³

During 2012, a number of successful activities regarding internationalizing of Kosovo culture and arts are achieved. MCYS considers that 2012 was a successful year in this regard. In the following there are presented the main activities realized during 2012:

1. The Kosovo Cinematography Centre (KCC), among others, made it possible to have institutional presence for the first time in Berlinale and Cannes with Kosovo pavilions;
2. KCC is granted membership to European Film Promotion as an equal member with 34 European countries. With the first nomination, Kosovo wins in the Shooting Stars 2013. The nominee Arta Dobroshi has received the award in Berlinale 2013.
3. The short movies financed by KCC, "Kolona" and "Shkurta" were successful in international arena;
4. The pre-selection phase of films for the Western Balkan was organized by KCC in Prishtina in November 2012. This was an assessment on KCC by the Berlinale and it was a success story for our industry;
5. Participation of the film "Gomarët e kufirit" in "GoEast" festival which took place in Wiesbaden of Germany under the direction of Jeton Ahmetaj;
6. Participation of the "Shota" Ensemble in concerts and festivals in Albania, Italy and Jordan;
7. There was a guest play in Kosovo National Theatre, Monodrama from Turkey. From France within the francophone month of culture; a guest play "Hipermarketi Patriotik" under the direction of Dino Mustafic, a Bitef theatre play from Serbia. The play from Sarajevo and Belgrade "Hipertenzija";
8. Jazz festival of Turkish music;
9. Kosovo National Ballet has performed "Dasma" in Turkey, in cooperation and cofinancing with Ministry of Culture of Turkey;²⁸⁴

Kosovo is the youngest country in Europe which has celebrated its 5th birthday since declaration of its independence, which needs further international recognition. Kosovo more than ever needs to promote its cultural values in international level, using it as one of the international relations strategy. Even though only a decade has passed since the end of the last war and a century of repression, with a very slow economic development, low budget for culture and difficulties for the mobility of Kosovar artists to travel

²⁸² DEMOS, Cultural Diplomacy, 2007, <http://www.demos.co.uk/files/Cultural%20diplomacy%20-%20web.pdf>.

²⁸³ Why do we need a strategy on culture? Cultural forum: Independent cultural organizations network in Kosovo, 2012.

²⁸⁴ Department of Culture, Ministry of Culture, Youth and Sports. January 2013.

abroad due to visa regimes, Kosovo has managed to penetrate the cultural world at international level. Non recognition of Kosovo by many countries and non-membership of Kosovo in many international organizations, in particular UN, prohibits Kosovar artists to represent their country in many international events. The concrete case is with Rona Nishliu from Kosovo who has represented Albania in Eurovision Song Contest.

Arta Dobroshi, one of the well known Kosovar actress was honoured with the award "Shootings Stars in 2013". She was awarded as one of the best new actress in Europe with the film "Three worlds".²⁸⁵ Arta managed to be on the international spotlight with her role in the movie "Lorna's Silence", which premier was given in Cannes in 2008 and was nominated for the Best Actress in European Film Awards. She was granted The Barbara Tipple Best Actress Award at The Women's International Film & Television Showcase in Los Angeles in 2012.²⁸⁶ In this context the saying that "artists are the best ambassadors of a country" is very true. Arta Dobroshi in one way or another has represented Kosovo in all events and promotion of Kosovo in the world this way is undeniable.

Rita Ora, currently one of the most famous singer in the world, is another case that creates a very good image of Kosovo in the world, even though she got famous as a UK citizen, actually everyone knows that she is originally from Kosovo. The International Festival of Documentary Film and Short Film DokuFest is again a very good example of promoting culture, art, tradition and promotion of Kosovo in general, having in mind its popularity internationally. These and many other cases make each and every Kosovar very proud and they have a great impact on Kosovo's image, which however is not very good.

Marigona Querkezi is a new very talented artist. Besides the fact that Russia did not recognize the independence of Kosovo, the new flout artist has performed in one of the major festivals in Moscow as a representative of the youngest country in the world, Kosovo. Therefore, the Ministry of Culture, Youth and Sports shall undertake concrete measures for organizing and sponsoring such performances, in particular in the countries which did not recognize Kosovo. The Kosovo leaders should always have into consideration to treat the art not only as a form of expression, but as a very good tool for promotion and strengthen the image of Kosovo in the world and consequently as a very good strategy for international relations.²⁸⁷

The Republic of Kosovo did not ratify the UNESCO 2005 Convention on protection and promotion of cultural heritage, even though Kosovo was willing to do so. Besides that concrete actions have been taken in the area of cultural heritage and cultural diversity, the comprehensive list of cultural heritage sites is not in place yet. As a result many cultural heritage assets remain unprotected. The implementation of the Law on Cultural

²⁸⁵ <http://www.gazetaexpress.com/?cid=1,29,103733>. 25.02.2013.

²⁸⁶ <http://www.shooting-stars.eu/en/shooting/22245/Arta-Dobroshi>. 25.03.2013.

²⁸⁷ Olta Andoni. Strategy on export of cultural assets. LL. M. IP candidate 2009. Chicago-Kent Law College. p. 22.

Heritage is weak.²⁸⁸

In general it can be stated that the success of Kosovo culture and art in international level is more a success on individual bases. The budget allocated for culture and art is not sufficient to cover a considerable number of areas and cultural activities. It is a necessity for better prioritization of the budget for culture based on defining the fundamental criteria which in principle should be based on the main three EU objectives for culture and arts.

Key challenges:

- Increase of the budget for internationalizing the culture and art of Kosovo, in particular financial support to successful or potentially successful artist to promote themselves in the international level
- Link the promotion of culture and arts with the international relations
- Adoption of the strategy on culture
- Improvement and strengthen the inter-cultural cooperation with regional and other foreign countries
- Institutional representation of culture in international level
- Stimulation of successful artists in international arena
- Free movement of artists abroad

4.3. Sport

Sport in Kosovo, similar to the other policies, cannot be analysed out of the context of the overall economic and social development of the country. In order to illustrate the actual situation of sport in Kosovo, many factors shall be taken into consideration, such as: consequences of the last war in the overall sport infrastructure, the fact that for the last 25-30 years no investment in sports infrastructure was made; during the reconstruction phase of the country after the war, the sports infrastructure was not part of those investments; the difficult economic situation in the country; the real needs in the field whereby out of 37 of municipalities of Kosovo, only 8 of them have indoor sport facilities which however do not meet the international standards for sport contests. Taking as an example the football infrastructure; there are more than 150 football clubs, which compete in 4 football leagues, while they can use 35 football stadiums, whereby only 8 of them meet the national standards. The other stadiums do not meet the minimum standards.²⁸⁹

Since the establishment of the Department of Sport in 2000 up to 2005, it is assessed that due to the limited budget, not many opportunities for investment on construction of new sport facilities were created. As a result, during this period the investments are made mainly on renovations or construction of annexes to already existing sports infrastructure. The investments on sports infrastructure projects are mainly considered as an emergency intervention. In particular, Kosovo needs to invest more on professional

²⁸⁸ Human Rights – answers to the feasibility study on signing the SAA of EU with Kosovo. June 2012.

²⁸⁹ <http://www.mkrs-ks.org/?page=1,8>. 26.02.2013.

sports infrastructure, as most of the sports facilities are constructed during '70 and '80, while the need for construction of new sports facilities is constantly increasing.²⁹⁰

Besides the efforts made by the athletes and responsible institutions of sport, to break the barriers and isolation of Kosovar sport in international arena, the participation of athletes in London Olympic Games, representing national or Olympic flag was not made possible. This is a result of the last International Olympic Committee meeting in Quebec of Canada which was followed very closely also by the representatives of the Kosovo Olympic Committee and other Kosovo institutions. The International Olympic Committee has two main conditions for membership. The first condition for membership is that the respective country shall have 5 sport federations accepted in the respective international federations, while the second condition is that the respective country is internationally recognized. Having into consideration that Kosovo is recognized by 96²⁹¹ countries, the second condition for acceptance of Kosovo in International Olympic Committee is interpreted in different ways by the leadership of this Committee. While the international Football Federation (FIFA) has decided in favour of Kosovo as regarding friendly matches which however can be considered as a successful step towards full membership to this organization.²⁹²

Even though, the budget allocated to sport for the period 2010-2012 has increased constantly, yet it is far from being sufficient to improve and construct the necessary sports infrastructure. In 2010, the budget for sport was 4,580,370 Euros (36% of the total budget of MCYS) out of which 3,393,086 euro were capital investments, 0.30% of Kosovo total budget, or 27.4% of MCYS total budget²⁹³. While in 2012 the total budget for sport reaches the amount of 10,351,808 euro, out of which 7,780,000 Euros are spent on capital investments (41% 0.51% of Kosovo total budget).²⁹⁴ While in 2013, the total budget allocated to sport is reduced to 8,604,174 Euros.²⁹⁵

Key challenges:

- Improving and construction of new sports infrastructure which meet the international standards, in particular the infrastructure of professional sports
- Increase of the budget for sport which meets the needs in terms of infrastructure and sport activities
- Adoption of a long term strategy for development and internationalization of sport

²⁹⁰ Fatmir Kabashi. Strategic Priorities for Professional Sport Infrastructure in Kosovo. American University in Kosovo. Master Program on Public Administration. p. 10.

²⁹¹ Ministry of Foreign Affairs. <http://www.mfa-ks.net/?page=1,33>.

²⁹² http://www.koha.net/index.php/force_download/repository/docs/Binder1.pdf?page=1,18,100979. 26.02.2013.

²⁹³ Ministry of Finance. Budget Table. <http://mf.rks-gov.net/sq al/ministriaefinancave/ buxhetiirepublikesekosoves/buxhetiqiendrore.aspx>

²⁹⁴ Ibid.

²⁹⁵ Kosovo Assembly. Law on Budget 2013 of the Republic of Kosovo.

- Membership to International Olympic Committee, FIFA and other international organizations of sport
- Free movement (visa free) of Kosovar athletes and professional of sports.
- Development and support of research in sport

4.3.1. Societal role of sport

Sport has a strong potential to contribute to smart, sustainable and inclusive growth and new jobs through its positive effects on social inclusion, education and training, and public health. It helps limit the rise in social security and health expenditure by improving the health and productivity of the population and by ensuring a higher quality of life through old age. It contributes to social cohesion by breaking down social barriers, and it improves the employability of the population through its impact on education and training. Voluntary activity in sport can contribute to employability, social inclusion as well as higher civic participation, especially among young people. On the other hand, sport is confronted with a number of threats from which athletes, particularly young athletes, and citizens need to be protected, such as doping, violence and intolerance.²⁹⁶

Sport has many benefits for the individual such as fun, creativity, cooperation, courage, concentration, communication skills, leadership, self-respect and above all good health. It has also collective benefits such as cohesion in the communities, team work that our society needs to strengthen substantially, reduction of delinquency, increase of gender equality, security and support, etc. From the overall population of Kosovo, only 1% does sports or around 20.000 athletes. According to international statistics, 4 out of 5 adolescents of the age 13-15 years old do not follow the World Health Organization (WHO) instructions on physical activity of 60 minutes a day. There are many factors in Kosovo which have led to the current situation where even though we have many young people, we have very low number of athletes who however cannot be compete in international arena, except few very talented cases like Majlinda Kelmendi who has managed to succeed based on her professional approach to sport and the efforts of her trainers.

The legislation into force on sports creates a good base and opportunity for development a sports in general and in particular usage of sport in a societal aspect. Many sport activities are organized in Kosovo at different levels. With the aim of organizing sport activities in schools, the student councils in primary and secondary schools can establish the school sport teams which don't have a legal status, whereby they may use the school spaces. School councils in primary and secondary schools organize sport competitions in cooperation with the School Sport Federation. The form of establishment, duties, scope and financing of school sports is a responsibility of MCYS and MEST.²⁹⁷ According to the law, also university student sports associations can be established through their

²⁹⁶ Communication of Commission to European Parliament and Council, Social Economic Committee and Committee of the Regions. COM (2011) 12 final. Brüssels, 18.01.2011. p. 4.

²⁹⁷ *ibid.* Article 16.

student councils, whereby they can use the university sport spaces.²⁹⁸ The law allows establishment of recreational sports clubs by natural or legal persons with the aim of keeping and improving health. The law also allows establishment of recreational sports associations from at least five recreational sports clubs.²⁹⁹

As regarding social inclusion through sports, in particular social inclusion of people with disabilities, the Law 04/L-075 on the amendment of the basic law on sport (2003) provides that the Federation of Disability Athletes can join the Para Olympic Committee of Kosovo, respectively the Federation of Deaf Athletes, while the institutions and other legal persons who want to practice specific sport and recreational activities may join the Kosovo Special Olympiad which has a status of National Sport Federation.³⁰⁰

With the aim of addressing the risks which come from doping, violence and intolerance in sports, the Law on Sports includes provisions which regulate these issues. Article 63 of the Law provides for establishment of the Kosovo Anti-Doping Agency. The Law has specific provisions on violence and intolerance in sports as well as it envisages respective penalties for these cases. However the violence and intolerance in sports in Kosovo remains a great challenge. It is necessary to implement more frequent and creative awareness raising activities for the society in general, and for sport clubs and fan clubs in particular regarding the effect of violence and intolerance and to stimulate various ways of cooperation between them.

Pursuant to Article 11 of the Law No. 2003/24 on Sport, the responsible institutions which have the mandate for physical education and sports are obliged to undertake measures and steps to develop the sport activities as a public interest. The public interest is realized through sport activities by ensuring all the circumstances and conditions, in particular securing the necessary equipments and means for programs at national level, planning, construction, maintenance of sport facilities, definition and implementation of policies which boost, develop and improve the sport in Kosovo

In general it can be stated that there is a mentality of using sport activities for societal purposes in Kosovo. Since after the war, different sport activities have been organized by public institutions, civil society organizations and donors. However it can be stated that there is a lack of overall education and awareness on the importance and impact of physical and sport activities on health. The curricula of primary and secondary schools are mainly oriented on teaching about sports, the rules of playing different sports, but they are very little or not at all focused on their importance and impact on health. Besides the schools, there is lack of awareness of the society in general about the positive impact of sport and physical activities on health. The promotion of physical health is however an issue which needs a cross sector cooperation.

²⁹⁸ Ibid. Article 52A.

²⁹⁹ Ibid. Article 52B

³⁰⁰ Article 26. Law 04/L-075 on Amendment of the Law No. 2003/24.

Key challenges:

- Increase the budget for promotion of sport and physical activities and awareness raising on the importance and impact that sport has on health, in particular during the school education
- Increase awareness of the society on the negative impact of violence and intolerance in sports and increase the cooperation among the sport community
- Promotion of social inclusion and equal opportunities in sport, with special emphasis on people with disabilities and gender equality

4.3.2. The economic dimension of sport

Sport represents a large and fast-growing sector of the economy and makes an important contribution to growth and jobs, with value added and employment effects exceeding average growth rates. Around 2% of global GDP is generated by the sport sector. Major sport events and competitions provide strong potential for increased development of tourism in Europe.³⁰¹

It can be stated that it is still early to speak about the impact of sport on economic development in Kosovo. As it was described above, Kosovo lacks the basic infrastructure for development of sport. While, the entire professional sports infrastructure does not meet the international standards for organizing international matches. Out of 37 municipalities, only 8 of them have indoor sport facilities which meet the national sports infrastructure criteria, while they do not meet the international standards. There are around 150 football clubs which compete in few football leagues in Kosovo, while they have 35 football stadiums, whereby only 8 of them meet the national technical criteria. Around 27 football stadiums meet only one criteria, that of the length and width of the stadiums.³⁰² None of stadiums meet the UEFA or FIFA standards.³⁰³

There is a low quality of sport in Kosovo, in particular of the most popular professional sports. It cannot be stated that Kosovo is preparing quality athletes of international level. Management of sport clubs is considered inadequate. It is assessed that the ability of football clubs to ensure financial means was very unsatisfactory. Also the work of trainers and pedagogues is not considered as satisfactory.³⁰⁴ This may be as a result of not engaging the pedagogues with proper qualifications in sport clubs. It is assessed that the number of sport pedagogues in sport clubs is low. They are not present also in arbitrary associations, trainers associations and also in sport federations.³⁰⁵ Based on the

³⁰¹ Communication of Commission to European Parliament and Council, Social Economic Committee and Committee of the Regions. COM (2011) 12 final. Brussels, 18.01.2011. p. 8.

³⁰² Fatmir Kabashi. Strategic Priorities for Professional Sport Infrastructure in Kosovo. American University in Kosovo. Master Program on Public Administration. p. 13.

³⁰³ Ibid. p. 16.

³⁰⁴ <http://www.knninfo.com/?page=1,28,51090>.

³⁰⁵ http://2lonline.com/index.php?option=com_content&view=article&id=6246:pedagoget-sportive-ne-aut-sportiv&catid=102:opinion&Itemid=611. 25.02.2013.

sport statistics 2010, around 45% of trainers are not licensed.³⁰⁶

The physical education in primary and secondary schools is very important. It is a known fact that the physical education as a subject course in schools is not considered to be important and is not treated equally to the other subject courses such as Albanian language or mathematics. As a result children do not take the physical education for granted as a subject course, being unaware that this is a bad choice for their health but also for the overall development of sports and the society in general.³⁰⁷ The talent is born, but they must be developed so that it can be used. Therefore if the talents are not identified since in the school age, there is a risk that they will be lost. Therefore, teaching the physical education in schools is of a special importance in preparing quality athletes in later stages of life. It is a known fact that many schools do not have sport halls at all. They also lack the very basic equipments for various sports.

The Republic of Kosovo is the only country that offers only two hours per week of physical education in schools. It is known that the curriculum in our country is not yet fully harmonized with international standards. We shall emphasize that the other countries have three hours of physical education in schools, excluding here swimming and Olympic hours. The number of hours of physical education as part of school curricula is somehow inherited from the period where the education was carried out in private houses which did not meet the conditions for proper teaching of physical education.³⁰⁸

There is no research institute for physical education and sports in Kosovo. This scientific institution should be part of the Ministry of Culture, Youth and Sports and would have dealt with scientific studies and analyses of physical culture, qualification of trainers and scientific workers of physical education as well as monitoring and evaluation of quality athletes. There is a lack of periodic physical education magazine as well as there is a lack of more books on sports which would help on improving the new methods on teaching and better preparing of pupils on physical education.³⁰⁹

If more attention would be dedicated to physical education in schools, trainers, clubs and federations would have a great source of talents for their sport clubs. The sport competitions within and among schools and municipalities shall be obligatory. If the conditions in schools for organizing these competitions are not in place, they should be organized in sport clubs. It is assessed that only 5% of sport workers are paid by state budget. The other workers work on voluntary basis. The voluntary work is not a good basis for creating top quality athletes.³¹⁰

³⁰⁶ Kosovo Statistical Agency. Sport Statistics 2010.

³⁰⁷ Jeton Hadergjonaj. <http://www.sportishqiptar.com.al/newsite/2013/02/01/ja-pse-shqiperia-e-Kosovo-nuk-ka-sport-e-sportiste-qe-te-shkelqejne-ne-europe-e-bote/>.

³⁰⁸ Arti Kryeziu. <http://www.telegrafi.com/lajme/kultura-fizike-vazhdon-te-jete-e-diskriminuar-26-4726.html>. 25.02.2013.

³⁰⁹ Jeton Hadergjonaj. <http://www.sportishqiptar.com.al/newsite/2013/02/01/ja-pse-shqiperia-e-Kosovo-nuk-ka-sport-e-sportiste-qe-te-shkelqejne-ne-europe-e-bote/>. 25.02.2013.

³¹⁰ Ibid.

It should always be taken into consideration the fact that many athletes from Kosovo have managed to be very successful in different European countries, such as Lorik Cana, Xherdan Shaqiri, Luan Krasniqi. We have Majlinda Kelmendi who has won many medals. Recently she has declared that she is very disappointed by the Kosovo institutions and she announced that she might choose to represent another country. So it is an established fact that Kosovars are very talented in various sports and that they may be very successful in international level if they are provided with the necessary support and assistance.

In February 2013, Kosovo Assembly discussed on sport and has identified some challenges and recommendations. Despite the infrastructure and isolation of the sport, it was assessed that the legal framework shall be supplemented as well. The Kosovo Assembly recommended to Kosovo Government and respective Parliamentary Committee to prepare a package of laws that would have had an impact on development of sport and prohibition of negative phenomena on sport, such as: draft law on sponsoring, draft law on sports facilities and their management, draft law against violence and other negative phenomena in sport.³¹¹ It is of special importance to adopt the law on sponsoring which could have an impact on improving the financial situation of sport clubs and eventually also on their management. In addition this law would have an impact on creation of cooperation and partnerships among different sport communities and businesses.

In general it can be stated that Kosovo's sport is underdeveloped. There is no clear strategy for development of sport which would have created a sustainable and long term approach to sport. It can also be stated that there is no political will for development of sport. Sport is not perceived as an important socio economic sector.

Key challenges:

- Inclusion of sport in Kosovo development policies and sustainable and strategic financing of sport
- Increase of the quality of physical education and sport activities
- Inclusion of young professionals with proper qualifications of physical education for education and training of athletes
- Construction of basic infrastructure for development of physical education in primary and secondary schools
- Building sport management capacities
- Complete the legal framework in sports
- Stimulation of professional human resources and youth
- Ensure the inclusiveness in sports and physical education
- Increase the participation of female in sports
- Contribution of sports media in development of sport
- Licensing of respective professional sport cadres
- Attraction of foreign investments
- Increased lobbying for international recognition of Kosovo and membership to sports international federations.

³¹¹ <http://www.gazetaexpress.com/?cid=1,24,104376>.

4.3.3. Organization of sport

Good governance in sport is a condition for the autonomy and self-regulation of sport organisations. While it is not possible to define a single model of governance in European sport across different disciplines and in view of various national differences, the Commission considers that there are inter-linked principles that underpin sport governance at European level, such as autonomy within the limits of the law, democracy, transparency and accountability in decision-making, and inclusiveness in the representation of interested stakeholders. Good governance in sport is a condition for addressing challenges regarding sport and the EU legal framework.³¹²

The law on sport defines and regulates the organization of sport in Kosovo. In addition sport is regulated with the statutes and regulatory acts of the respective Sport Federations in Kosovo. Based on the law on sport, sport federations³¹³ are established and operate in accordance with the provisions of the law and their internal statutes and regulations which are adapted to the statutes of respective international federations. According to article 35 of the Law on Sport³¹⁴, sport clubs may be public and private. Public clubs are registered as nongovernmental organizations, while private clubs are registered according respective laws in Kosovo. Public clubs activities are based on state budget subventions and donations from natural and legal persons.³¹⁵

The responsible institution for monitoring of Sports Federations is the Ministry of Culture, Youth and Sports. The ministry has adopted the Administrative Instruction No. 05/2005 on Monitoring the Administrative and Professional Work of Sports Federations.³¹⁶ Based on the law on sport, the Kosovo Olympic Committee is the highest nongovernmental institution for sport. Members of the Committee are sports federations and associations of special importance for development of sport which get membership and operate in compliance with the statute and regulation of the Committee. The Kosovo Olympic Committee shall create the conditions for development of sport and Olympic movement in Kosovo and as such it is an independent institution³¹⁷

Based on the law on sport³¹⁸, Kosovo Olympic Committee encourages and follows the developments in sport and:

- Participates in proposing and implementation of measures for the advancement and development of sport;

³¹² Communication of Commission to European Parliament and Council, Social Economic Committee and Committee of the Regions. COM (2011) 12 final. Brussels, 18.01.2011. p. 9.

³¹³ Article 27. Law No. 2003/24 on Sport.

³¹⁴ Ibid.

³¹⁵ Ibid. Article 36.

³¹⁶ http://www.mkrs-ks.org/repository/docs/U.A.Nr._05_2005_per_mbikeqyrjen_e_punes_administrative_dhe_profesionale_ne_Klubet_dhe_Federatat_e_Sportit.pdf

³¹⁷ Article 7. Law No. 04/L-075 on Amendment of the Law No. 2003/24 on Sport.

³¹⁸ Ibid. Article 9.

- Contributes and participates in organizing of the Olympics games and other international sports competitions, determinate nomenclature of sports, coordinates the activities of sports federations, sports associations for the realization of the Strategy action plan on sport development;
- Acts in collaboration with the Faculty of Sport Sciences and other relevant institutions in the advancement of scientific work in Sports and helps in training and progress of professional staff;
- Contributes to achieving of the heighest results of the Kosovo athletes and their participation in national sports teams in the Olympic Games in European and world championships and other International competitions;
- Support the connections of the Republic of Kosovo through sport with other countries for the greater approach with other nations, people, for approaching the athletes and other participants in sport events.
- Is engaged in spreading the Olympic principles and ethical, moral norms in sport as well as protecting the symbols and signs of the International Olympic Committee and Olympic Committee of Kosovo.
- Represents the sport of Kosovo before the International Olympic Committee, sports Organizations and relevant international association in the framework of the Olympic movement.

Even though Kosovo the tricking of matches is not yet very present in Kosovo, it is one issue that the football in Europe and the world is facing nowadays. Another important issue at European level is maintaining of the loyal competition in the sport sector. The EU law provisions against discrimination are also applicable to sport. Setting quotas for national players in national sport teams is in contradiction with the provision on anti-discrimination. Creation of a social dialogue in sport sector is also of crucial importance for European Union.³¹⁹

Proper organization in sport federations, sport clubs, transparency and accountability, consultation with the relevant stakeholders, monitoring of sports federations and sport clubs is of special importance for Kosovo's sport. Very often the sport federations in Kosovo, in particular those of more popular sports, are criticized for not being transparent, accountable, professional and management capacities, internal democracy etc. MCYS has provided support on management capacity building of sports federations. Very often it was stated that sport organization in Kosovo affected also by political influence which may have impacted the professional and management capacities of federations and other sport institutions. Even though the main responsibility for sport lies on state institutions, also sport federations and Kosovo Olympic Committee have a crucial role for development of sport and they should serve as best promoters of sport.

Key challenges:

- Managerial and professional capacity building of sports federations
- Creation of a social dialogue for sport with the aim of discussing, consultation

³¹⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. COM (2011) 12 final. Brussels, 18.01.2011. p. 11.

and conclusion of agreements for sport issues.

- Increase inclusion of young sport professional in sport institutions
- Managerial and professional capacity building of sport clubs

5. Main conclusions on Youth, Culture and Sports

Youth			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Strategy and Action Plan revised and approved in 2013		Insufficient cooperation at the local level	Increase of cooperation at central and local level
Law for youth empowerment	Implementation of youth legislation	Insufficient inter-ministerial cooperation	Establishment of inter-ministerial committee for implementation of Youth Strategy
Law on Adult Education		Insufficient incentives for youth start-ups	
Four administrative instruction in youth area: on Youth Action Council, voluntary work, non-formal education and youth centres		Drop of donor contribution for youth development	Youth policies to be Government priorities
Law on national qualifications	Construction of infrastructure for youth	Decision-making of youth at local and central level	Awareness of decision-making bodies for youth participation at local and central level
National Qualifications Framework	Organization of non-formal education for the youth who have dropped out of schools	Inappropriate programme for labour market development	Harmonization of education programmes with labour market needs
Large number of youth in Kosovo	Integration of youth structures in youth European structures	Insufficient capacities of youth centres (technical, implementing, financial)	Capacity building of youth organizations
Central Youth Action Council	Youth services	High rate of youth unemployment	Provision of youth entrepreneurship programmes, internships, financial support, etc.
Local Youth Action Councils	Sustainability of youth centres, Youth NGOs, Youth Action Councils	Non-profiling of youth organizations	Profiling of organization in youth area
Youth centres	Creation of cooperation bridges of youth representative structures with the Ministry of European Integration	Lack of networking and information of youth organizations for application to international funds	Creation of mechanisms for information
Youth NGOs	Inter-sectorial cooperation	Lack of programmes for inclusion of youth	Provision of inclusive programmes for participation of all youth groups
Existence of sub-groups for European coordination		Lack of health services	Training of health employees for provision of youth friendly services

Donor support	Cooperation with donors		
Inclusion: Gender equality, persons with disabilities, ethnic groups	Cooperation of Youth Department and Professional Development Centres		
Good coverage with health services			
Existence of youth structures in local governance			

Culture			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Existing legislation	Proper donor coordination and addressing real needs	Difficulties in implementation of legislation	Completion of legislation and its implementation
Support from donor community	Proper donor coordination and addressing real needs	Lack of real cross-cultural cooperation	Planning, implementation and joint coordination of cross-cultural projects
	Setting priorities in the field of culture		
Beginning of institutional reform	Acceleration of institutional reform	Lack of sustainable initiatives for cross-cultural projects	Inclusion of content on cultural diversity in schools and building of their capacities
Tolerance for cross-cultural cooperation	Incentives for real initiatives on cross-cultural cooperation	Lack of capacities for promotion of cultural diversity in schools	
Media coverage	Proper use of media coverage for promotion of cultural diversity	Lack of awareness for importance of culture diversity	Organization of awareness campaign on cultural diversity
Willingness for financial support from MCYS for community projects	Proper distribution of funds	Lack of decentralization and democratization of culture	Using available mechanisms for decentralization and democratization
Creative capacities	Incentives and support for young artists	Lack of strategy on culture	Approval of strategy on culture
Production of artistic works	Promotion of cultural works Organization of public discussions	Insufficient institutional support	Development of strategies at municipal level
Quality of cultural and artistic work in international competitions		Lack of cooperation between local and central levels	Coordination of cultural activities at central and local level
Financial support for participation in international events	Development of a calendar of cultural events	Insufficient international recognition of Kosovo's state	Use of culture for lobbying for recognition of Kosovo's independence
Membership into various international organization	Stronger support for cultural events of international nature from local and central level and proper communication among them	Insufficient awareness for importance of culture for economic development	Organization of awareness raising campaigns for economic impact of culture
Organization of traditional cultural events of international nature	Stronger support for independent culture	Insufficient conditions for development of culture	Investing in creation of conditions for culture development (facilities, equipment, etc.).

Independent culture	Specific cooperation of institutions with independent cultural organizations	Lack of inter-ministerial cooperation	Initiation of joint cross-cultural projects
	Taking evidence and creation of a database with artists		
Awards for independent artists in international competitions		Politicization of culture	De-politicization of culture
		Lack of networking at local, regional and international level	Creation of cultural networks and their support
		Lack of institutional representation of culture at international level	Development of culture diplomacy
			Preparation of promotion culture materials
		Lack of incentives for successful artists in international field	Establishment of a special fund for incentives for successful artists in international arena
		Non-implementation of protection of copyright	Protection of copyright
		Poor development of creative industry	Implementation of private-public projects in culture
			Implementation of private-public projects in culture
			Approval of law on sponsorships
		Lack of freedom of movement abroad for artists	Facilitation of visa regime for artists' travelling abroad
		Lack of project monitoring	Continues and compulsory monitoring of projects
		Lack of institutional support for independent culture	Taking evidence of and development of local NGOs
		Lack of capacities at local level	Continuous capacity building
		Lack of budget	Increase of state budget for culture
			Creation of alternative forms for culture funding

Sports			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Potential of healthy youth with strong will for sports	Empowerment of school sports, establishment of new sports clubs and other sports	Lack of long-term strategies	Development of sports strategy with inclusion of all relevant sports stakeholders
Tradition in sports	Promotion of sports with traditions	Lack of research	
Law on sports		Lack of standardized infrastructure of sports facilities	Construction of sports infrastructure in proportion with the number of population and modernisation of the existing ones
Existence of basic infrastructure	Mass sports, internationalization, infrastructure	Internationalization of sports	Interaction of state and sports institutions in internationalization of sports
Increase of budget		Licencing of respective professional staff	Incentives for youth for inclusion in sports and creation of respective spaces for them
Donor support	Gender and ethnic inclusion, equality and democracy	Amendment of legal infrastructure	Drafting of law on hooliganism in sports
Organisation of sports institutions	Good governance, transparency and accountability	Lack of stimulation for professional staff and youth	Incentives for professional staff through sponsors
Autonomy of sports organizations	Further improvement of autonomy of sports organizations	Inclusion in sports and physical education	Awareness of society for inclusion of women in sports
		Insufficient inclusion of women in sports	
School-university sports	Construction of country image	Insufficient budget in sports	Increase of investments in sports through public-private partnerships
Sports for all	Contribution to health protection	Grave economic and social situation	Building of management capacities in sports
Education of staff		Sports media	Increase of media coverage for promotion of sports
Sports for individuals with special needs		Sports and health	Functioning and modernisation of sports medicine
Extreme sports		Sports management	Building of management capacities in sports
Natural resources (ski centres, lakes, mountains, etc.)	Use of sports as a leverage for economic development of the country		

Chapter III – Labour, Employment and Social Policies

1. EU Policies on Labour, Employment and Social Policy

The responsibility of employment and social policy in the European Union are shared among member states and European Commission. This does not aim to determine the level of payment and benefits among member states, but it has a more coordinating character. This policy aims to strengthen the mobility of labour force among all member states. Social policy in EU is always considered as an integrated part of internal market regulation policies, since mobility of people is one of the four basic freedoms of EU.

Specific responsibilities of EU in the field of employment, social issues and inclusion are:

- To coordinate and monitor national policies
- To promote sharing of best practices in the field of employment, poverty and social exclusion and pensions
- To establish certain legislation and monitoring it in certain aspects, such as employment rights and coordination of social insurance schemes³²⁰.

Regarding legal framework in this field, EU has approved a wide range of legal documents determining the minimum threshold of benefits and social protection for all member states of the union. These minimum standards required to be met before full membership in EU are supervised by the Directorate General for Employment, Social Affairs, and Inclusion³²¹. The main documents regulating the scope of work of this Directorate include:

- The Treaty on the Functioning of European Union (Articles 44-55 and 145-164);
- EU Convention on Fundamental Rights
- Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.
- Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes
- Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community
- Regulation (EC) No 859/2003 of 14 May 2003 that extended the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality
- Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.³²²

³²⁰ http://europa.eu/pol/socio/index_en.htm.

³²¹ Directorate General for Employment, Social Affairs, and Inclusion.

³²² European Commission. Directorate General for Employment, Social Affairs and Inclusion. http://europa.eu/legislation_summaries/employment_and_social_policy/index_en.htm.

The main priority of this policy is to increase employment and mobility of employees, improvements of quality of work, working condition, to inform and advise employees, to fight against poverty and social exclusion, to promote gender equality among men and women, and to modernize the social security scheme.³²³

Social security schemes in EU include protection from some social risks acknowledged as such. Those risks include³²⁴:

- Death. This risk is defined as a loss of income caused by the death of the main beneficiary in the family economy, and as such it risks the life of the whole family.
- Illnesses and disability. Disability benefits include protection from the risk of loss of income due to illness or disability of persons to rely on their own work in order to ensure their life.
- Age. In principle, this risk is defined as the inability of the person to work due to his/her age. There may be employment or age pensions.
- Unemployment. Unemployment assistance is a replacement of income for persons who have lost their job that secured their survival. There are usually time boundaries in the application of benefits from such schemes.
- Responsibility for the family. This risk is defined as the increase of expenses in the family due to birth of a child, and it is given to families in the form of supplementary benefits, which are regulated for a certain period of time and based on the number of children.
- Health protection. Health problems impose risk for many persons, since illness or the inability to work are basic barriers to their engagement to work..
- Need/poverty. The inability to earn a dignifying life due to lack of jobs and resources, which provide income (land, property).

Benefits from the protection of the above-mentioned risks are of two forms: material and non-material. Material benefits may be realized in the form of fixed payment based on calculation of basic expenses for a person or household to survive, or as a percentage of incomes earned from the job when the disabled person was employed. Financial benefits may be realized in the form of payment waivers for utilities, waiving taxes for certain categories, or similar nature³²⁵.

Non-financial benefits, on the other hand, may be realized as services for certain categories (social, family services, education of special needs persons, education programs, scholarships, employment for vulnerable categories, etc. These tools are often known as 'soft' benefits since the beneficiary does not receive any financial means, but other goods, which improve their life.

³²³ Ibid.

³²⁴ Prof. Dr. Danny Pieters. Social Security Comparison and Social Security Systems in Europe. University of Leuven and Council of Europe. 2006.

³²⁵ Prof. Dr. Jos Berghman. History and basic Concepts of Social Security. University of Leuven and Council of Europe. 2006.

Coordination of social security in EU level is based on four basic principles:

- The person is covered by the scheme of a state (during a certain time), therefore his/her contributions are paid only in one state. The decision related to which state laws apply is determined by the social security institution and the person may not choose.
- Persons working in other member status enjoy the same rights as the citizens of that member state providing the social security. This principle is known as equal treatment and non-discrimination.
- When a benefit is required, previous insurances, employment and residence in other states may be considered if necessary.
- If the person enjoys the right for cash benefits from a state, it is generally allowed to export such benefits in another state as well. This is known as the principle of exportability of benefits.³²⁶

2. Situational analyses in Kosovo on Labour, Employment and Social Policies

2.1. Labour and Employment

2.1.1. Labour Law

The basic law to regulate labour and employment relationship is the Law on Labour³²⁷. It is based on Article 49 of Kosovo Constitution, which envisages the “right of employment and professional right”, through which a person is guaranteed the right to employment and his/her choice of the workplace. The law complies with “Conventions of International Labour Organizations and with EU Legislation” for an open economy and labour market. The law defines the relationship between employers and employees. It also is applicable for foreign citizens working in Kosovo, while it is not applicable for persons employed in international and diplomatic mission, including foreign military presence in Kosovo, such as the international peacekeeping force – KFOR. At the time of writing this report, the Law on Labour was in the process of revision, and it was hoped that the process would finalize within 2012. Some aspects expected to be changed include maternity leave (extension of maternity leave and current procedures to benefit from the fund of maternity leave), and contracting forms. However, since the law is still in a draft version and may change in meantime, it is not yet known if these constitute the final changes or not.

The institution carrying most of responsibility in the implementation of the Law on Labour is the Ministry of Labour and Social Welfare, respectively the Labour Inspectorate³²⁸ in this Ministry.

³²⁶ European Commission. Directorate General for Employment, Social Affairs and Inclusion. http://europa.eu/legislation_summaries/employment_and_social_policy/index_en.htm.

³²⁷ Law on Labour: <http://kk.rks-gov.net/kamenice/Files/Rregullore/2010-212-alb.aspx>.

³²⁸ See below the organizational chart of this institution.

Since this law constitutes the basis for regulating work relationships and its adoption was very welcomed, its implementation in practice, however, faced a lot of problems and challenges. One basic problem of its implementation is the general situation in the field related to the high unemployment rate, which hinders heavily the implementation of this law, then the lack of implementing and monitoring capacities of responsible institutions. An analysis of GAP institution indicates that the budget allocated by the Government for the implementation of this law (e.g. to cover maternity leave or the budget for Labour Inspectorate), as well the small number of labour inspectors, present the main challenges for the implementation of the law.³²⁹ Another challenge identified by many stakeholders is the extension of informality, which is estimated above 30%³³⁰.

The main challenge related to the regulation of work relationship through a harmonized legislation with that of European Union has to do with the necessary legal changes and the efficiency of its implementation

Regarding the first aspect, the legislation should be amended to accommodate necessary changes needed to benefit from the Social European Fund³³¹, as well as to establish a protection scheme from unemployment³³². Both these necessary changes should be preceded by systematic collection of information and should be based on accurate and regularly updated statistics. At the same time, the Law on Labour should be evaluated in regard to its impact to various social categories, since there is information indicating a lower level of women being employed (especially among young girls) as a result of legal provisions on maternity leave.

Regarding the second aspect, i.e. implementation of the law, responsible institution for the implementation of the Law on Labour in the field – i.e. Labour Inspectorate – should be supported and empowered to implement this law seriously and rigorously. This is considered the most effective measure to decrease the informality level, which is estimated to be very high. Specifically, the main challenges of Kosovo institutions include:

³²⁹ The institute for Advanced Studies GAP, “Ligji i Punës: gjashtë muaj pas hyrjes në fuqi” (eng: Law on Labour: six months after its effectiveness).

³³⁰ Kosovo-An Annual Survey of Workers rights violations. ITUC. <http://survey.ituc-csi.org/Kosovo.html?lang=en#tabs-4>.

³³¹ European Social Fund (ESF) participates in EU structural funds, established to reduce the differences in living standards and welfare among all member states, promoting social and economic cohesion. The Fund is a key element of the EU strategy for 2012 to increase employment aiming to improve the life of European citizens, by equipping them with appropriate skills and providing employment opportunities. Since this scheme is being revised by EU, specific criteria and procedures for ESF in 2014-2020 are not known fully yet. More about the European Social Fund could be found at <http://ec.europa.eu/esf/main.jsp?catId=35&langId=en>.

³³² Unemployment is a risk to which every Kosovo citizen is exposed.

2.1.2. Employment and Employment Protection

It is of importance to emphasize that the Law on Labour sanctions any form of discrimination in the workplace. It also prohibits forced labour. The law obliges the employer and the employee to enter a contract agreement as defined by articles 10 and 11; it also obliges parties to declare themselves at the tax administration office. In addition, the law prohibits employer to enter into contractual agreements with persons under 18 years of age, while persons of age 15 to 18 are allowed to do only easy jobs. Article 42 of this law guarantees protection of workers in their working environment, obliging the employer to provide good and suitable working conditions, while persons with disability, women and young people enjoy special protection. The law obliges the employer to provide safety measures in the workplace and inform employees about potential risks in their workplace.

Despite the progress achieved so far in regulating the employment issue and protection of employees at the work place, there is still a lot to be done in this context. The lack of capacities among labour inspectorate and other institutions related to the implementation of this law should be addressed, and employees' representation through advisory councils should be achieved as well. Reporting and control mechanisms for the implementation of the law regarding safety of workers in the workplace should be strengthened and political support should be provided

In order to harmonize this segment of the legislation with that of EU, and meeting minimum criteria for membership, the Law on Labour and its effective implementation should be improved. Effective implementation of this law is a precondition to functioning of internal market policies, which is the final aim of the EU promoted since early times of its establishment. This aspect of the legislation regulates also the freedom of movement within the Union, thus respecting one of the four non-transferable freedoms in the Union. Specifically, the challenges to employment and safety of worker at their work include:

2.1.3. Work and payment conditions

Employer should provide appropriate work conditions, where the employee is not exposed to various risks, including health risks. In addition, the current laws in Kosovo sanction the work schedule in 40 hours per week for all workers, while persons under the age of 18 can work up to a maximum of 30 hours per week³³³. Workers with health problems and other physical problems should work not more than 20 hours per week. Regarding the requests for overtime, employers should provide additional compensation for overtime work; however, such requests are not allowed to be presented to pregnant women or parents who are taking care of children under age of 3.

Providing appropriate work conditions to workers is one of the biggest challenges in

³³³ Article 20, Law on Labour.

the labour market. having in mind the high level of unemployment and the readiness of people to work for salaries which sometimes are not enough to hold their families and households impose a great challenge to implementation of the law and achieving European standards of labour. Since about 30% of workers in Kosovo³³⁴ do not have any rights, including those employed in conformity with the Law on Labour, they cannot realize any of their rights for having a dignifying work. Many efforts have been made to evaluate this aspect in the private sector; however, the majority of data about this phenomenon is of anecdotal nature and is based on observations in the field. It is enough to visit a construction site and you may observe that workers work there without any basic safety conditions (e.g. protecting helmets) to protect them against any risks at work.

The minimum wage threshold in Kosovo is periodically determined by the Government upon recommendation of Social Economic Council (SEC), as a responsible body to facilitate social dialogue. Based on the latest recommendation by SEC the minimum wage in Kosovo is 170 Euros for the employees above 35 years old and 130 Euros for the employees up to 35 years old, as per Decision of the Prime Minister No. 04/33 (17.08.2011). This differentiation among various age groups aims at promoting employment among youth.

The minimum wage in Kosovo is the lowest in the region, and far below the average of EU member states that apply minimum wages. Since EU did not define any minimum wage for all member states, there are indications that in a near future there will be changes in this context. The lack of a minimum threshold in EU so far was considered to be a consequence of non-equal level of development among member states. However, their efforts to reach a close level of welfare state among all member states, such a policy to regulate minimum wage is realistic.³³⁵ For Kosovo to compete with other countries, major efforts should be done as the current level of wages is very low including other related indicators. Following is a table representing minimum and average wages of the countries in the region for 2008.

	Croatia	Macedonia	Montenegro	SRB	BiH	AL	KS
Minimum wage	381	75-218 ⁴	(55)	159	159/142 ⁵	138	(120)
Average wage	1000	250	630	400	514/452 ⁶	350	250
Minimum wage as a percentage of average wage	38	(30)	?	39	31	41	(45)
GDP growth (%)	2.4	5.0	8.1	5.4	5.5	7.2	5.0
Unemployment (%)	13.4	33.8	10.8	18	40.6	Aprox. ³³⁷	45 ⁸

Figure 1. Minimum wages expressed in Euros, and as percentage of average wages in Southeastern Europe - 2008³³⁶.

³³⁴ 30% is estimated to be the informal level of employment in Kosovo.

³³⁵ ILO. Minimum Wage Revisited in the Enlarged EU. Edited by Daniel Vaughan-Whitehead.

³³⁶ Heribert Kohl. Social dialogue, workers' rights and freedom of association in the western Balkans a survey after a first round of empirical research. Southeast Europe Review . 2/2009. Page 151-173.

The low level of minimum wage and high level of unemployment rate represent serious challenges for Kosovo in the years to come. Due to the high level of unemployment rate, employers are in advantage compared to their workers; therefore, the level of abuse with workers and violation of their rights guaranteed by law are apparent. Empowering the Labour Inspectorate, as well as raising the awareness among employees about their rights through various campaigns is the only way to achieve the desired goal

Functioning of the Social Economic Council is also another serious challenge for Kosovo institutions and social partners. The leadership crises among leaders of the workers' union and their disagreements made illegitimate the representative of the workers at SEC. Consequently, the recommendations given by this body lose their legitimacy as well. MLSW, responsible for the management of SEC, should revise the participation of unions' participation in this body and review the legitimacy of current representatives. After the support given to this body through the adoption of the Law on SEC, the political commitment and its importance in decision-making processes remain a serious challenge.

2.1.4. Industrial conflicts

An industrial conflict is an area regulated by Kosovo and EU legislation. One of the basic steps to be made is a differentiation between individual conflict and group/sector-wide conflict with employers. The line between these two types of conflicts in most cases is obscure since individual conflicts in many cases affect a larger group of persons and their rights (e.g. discharging a worker from his/her workplace due to his engagement in workers' union affairs)³³⁷. Therefore, industrial conflict is defined as a conflict or changes in the opinions between management and employees related to terms of references.

The right of associations in unions is regulated with the Law on Workers Union, No. 04/L-11, which aims at regulating the rights and freedoms of the worker to establish freely organizations and voluntarily social union to protect their economic, social and occupational interests. Issues regulated and rights guaranteed by this Law include the right of membership in these unions and organizations, membership in workers' unions, choosing in which union to become a member, dissolution of unions, criteria and conditions of registration by unions, the structure of unions, financial resources and the right to organize unions federates and confederates, as well as other issues related to this field. Ministry of Labour and Social Welfare issued a bylaw related to the implementation of this Law.³³⁸

Representation of social partners is also regulated through the Law on Social Economic Council (2011/04 - L - 008), which regulated participation conditions and the mandate of this body. Although this law is in full harmony with practices in EU countries, its

³³⁷ Ibid. pp. 151-173.

³³⁸ Government of Kosovo. Answers to the Questionnaire for the Feasibility Study for the Stabilization and Association Agreement.

implementation in practice is associated with numerous obstacles and issues related to representation of social organizations and partners in this body. In 2009, Heribert Kohl states that there was a blockage in the social dialogue in Kosovo, attributing this blockage to the need to accept pluralism of union and employers' organization as new reality, which proved to be the major obstacle for the functioning of SEC.³³⁹ In 2012, this council functioned better than in previous years, however a revision of its membership and clear membership/representation procedures in this Council by workers' and employers' unions is needed.

Regarding the structure of representation, the membership to workers' unions is voluntary by the law. Unions are organized with a traditional membership of federation/confederation, association and branches, which are elected and reelected periodically. This organization is similar to the level of unions representation provided in the European Community legislation, except directives related to joint decision-making through counseling with workers who should actively involved in decision-making, as a preventive measure to industrial conflict.

One of the key challenges in the area of industrial conflict has to do with the functioning of SEC and empowering it as the main body to facilitate the dialogue between social partners. The above assessments related to the legitimacy of the members of SEC are applicable in the industrial conflict and social dialogue, in general.

Supplementing the law to include EU Directive 94/45/EC²⁸ related to organizing and establishment of European Works Council in a multinational company is needed. Having in mind the low level of investments in Kosovo, this law may be seen as an obstacle to potential foreign investors, and may pose some hesitation to the Government to approve this law at this stage.

Key challenges:

- Fighting informality in the labour market;
- Improvement of employment statistics and their electronic organization and management;
- Empowering the Labour Inspectorate for the implementation of the law, such as increasing the number of staff and their professional development
- Preparing to benefit from the European Social Fund (during the process of change of legislation, a particular attention should be paid to benefits from ESF³⁴⁰)
- Monitoring and implementation of laws in the field and speeding up the procedures in Economic Courts in case of violations of the law.

³³⁹ Heribert Kohl. Social dialogue, workers' rights and freedom of association in the western Balkans a survey after a first round of empirical research. *Southeast Europe Review* . 2/2009. pp. 151-173.

³⁴⁰ Electronic data management a necessary step to participate in ESF in the period of 2014-2020. All beneficiary states should have an electronic data management system by the end of 2014. See SEC(2011) 1141, which can be found at http://europa.eu/rapid/press-release_MEMO-11-663_en.htm?locale=en.

- Full implementation of the legislation into force
- Harmonization of the Law on Civil Service with the Labour Law
- Information of employees on the legislation into force
- Creation of the health insurance fund
- Elimination of child labour by intensifying inspections
- Adoption of a special law on protection of children rights
- Amendment of the Law on Labour and its bylaws (in the process)
- Adoption of provision from EU directives related to Councils of Workers (Essential directive no. 89/391/KEE);

2.2. Health and safety at work

2.2.1. Policies and strategies

Government policies and strategies related to health and safety at work include the Sectorial Strategy 2011-2013 of the MLSW, the Legislative Agenda of 2012 and the EPAP 2012 which provide the drafting of a new law on health and safety at work.³⁴¹ The legislation in force which regulates this aspect is UNMIK regulation of 2003³⁴², due to be replaced in a near future, and two other acts) Regulation no. 2004/01 on sanitary and technical measures at workplace, and Regulation no. 2005/02 on the evaluation of work related risks³⁴³. The MLSW has compiled an initial draft law on health and safety at work which is based on Framework Directive no. 89/391/EEC (on the introduction of measures to encourage improvements in the safety and health of workers at work. The draft law was consulted by international experts and the same experts provided training to the labour inspectors on the draft law and the Directive. In principle the draft law was adopted by the social partners and it is due to be adopted by the government and the assembly.³⁴⁴

The Government has no specific strategy on safety and health at work but such strategy will be planned this year. Moreover, the MLSW envisaged the establishment of a database on health and security in 2013.³⁴⁵

Maternity leave, annual and medical leave, as well as other aspects of labour relation, are also regulated by the Law on Labour. Aspects concerning maternity leave and its implementation were a continuous target of criticisms by the civil society organization because of the negative effects that the law allegedly had (and continues to have) for the

³⁴¹ Government of Kosovo. Answers to the Questionnaire for the feasibility for the stabilisation and association agreement.

³⁴² Law no. 2003/19 on Occupational Safety, Health and Working Environment.

³⁴³ Answers to the Questionnaire for the feasibility for the stabilisation and association agreement, June 2012.

³⁴⁴ Government of Kosovo. Answers to the Questionnaire for the feasibility for the stabilisation and association agreement.

³⁴⁵ Ibid.

employment of women.³⁴⁶

2.2.2. Institutional framework

The institution that is responsible for the implementation of legislation on Health and Safety at Work is the Labour Inspectorate within the MLSW. In the past the inspectorate was the target of criticism, by the civil society and the opposition political parties, for ineffective implementation of the Law on Labour. The responsibilities and functions of the TEIP are provided by Regulation no. 2003/4, signed by the SRSG, promulgating the Law no.2002/9 on the Labour Inspectorate in Kosovo. The primary task of the TEIP is to supervise the implementation of the legal provisions of Regulation no. 2001/27 on the Basic Labour Law in Kosovo, Law no. 2003/19 on Occupational Safety, Health and Working Environment.

The organizational structure of the TEIP is regulated as per the following scheme: Ministry of Labour and Social Welfare I) Minister – II) Chief Labour Inspector -III) three deputies of the chief labour inspector (labour relations, occupational safety, health and working environment), IV) labour inspectors and V) administration.

The organizational chart of the inspectorate is presented below:

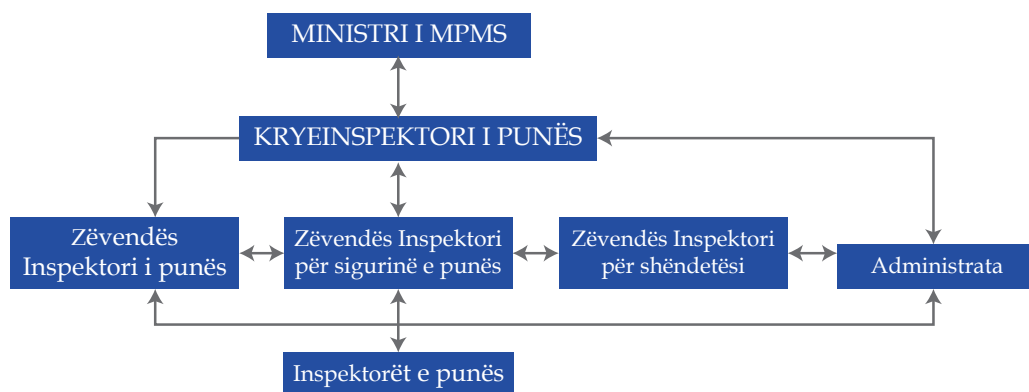


Figure 2. Organizational chart of the Labour Inspectorate. Source: MLSW.

2.2.3. Implementation capacities

Frequently the Labour Inspectorate was the target of criticisms due to its incapability to act and was criticized for the lack of considerable capacities to implement Law on Occupational Safety, Health and Working Environment and other laws under its competence. The Inspectorate employs 52 labour inspectors nation-wide of legal and technical

³⁴⁶ Institute for Advanced Studies GAP, "The implementation of the Law on Labour in the first six months".

backgrounds and all of whom have superior education and at least three years of working experience. However the EC Progress Report 2011 stresses that human resources at the service of the institution are insufficient to achieve its objectives.³⁴⁷

Hitherto the administrative measures and the fines imposed by the institution were quite symbolic and few in numbers which underlines the inefficiency and/or incapability of the institution to work on the ground. In relation to the continuous professional promotion of the institution, a greater political commitment is required as well as support for their work.³⁴⁸

Key challenges

The main challenges concerning the institutional implementation capacities, i.e. two specific institutions: the Labour Inspectorate and the Courts. On the one hand, the Labour Inspectorate should be supported and empowered in view of staff number and professional capacities. The Courts, on the other hand, should accelerate the processing of cases because delays are discouraging for employees and filing of cases with courts. Moreover, the challenges in this respect may be presented as follows:

- Increasing the number of Labour inspectors (to be discussed preliminary with the IMF with whom Kosovo has a by-standing agreement on budgetary expenses).
- Professional promotion of Labour Inspectorate staff.
- Acceleration of the complaint procedures at the commercial court and reduction of time for adjudication of disputes between the employers and the employees.
- Creation of a functional system in the area of health and safety at work

2.3. Social Dialogue/Social Partners

The right to join and organize in trade unions in Kosovo is a universal right and applicable to both public and private sector. It is a right guaranteed by the Constitution of the Republic of Kosovo (Article 44,2), which states that “the freedom to establish trade unions and to organize with the intent to protect interests is guaranteed. This right may be limited by law for specific categories of employees”³⁴⁹. In addition, this general provision on establishing trade unions is defined by the Law on Labour as well No. 03/L-212 (Article 88), which states that “Employees and employers are guaranteed the freedom of association and action without undue interference from any other organisation or public body.”³⁵⁰

³⁴⁷ EC Progress Report on Kosovo 2011. http://ec.europa.eu/enlargement/countries/strategy-and-progress-report/index_en.htm.

³⁴⁸ Institute for Advanced Studies GAP, “The implementation of the Law on Labour in the first six months”.

³⁴⁹ The Constitution of the Republic of Kosovo.

³⁵⁰ Government of Kosovo. Answers to the questionnaire for the Feasibility Study for the Stabilization and Association Agreement.

Based on the Constitution and the Law on Labour, a special law (no. 04/-L-011) on trade unions was adopted. This law defines the main provisions for the establishment and functioning of trade unions in Kosovo. The main purpose of this law is representation and protection of economic, social and vocational interest of workers and work relationships.

The provision guaranteeing union rights is present in the Law on Public Servants, Law on Kosovo Security Force, Law on Kosovo Police – some sectors that have quite different unions' right in nature compared to general ones in other sectors.

Two-way social dialogue is regulated by Law on Labour No. 03/L-212 (Article 90), which states that organizations or their representatives and employees of employers, organizations or their representative may conclude collective contract at the state level, branch level and enterprise level. Collective contract should be concluded in written form for a certain period of time, maximum 3 years. Law on Labour defines that Collective Contract shall not include such provisions that limit the rights of employees and that are less favourable than the ones defined by this Law.³⁵¹

The distribution of trade unions is non-linear and the organization effectiveness differs from one sector to the other. There is only one confederation at central level: The Union of Independent Trade Unions of Kosovo (BSPK), part of which now is also the Free Trade Unions Confederation of Kosovo (KSLK) which used to exist as a confederation of its own.³⁵²

At regional level, there are 18 trade unions registered with the authorities. The criteria for recognition of trade unions are regulated by Law No. 04/L-110 on Trade Unions. According to this Law (Article 12), workers organizations (Associations, Federation and Confederation unions) shall apply to be recognized/registered at the Ministry of Labour and Social Welfare so that they become a legal entity:

- a. One criterion for registration of a trade union is that it should have at least 10 members;
- b. A federation of unions can be registered if it has at least 2 trade associations with a membership at the same or similar level, which is at least 10% of the employees working in a certain sector;
- c. A confederation of unions can be registered if it is composed of, at least, two federations of unions, the membership of which is at least 10% of employees at the country level.

There are many employers' organizations and of different types. We have sector-wide associations, with a membership consisting of economic operators active in a certain sector (e.g. the Association of Wood Processors, the Association of Information and Com-

³⁵¹ Ibid.

³⁵² Secretariat of Socio Economic Council. April 2013.

munication Technology, etc.), or other associations, suchs Kosovo Chamber of Commerce, and Kosovo Business Alliance. The last two entities are represented in the Social Economic Council, and are active in social dialogue.³⁵³

Tripartite social dialogue in Kosovo is organized through Social Economic Council, which is an independent three-party entity which makes consultation at national level. The Law on Social Economic Council No 04/L-008 regulates and defines organization, scope, forms of work and the overall functioning of the Social Economic Council. It also determines the terms and conditions of social partners representation in this three-party entity³⁵⁴. According to the Law on Social Economic Council, SEC is the leading body for three -party social dialogue in Kosovo.

Workers trade unions that participate in the tripartite social dialogue are The Union of Independent Trade Unions of Kosovo (BSPK), and Free Trade Unions Confederation of Kosovo (KSLK),³⁵⁵

Employers' organizations participating in the tripartite social dialogue at the Social Economic Council are Kosovo Chamber of Commerce (KCC) and Kosovo Business Alliance (KBA).³⁵⁶

The main areas covered by tripartite social dialogue, i.e. SEC, are defined by the Law on Social Economic Council (Article 9), according to which tripartite social dialogue will include: the establishment, development and progress of social dialogue in the Republic of Kosovo; legal initiatives for issuance or supplementing and amending the legal and sub-legal acts in the field of labour and employment, social protection and economic policies in general; review and evaluation of social policies as well the undertaking measures for the creation of social stability in the Republic of Kosovo; promotion of ideas for solving social issues and problems in Kosovo; policies promoting employment, reducing unemployment, competitiveness, labour productivity, prices, wages and minimal wage of employees in the Republic of Kosovo; review of draft laws and sub-legal acts in the field of employment and social protection, in order to provide recommendations to the Government and Assembly of the Republic of Kosovo; providing the assessments and opinions for the responsible bodies regarding the implementation of primary and secondary legislation in the field of employment and social protection; assessment of the functioning of the labour councils in private sector enterprises, public and other forms of statutory organization of enterprises; providing and providing recommendations for the prevention and elimination of informal labour market in the Republic of Kosovo.

The main challenge to the social dialogue in Kosovo is ineffective functioning of trade unions/organizations in the country, and their representation of workers' rights. The

³⁵³ Friedrich Ebert Stiftung. Annual Review of Labour Relations for Kosovo. 2011.

³⁵⁴ EuroFound. Industrial Relations in SEE. Kosovo Report. 2011.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

representation at state level should be legitimated through a new process for employers' and workers' unions, since the legitimacy of some current representatives has been recently questioned.

Unemployment throughout the country is another challenge which makes the social dialog even more difficult, since it puts workers under less favorable conditions than their employers. The real force of employers' organizations against workers' unions has been multiplied in a situation with a high rate of unemployment, which could be of long-term consequences. Enhancing the effectiveness of labour inspectorate and other institutional mechanisms is indispensable for the protection of workers' rights.

Functioning of trade unions in private sector and the high level of informality represent another challenge to a meaningful social dialogue. So far, the private sector is completely beyond the reach of workers unions³⁵⁷; consequently they do not have the power to improve the situation in this sector. As a matter of fact, violations of workers' rights in the private sector have increased.

Informality is still another significant challenge which should be addressed since it directly affects the social dialogue. According to some estimates, about 30% of all workers in Kosovo belong to the informal economy, lacking basic safety measures by employers.³⁵⁸

Key challenges:

- Reducing unemployment, which is the highest in Europe;
- Increasing direct foreign investments;
- Structuring social dialogue according to a concrete working plan and social policy priorities (A long-term working plan for the SEC);
- Empowering the Labour Inspectorate;
- Increase of the budget for development of activities in the area of social dialogue
- Improvement and strengthening of the negotiation among social partners

2.4. Employment policies

Within its frame of responsibilities, the Ministry of Labour and Social Welfare deals also with promotion of effective employment of unemployed persons. These responsibilities are taken by the Department of labour and Employment, and two divisions within this Department (Division for Professional Advancement, with its 8 Professional Training Centres, and the Division of Employment, with its 7 Regional Employment Centres and 23 Municipal Employment Offices).³⁵⁹

³⁵⁷ Kosovo-An Annual Survey of Workers rights violations. ITUC. <http://survey.ituc-csi.org/Kosovo.html?lang=en#tabs-4>.

³⁵⁸ Ibid.

³⁵⁹ Lux Development. Feasibility Study for Establishing Mobile VTC in Remote and Rural Areas.

The MLSW has drafted and approved the Employment Strategy 2010-2012, Sector Strategy 2010-2012 and Strategy for Vocational Training 2012-2014. There are also Action plans for implementation of such strategic documents. The Employment Strategy 2010-2012 aims to increase the employment rate, by improving the investment climate, and reducing the business costs, in a way of increasing the rate of employment, by promoting establishment of new businesses, promoting a strong base of skills and a more rapid development of human potential, through formal education and vocational training systems, improvement and functioning of labour market, through better labour market institutions, and more appropriate policies and procedures.³⁶⁰

Also, a key objective of the Sector Strategy 2010-2012 is increased employment and professional skills, depending on labour market requirements, and development of cooperation with regional countries (EU and non-EU members) and increasing opportunities for employment of labour from Kosovo.³⁶¹ Nevertheless, labour market statistics show negative trends in employment, which only proves the limitations current policies have.

One of the most frequent critiques against the systems of promoting employment and vocational training is the lack of proper collaboration between various departments of the MLSW, and between MLSW and other sectors. An assessment of the project in 2008 has found that collaboration between the labour division and professional training is insufficient³⁶². The same report finds that regular collaboration between employment offices, tax administration, and labour inspectorate, is believed to be the adequate response to fighting informality³⁶³.

One of the key challenges in terms of labour and employment is generation of new jobs. Ministry strategies must be revised, since they will expire their implementation deadline soon, and measure the progress achieved in the period. A new strategy must be developed and monitored, on the basis of the reality in the field.

Improvement of the data management system, and generation of accurate statistics on employment are some of the key criteria for benefiting from the European Social Fund. To benefit from the fund, Kosovo needs to develop the Benefit Strategy and Plan, based on realistic needs.

Long-term and continuous challenges in the labour market are: poor and slow economic development, high unemployment in youth, lack of human capacities in the SHPP, limited budget in supporting active measures in the labour market, poor market capability of generating new jobs.

³⁶⁰ Government of Kosovo. Replies to the questionnaire for preparing the Feasibility Study for the Stabilization Association Agreement

³⁶¹ Ibid.

³⁶² Final Report From the Evaluation of the On The Job Training Scheme supported by Lux-Development.

³⁶³ Ibid.

One of the challenges mentioned in many analytical and strategic documents is related to the process of decentralization and capacities of municipal authorities to assume the obligations in terms of services at the local level – the closest level to the citizen. In this sense, municipal capacities are insufficient, and since 2010, when the process began, the quality has only declined.

2.4.1. Institutional Framework

The Ministry of Labour and Social Welfare, in its organizational chart, has a Department of Labour and Employment, which in itself has the Division of Labour and Employment, and the Division of Vocational Training.

The Department of Labour and Employment, namely the Division for Employment, drafts the employment policies at the central level.

Implementation of these employment policies is a responsibility of the Employment Office, under the management of Regional Employment Offices, and under the supervision and monitoring of the Department of Labour and Employment, namely the Division for Employment at the central level. Currently the employment policy coordination process is top-bottom.

The Department of Labour and Employment, and its Division of Employment, is made of 14 officials at the central level. From these members, 2 employees are responsible for drafting policies at the central level.

According to the AI no. 08/2005 on organization, systematization and management in the Ministry of labour and Social Welfare, the Department of Labour and Employment is responsible for:

- a. Formulation, development and implementation of employment policies, without any discrimination,
- b. Development and implementation of employment strategy, as approved by the highest authorities,
- c. Management and supervision of employment (Regional Employment Office, Vocational Training Centres and Municipal Employment Offices),
- d. Development and implementation of Vocational Training Strategy, as approved by the highest authorities,
- e. Drafting and implementation of necessary legislation in the field of employment.
- f. Provision of technical assistance and monitoring by the division in implementing employment policies,
- g. Training provision and monitoring, to ensure assignments are completed successfully,
- h. To ensure that services provided are available throughout the Kosovo territory,
- i. Full and effective communication and collaboration between all stakeholders

- in the field of employment,
- j. Keeping regular contact with donors on local project design and implementation in the fields of labour and employment,
- k. Coordination and collaboration with social partners in developing and promoting the social dialogue in Kosovo, in accordance with the primary and secondary legislation covering these areas.³⁶⁴

One of the most serious challenges in improving the public employment system and capacity building of the labour force in finding a job is related to harmonization of actions between relevant institutions and policy planning, based on reliable market data. The SIMP software was advanced with the support of UNDP and in march 2013 has been installed in all public employment offices for piloting. Besides the registration of jobseekers and digitalization of data, the new SIMP now has two new modules which enable the registration of training and employment providers as well as the special module for manual and automatic intermediation (job-matching). During digitalization, the data were cleared and the system will automatically put on passive mode the persons which do not show up in public employment offices according to regular requests.

Consequently, the data upon which the MLSW activities rely are outworn, and often inaccurate. Furthermore, the vast majority of the unemployed in Kosovo are not registered in employment offices, thereby exacerbating the data problem. Meanwhile, the last census found an unemployment rate of above 40%, while the MLSW only counts around 257,070³⁶⁵ jobseekers, which is only 35-40% of the total number of unemployed people.

A closer collaboration between the Division of Employment and the Division of Vocational Training is also necessary. The same goes for collaboration with other relevant institutions, such as the tax administration and the Labour Inspectorate.

Key challenges:

- Generation of new jobs, by improving the business environment. Suitable fiscal packages, combating corruption and informality, and facilitation of administrative procedures and obstacles, are some of the conditions to be met in increasing investments and generating jobs.
- Increasing the budget for active measures in the labour market, remains one of the challenges in terms of labour and employment. So far, the vast majority of such measures has been funded by foreign donor organizations;
- Operationalization of the SIMP software for jobseekers' data registration and management, and regular updates;
- Match of offer and demand in the labour market
- General economic development
- Real inter-institutional cooperation on development and implementation of

³⁶⁴ Government of Kosovo. Responses to the questionnaire for the preparation of the Feasibility Study for the Stabilization and Association Agreement.

³⁶⁵ MLSW. Information on Labour Market in Kosovo-September, 2012.

- employment policies
- Improving and increasing the resources (human and physical) of employment public services
- Increasing the budget support for development of vocational education mechanisms
- Strengthening the institutional accountability and management
- Preparation of the strategic plan for benefitting from the European Social Fund
- Improvement of collaboration between MLSW divisions and other institutions.
- Improvement of labour and employment statistics, and installation of progress measurement mechanisms;
- Development of regular communication channels between relevant institutions (MTI, MLSW, Tax Administration);
- Development of institutional and human capacities, especially at the local level;
- Development of unemployment protection policies (unemployment benefits).

2.5. Social Inclusion

2.5.1. Social Inclusion in General

Poverty is the major social risk which threatens the social marginalized groups. Having the highest unemployment rate in Europe, the risk of poverty and extreme poverty in Kosovo is quite present. The poverty in Kosovo is defined by using the method of the Cost of Basic Needs (Ravallion 1994). The poverty line is equal to the sum of food and non food consumption. The extreme poverty line is equal to the level of food poverty, which means that a family that is extremely poor has a general consumption amount which is under the amount of the reference food basket.³⁶⁶

One of the most vulnerable groups, facing a heavy socio-economic situation is the RAE community. Besides facing with the high poverty rate and social exclusion they face with the low level of education and high illiteracy rate, due to drop out from school, in particular for females who rarely complete their education.³⁶⁷ The other vulnerable groups include: children, the elderly and families whose income do not meet their basic needs. As a vulnerable group are considered also the persons with disabilities, women from rural areas, housewives and the long term unemployed. As a result, these categories are obliged to drop out from school due to socio-economic conditions.

The main policies of MLSW are: protection of abandoned children, children of divorced parents, abused children, children at work, and victims of trafficking.

Since 2000, the social assistance scheme supports the families in need, which is provided through social assistance as monthly allowances, exclusion from the payment of electricity to a certain amount, free healthcare services, etc.

³⁶⁶ Ibid.

³⁶⁷ Centre for Gender Studies. Index of Security of Women in Kosovo 2011.

MLSW is the only institution which provides compensation in money for the specific categories as provided by law. These schemes include: the assistance scheme for the families having children with disabilities aged 1-18 years old, pension scheme which includes support on provision of trainings for rehabilitation and employment of persons with disabilities. All the above are regulated by special laws for each benefiting category and law on specific social services.³⁶⁸

The coordination of policies on social inclusion in central level, in most of the cases is carried out through creatin of working groups or committees which are authorized to draft policy documents, strategise and action plans. Despite decentralization of these policies to local level, there not yet any coordination body at local level responsible for policy making. Implementation of policies is done by local institutions (Municipal Directorates on Health and Social Welfare) and departments of central level and regional level institutions.³⁶⁹ Since the decentralization of these services to local level according to subsidiarity principle³⁷⁰, it is noticed an increase of the number of beneficiaries of the different schemes, which raises the question of mismanagement and abuse of duty by local officers who deal with the management of schemes after decentralization.

Besides public institutions, an important role is played also by NGOs which can be divided two categories: 1) NGOs which are engaged in providing social and family services through donor support and contracted also by institutions (MLSW and Municipalities) for their services and, 2) NGOs which protect and monitor the implementation of the legislation and social inclusion policies.

The reforming process on adaptation and harmonization of social services has started, supported by the project "EU support to MLSW" financed by European Commission. The implemented activities of this project include the draft plan for implementation of the sector strategy, revision of the social assistance scheme, development of five social services standards, preparation of the legal framework for licensing of social and family service providers and capacity building of 5 pilot municipalities for preparation of local development plans for social and family services. The lack of economic statistics hinders a realistic assessment of the actual economic and social situation in the country.³⁷¹

Periodic collection of reliable economic and social statistics is a major challenges to planning, provision of social services and prevention policies. The general statistics of the census 2011 do substantially improve the quality of information; however the lack of first hand information from the CSW on the areas they cover presents an obstacle on drafting realistic plans. A periodic study on the territory covered by CSW and periodic collection of this information would have improved the situation in this regard

³⁶⁸ Kosovo Government. Answers to EC Questionnaire on the Feasibility Study for Stabilisation and Association Agreement.

³⁶⁹ Save the Children in Kosovo. Baseline Research on Inclusion.

³⁷⁰ Basic principle of EU which means provision of services at the most appropriate level and closer to the citizens.

³⁷¹ Kosovo Government. Answers to EC Questionnaire on the Feasibility Study for Stabilisation and Association Agreement.

The basic infrastructure for people with disabilities in public buildings presents also a major challenge. Besides the fact that the legislation provides for putting the right infrastructure in place, a considerable number of public institutions do not provide proper access for people with disabilities. It is estimated that around 70% of schools provide access for people with disabilities.³⁷²

Child labour remains also a major challenge for the future. The exploitation of children as beggars or cigarette sellers infringes the basic children rights and at the same time is in contradiction with all the EU documents for protection of these rights. The income that these children gain from begging and selling cigarettes presents an obstacle to properly address this issue through social policies. The Kosovo Budget cannot handle the burden of attractive financial benefits for the families of the children who work in streets as a measure to withdraw them from those activities. The lack of financial resources remains also as one of the main challenges to ensure the proper access for people with disabilities in public buildings as well as periodic collection of data. The last one is also affected by the lack of properly qualified human resources

2.5.2. People with Disabilities

The special treatment of people with disabilities in Kosovo is guaranteed by the Constitution. People with disabilities receive social protection at work and receive preferential treatment in different social spheres. Moreover, the Kosovo Assembly has adopted the Law on Disability Pensions in 2003. This law provides for financial support for this category through the pension scheme after the age 65 and among others provides free public transport services. The law also obliges the public administration to build proper infrastructure which ensures access of peoples with disabilities to public spaces.³⁷³

Regarding disability pension, the Law No. 2003/23 which entered into force on 01.01.2004, grants the right to pension for those who have permanent disability and are not able to work, aged 18-65. The qualifying criteria are set by law. While the permanent medical committee carries out the medical assessment of the ability to work. The level of the pension for disability is equal to basis pension which is 45 Euros. These pensions are not subject to taxes.³⁷⁴

Besides financial benefits from the above mentioned scheme, people with disabilities do benefit also from services dedicated to them and provided by public institutions or non governmental institutions. In this context, there are some education institutions for persons with special needs and attached classes for inclusion of people with disabilities in Kosovo regular education system.³⁷⁵ Many NGOs provide day care services for people

³⁷² Save the Children in Kosovo. Baseline Research on Inclusion.

³⁷³ Kosovo Government. Answers to EC Questionnaire on the Feasibility Study for Stabilisation and Association Agreement

³⁷⁴ Ibid.

³⁷⁵ Save the Children in Kosovo. Baseline Research on Inclusion.

with disabilities and other services.

In order to properly address the problems of people with disabilities, different non-governmental organizations do continuously implement different projects including also awareness raising campaigns. These projects aim at awareness raising on the rights of people with disabilities and their inclusion in the society. Some of the most active organizations in this area are: Handikos, Dëshira Club, Centre for Autism, Association of the Blind People, Green Club, Down Syndrome Kosovo, etj. A considerable funds for the activities of these organizations comes from government grants administered by MLSW.³⁷⁶

One of the main challenges as regarding people with disabilities relates to access to public institutions and their living independent of their families and continuous care. Employment of people with disabilities is another challenge as the unemployment in the country is very high and it is extremely difficult for people with disabilities to get employed.

Key challenges:

- Setting up the system for registration and management of the list of people with disabilities;
- Improvement of infrastructure for access of people with disabilities;
- Enhancement of the level of public services for people with disabilities including here the education, counselling, employment, etc.

2.6. Social Protection

2.6.1. General Situation of Social Protection

Kosovo has the youngest population in Europe where the majority is under 35 years old. The majority of these persons are unemployed which has an impact on increasing the migration trend to more developed places. Poverty, extreme poverty, high unemployment and lack of foreign direct investments are considered to be as the main cause heavy social situation in Kosovo. Low inclusion of women in labour market as well as the mentality is also crucial factors.³⁷⁷ In this context, school drop out by girls in the secondary and higher education is of serious concern as this does not enable them an equal start to compete in the labour market.

Another aspect of culture that has to do with the general social situation, especially that of women, has to do with the practices applicable to the inheritance of property, which despite legal provisions that provide for its equal division between male and female

³⁷⁶ Kosovo Government. Answers to EC Questionnaire on the Feasibility Study for Stabilisation and Association Agreement.

³⁷⁷ Centre for Gender Studies. Index of Security of Women in Kosovo 2011.

successors, in practice it remains only to men.³⁷⁸

Kosovo Assembly, during the last decade has passed laws that address social issues, among which the most important are the Law on Social and Family Services, the Anti-Discrimination Law, the Law on Health and Safety at Work. In addition, international conventions for the protection of children's rights are applicable in Kosovo, with particular application in the center for social work.

Centres of Social Work provide various services, among which also social matters related to orphan children and those with disabilities. Moreover, they provide social assistance for juvenile delinquents as well as the issue of marriages of minors. Centres for Social Work provide assistance also to people over age 65 who are abandoned by their family, by providing shelter and other relevant services. Since 2010 decentralization of social services to local level, whereby Centres for Social Work are managed by the Municipalities, many challenges were noticed. The municipalities have taken the responsibility to manage with CSW without basic knowledge and experience on their operation.³⁷⁹

2.6.2. Main Factors of Social Protection

The main factor which is highly influential on social protection is considered to be the implementation of relevant policies that provide social welfare for different categories at risk. Currently, Kosovo has a very underdeveloped social protection scheme, which is yet to fix the issue of protection of unemployed, child allowances, health insurance and other social services that in EU countries are provided by public institutions. Social Scheme in Kosovo is built in such a way that social assistance is provided for two categories:

The first category includes households where no member of the family is working and where the only member that is able to work has to take care of a person above 65 years old. While the second category included households where no member of the family is working and take care of a child under the age of 5, whereby the average amount for household under this scheme is 52 euro³⁸⁰.

The third category of social protection is the category of war invalids and their families as a special social category, to whom additional rights are recognized.

Factors which affect the most the ability of public institutions to provide social protection for vulnerable categories relate to government budget constraints. Social schemes widely recognized as too expensive to be organized and operate, and poor countries like Kosovo have difficulties even in cases where there is a will to act.

³⁷⁸ Ibid.

³⁷⁹ CDF. Assessment of Capacities of Social Service Provision in Gjakova and Shtime.

³⁸⁰ Social protection and social inclusion in Kosovo, European Commission.

In the absence of financial and non-financial benefits to vulnerable categories, a burden on society has fallen over social structures such as the family and relatives, who usually take care of persons in need of social protection. A very important role in this regard has been played by the diaspora, who have consistently sent money to their relatives. According to a survey conducted by UNDP, about 20% of households receive remittances regularly in the average amounts to about 450 million euros per year, thus constituting about 11% of the GDP of Kosovo. These are amounts primarily used by families for essential household services such as food, hygiene and education of children.³⁸¹

2.6.3. Summary of the Social Protection System in Kosovo

Social protection in Kosovo is still very much undeveloped and the challenges for improving the current situation are associated with higher costs of operation of social protection schemes. Social risks against which social protection is provided include:

- Illnesses. Provisions of the Labour Law which guarantee up to 20 days of paid sick leave
- Maternity leave. Labour law guarantees 12 months maternity leave,
- Invalidity/inability to work. Law No. 2003/23 provides disability pensions for those who are not able to work, age group 18-65,
- Age. Basic pension, pension contributions and supplementary pension are three main pension pillars which are regulated by the Law 2005/20,
- Survival/Death. Survivals have the right to benefit from pension scheme contributions and KSF pensions,
- Injuries at work and illness caused at work. Medical expenses, paid leave, fines for employers who do not provide proper working conditions.
- Family benefits. Protection of children with special needs without family care, residential shelter, foster care to the next of kin, alternative foster care,
- Need/Poverty. Social assistance is provided to all households in need which meet the criteria set out by law.
- Long term care. House for Elderly People in Prishtina, Special Institute in Shtime and 9 community houses (two in Shtime, Ferizaj, Deçan, Vushtrri, Kamenicë, Garaqanicë, Gurakoc of Istog and Skenderaj). The elderly, children and adults with disabilities receive 24 hours services and shelter.
- Residence. Residential shelter for persons in need is a responsibility of the municipalities.

Healthcare protection/health insurance and unemployment benefits is still lacking under the Kosovo's social protection scheme. These two risks have not been addressed so far mainly because of the high cost of implementation. These risks are not yet addressed due to the high cost of their implementation.

Implementation of policies against child labour remains a challenge in itself which requires also a costly solution.

381 UNDP Remittances Study. www.kosovo.undp.org.

Key challenges:

- Insufficient research and analytical data in the field of social protection
- Difficulties in practical implementation of the legislation in the field of social protection, anti-discrimination and equal opportunities and social inclusion
- Lack of secondary legislation for implementation of some guaranteed rights by law and which need to be implemented by line ministries
- Lack of social package for health protection for vulnerable groups
- Lack of the law on the status and rights of paraplegics and tetraplegics
- Lack of a monitoring group for implementation of sectorial strategies in the field of social protection, anti-discrimination and equal opportunities and social inclusion
- Difficulties in operationalization of decentralization of social services for protection of vulnerable groups
- Insufficient coordination of institutions that deal with field of social protection, anti-discrimination, equal opportunities and social inclusion
- Lack of unified state law for operationalization and funding of NGOs that deal with social protection
- Lack of a coordination body of NGOs that deal with the field of social protection and vulnerable groups
- Licensing of NGOs for provision of special services in the field of social protection, anti-discrimination and equal opportunities and social inclusion
- Lack of an integrated database for inter-sectorial cooperation in the field of social protection

2.6.4. Pensions

After the last war in Kosovo, the pension system has changed from Pay as You Go, a system which was implemented in ex-Yugoslavia, to a system based on three pillars as in the following.

Firs pillar includes pension scheme financed by state budget:

- a. Basic pension which includes all persons over 65 years old.
- b. Pension which is based on contributions and age includes persons over 65 years old. This is based on pension contributions made based on the former system of pensions, respectively over 15 years of pension contributions
- c. Disability pension.
- d. Early retirement pensions for “Trepça”.
- e. Pensions of former member of Kosovo Protection Troops (KPT).
- f. Implementation of international conventions on the personal and invalidity pensions based on the agreements between former Yugoslavia and signing members, which are partly applicable when the agreements are extended with the Republic of Kosovo.

Second pillar:

- a. it includes pension savings in individual accounts which are obligatory for all employees over 18 years old working in Kosovo, based on the contribution of 5% of gross salary by the employee and 5% by the employer and the investment benefit (individual savings of the capital). The advantage of this system is that the employees take responsibility of their pension savings.
- b. Pension savings are administered by an independent institution, respectively the Kosovo Pension Savings Fund which is responsible for the decisions related to deposit investments and provision of individual accounts. The TRUST is licensed and monitored by the Central Bank. The Board of the Fund is appointed by the Assembly of Kosovo.

Third pillar:

- a. The supplementary pension system (voluntary) stimulated by the tax concessions of the state.
- b. Private voluntary scheme which can be created by an employer as a benefit for its employee, from their pension contribution.
- c. The third pillar includes formal employees and the self employed
- d. The Slovenian-Kosovar fund, which is a supplementary system in Kosovo which currently operates in the market.³⁸²

Key challenges:

One of the biggest challenges for the pension system is the transfer of pension benefits gained in other countries. Due to the lack of agreements with the EU on the transfer of pensions of Kosovar citizens, many citizens who have acquired pension rights in EU countries, for many years now cannot exercise that right.

Another challenge that the pension system is facing is the realization of the pension right of the active working pensioners who have acquired that right in the former system. When the system has changed from pay as you go pension system to the three pillars system, the rights of this category is not taken into account. The rights acquired from working experience are guaranteed under the EU legislation.

³⁸² Kosovo Government. Answers to EC Questionnaire on the Feasibility Study for Stabilisation and Association Agreement

2.7. Anti Discrimination and Equal Opportunities

2.7.1. Anti-discrimination

The Anti-Discrimination Law prohibits any form of discrimination and promotes equal rights for all citizens. Anti-discrimination law is based on certain principles that fight discrimination of any citizen in public and private sphere, regardless of age, race, gender, mental ability, sexual orientation, religion, etc. Moreover, the purpose of this law is to build a democratic and tolerant society where inter-ethnic understanding prevails.³⁸³

In addition, also the Constitution guarantees the direct application of international conventions, including: Universal Declaration of Human Rights; European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; International Covenant on Civil and Political Rights and its Protocols; Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Children's Rights.³⁸⁴

The Law on Gender Equality provides for non-discrimination on the grounds of sex. Moreover Kosovar legislation provides favourable conditions for marginalized groups and ethnic minorities. There is a guaranteed representation at all levels of governance of women with at least 30% as are guaranteed the quotas for ethnic minorities are some of the mechanisms applied to created favourable conditions for the marginalized groups.³⁸⁵

Despite very progressive laws in place that protect citizens from various forms of discrimination, their implementation in practice is regarded as particularly challenging. Many NGOs that advocate for human rights have highlighted the violation of anti-discrimination laws as well as the difficulties that some marginalized groups face in society. An example of such criticisms is the Report on Monitoring the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Kosovo, which concluded: 'Although Kosovo has drafted a set of rules and strategies for the protection of women's human rights, the major challenges is to implement them'³⁸⁶.

Some of the main challenges to eliminate discriminatory practices is to strengthen institutional mechanisms and to encourage the reporting of discrimination cases. NGOs have often pointed out that the source of discrimination is the culture and traditions for the majority of the population, but in fact, the political and institutional support to prevent discrimination are crucial to address this issue.

³⁸³ Ibid.

³⁸⁴ Centre for Gender Studies. Index of Security of Women in Kosovo 2011.

³⁸⁵ Kosovo Agency for Gender Equality.

³⁸⁶ Centre for Gender Studies. Report on Monitoring the Implementation of the Convention on Elimination of All Forms of Discrimination of Women (CEDAW) in Kosovo. 2008.

One of the top issues related to discrimination in recent years is the right of religion, where some factions of the Muslim community have protested for the right the right to carry a belcher. This social debate is still ongoing and there is quite polarized between those who consider allowing belchers in schools as a loss to the secular state, while there are voices that claim that non-permission is a violation of constitutional rights.

Key challenges:

- Non-discrimination on inheritance by parents;
- Non-discrimination in employment;
- Non-discrimination based on gender and sexual orientation;
- Non-discrimination on based on religion and ethnic background ;

2.7.2. Equal Treatment of Women and Men

Despite the fact that there are existing legal mechanisms in Kosovo that prohibit any form of discrimination, several sources claim that violation of the law on gender equality and other laws are present. Inclusion of females in education, labour market and governance is still significantly lower compared to men. While laws ensure full equality between two sexes, the practice shows not very favourable trends. Civil society organizations often have pointed out non-implementation of the Law on gender equality in higher levels of governance as well as the low participation of women in the labour market. Labour law is also believed to have had a negative effect on the employment of women especially in the private sector.³⁸⁷

Although the position of the presidency belongs to a woman, the rest of the executive consists of the Prime Minister and the gender balance of ministers is 2 females and 17 males. Moreover only 1 out of 30 deputy ministers is female. The phenomenon of lack of representation in decision-making levels is present even at the municipal level. No municipal majors or head of head of municipal assembly is a female.

A crucial aspect on which NGOs have advocated in many cases is related to gender planning budgets, whereby parallel to basic planning of policies, the gender impact analysis shall be made and followed by the allocation of budget to achieve the equal impact on women and man. NGOs consider this as the best and most efficient way to achieve the desired success in relation to equal treatment of women and men.

Equal treatment of women and men is more of a challenge of fighting the mentality rather than the challenge to improve the legal infrastructure. While laws are considered to be quite progressive, their enforcement mechanisms are extremely underdeveloped. On the other hand, the tradition and culture is seen as the key discrimination factor in the family, school, employment, and property rights.

³⁸⁷ American Chamber of Commerce in Kosovo. Position Paper on the Maternity Leave Provision of Law on Labour. Problems and Possible Solutions.

Key challenges:

- Full implementation of existing laws on gender equality and anti-discrimination;
- Raising public awareness on the importance of equal treatment in all areas of life;
- Amendment of budget planning legislation to take account of gender budgeting;
- Establish mechanisms for affirmative action for marginalized groups to achieve equality between the sexes;

3. General Challenges for Employment and Social Policies

The challenges of the countries aspiring the full membership in the EU (including Kosovo) are closely related to economy/market transformation as well as the consequences of these transformations. Challenges mainly stem from greater complexity of organization of the market but also by the need to harmonize these policies with other countries of the EU. In addition to the above mentioned challenges on all aspects of social insurance, general concrete challenges which the EU has identified for countries aspiring full membership are the following:

- To increase employment, which usually in these countries is below the EU average and lower than the Lisbon objectives;
- To increase the labour supply, since the transition may have caused significant withdrawal from the labour market;
- To promote the restructuring of the economy through active measures on the market that enable workers to adapt to economic changes and the transformation from a declining economy to a modern industry;
- Improving skill levels of the workforce to increase productivity and competitiveness;³⁸⁸

Based on this definition of challenges, the EU has transformed them into areas of action for countries aspiring membership. These action areas are defined as follows:

- Promotion of employment through the development of payment systems and tax exemptions;
- Investment in human resources and addressing skills gap by reforming the education system and the system of lifelong learning;
- Facilitate public employment services, which are essential to economic restructuring and transition periods so that they are effective;
- Promotion of access to a more proactive and preventive policy;
- Ensure social cohesion through the integration of ethnic minorities, most of which are in the most disadvantaged in the labour market, and some, in particular Roma are at a higher risk of social exclusion and poverty;

³⁸⁸ Directorate General on Employment, Social Affairs and Inclusion. <http://ec.europa.eu/social/home.jsp?langId=en>

- The modernization of the labour market through active contribution of the social partners, in particular regarding organization of work, working conditions, flexibility and security;
- Promotion of gender equality in the labour market in the candidate countries, where there is a high degree of discrimination based on gender;
- Strengthen the administrative capacities needed to develop and implement labour and employment policies, which is part of the overall economic strategy, with particular emphasis on the preparation for the implementation of the European Social Fund (ESF);
- Provide resources for employment policies, including investment in human capital and social infrastructure.³⁸⁹

³⁸⁹ Ibid.

4. Main Conclusions Labour, Employment and Social Policies

Labour Law, Health and Safety at Work and Social Dialogue			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Legal framework that regulates the field of labour	Implementation into practice of the existing legislation	Incomplete implementation of legislation into practice	Empowerment of institutions that supervise implementation of legislation
Labour law adjusted to main principles of the EU Acquis	Continuation of incorporation of other EU directives in labour legislation	Insufficient number of labour inspectors	Full provision of budget for implementation of legislation and increase of institutional responsibility
Supervision mechanisms of implementation of legal framework	Capacity building of human, professional and logistic capacities	Law on Civil Servants must be unified with the Labour Law	
Transposition of EU Directive 89/391 on Health and Safety at Work	Approval of the law on Health and Safety at Work	Insufficient information of the employees on applicable legislation	Timely and objective information from trade unions and employers on applicable legislation
Child labour is regulated with legal acts	Incorporation of directives for setting employment age		Continued training of employers and employees
National committee and local committees for prevention of serious child labour are operational	Creation of technical and budgetary conditions for the work of committees	Inefficiency of courts	Establishment of the labour court
	Continuation of development of policies for prevention of child labour	Lack of fund for health insurance	Establishment of fund for health insurance
Social-Economic Council is operational	Full implementation of the Law on Social-Economic Council	Lack of an operational system from the field of safety and health at work	Information of employees on risks of the workplace by employers
Continued negotiation of social partners	Development of the strategy for negotiation		Provision of budget for protection of employees
Development of general collective agreement	Signing of general collective agreement	Inspection of child labour	Incorporation of international children convention
Establishment of five permanent professional committees of SEC	Provision of the budget for operationalization of these committees	Extreme poverty and high unemployment rate	
		Non-existence of the law for protection of children rights (similar to regional countries)	Quick approval of the law for protection of children rights
		Limited financial resources for developing activities from the field of social dialogue	Provision of budget for SEC work
		Low level of negotiation among social partners	Non-obstruction of employers for organization of trade unions
			Provision of necessary conditions for the work of trade unions by employer in line with the law

Social inclusion and protection, anti-discrimination and equal opportunities			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
There is legal framework for the field of social protection, anti-discrimination and equal opportunities and social inclusion	Use existing framework for implementation of laws into practice	Insufficient research and analytical data in the field of social protection	Conduct analyses and research in the field of social protection, anti-discrimination and equal opportunities and social inclusion
There are sectorial strategies in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Implement sectorial strategies in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Difficulties in practical implementation of the legislation in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Revision of legislation in order to eliminate identified weaknesses
	Use of strategies for enhancing cooperation among government and non-government sector	Lack of secondary legislation for implementation of some guaranteed rights by law and which need to be implemented by line ministries	Completion of secondary legislation in order to better implement laws
There are public institutions in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Use institutional network to ensure inclusion in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Lack of social package for health protection for vulnerable groups	Ensure social package that ensures supporting equipment, medicaments and rehabilitations
Existence of NGOs that support public institutions in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Enhancing cooperation between government and non-governmental sector in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Lack of the law on the status and rights of paraplegics and tetraplegics	Adopt law on regulating the status of paraplegics and tetraplegics
	Use of NGOs for supporting the provision of services, professional capacity building, evocation, etc.	Lack of a monitoring group for implementation of sectorial strategies in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Establish a monitoring group for implementation of sectorial strategies in the field of social protection, anti-discrimination and equal opportunities and social inclusion
Existence of sectorial database for social protection and vulnerable groups	Use existing database to establish an integrated database in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Difficulties in operationalization of decentralization of social services for protection of vulnerable groups	Build capacities at local level for meeting legal requirements in respective fields
			Hire necessary professional staff for fulfilling responsibilities based on decentralization
		Insufficient coordination of institutions that deal with field of social protection, anti-discrimination, equal opportunities and social inclusion	Enhance coordination horizontally and vertically and ensure their sustainability and operationalization
		Lack of unified state law for operationalization and funding of NGOs that deal with social protection	The law on the status of NGOs that provide services in the field is approved

		Lack of a coordination body of NGOs that deal with the field of social protection and vulnerable groups	Establishment of a coordination body of NGOs in order to coordinate and address their demands in their respective fields
		Licensing of NGOs for provision of special services in the field of social protection, anti-discrimination and equal opportunities and social inclusion	Licensing of NGOs that provide certain services
		Lack of an integrated database for inter-sectorial cooperation in the field of social protection	Establishment of an integrated database in order to exchange information in the field of social protection, anti-discrimination and equal opportunities and social inclusion

Employment Policies			
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses
Young population and willing to work	Planning, management and use of professional staff	Non-matching of demand and supply in the labour market (skills & abilities)	Continued studies for market demands
	Quality education and training according to labour market demands		Training and development determined by market demand
Professional development mechanisms expanding and developing	Expansion and development of professional development mechanisms through programmes	Low level of economic development	Higher inter-ministerial coordination for economic development and employability
	Establishment of the fund for encouraging employment		Inclusion of sectorial associations in development policies
Strategic employment documents are drafted	Implementation of action plans according to strategic documents	High rate of informality	Strengthening of mechanisms for fighting informality (increase of the number of staff, training, etc.)
Enhanced human and infrastructure resources of Employment Public Services and Professional Development Centres	Efficient use of human and infrastructure resources of EPS and PDCs in employment policies		Public awareness for negative effects of informality
Database established (SIMP)	Upgrading the databases (SIMP & SMP) and establishment of a unified database system	Insufficient inter-institutional cooperation for development and implementation of employment policies	Development of inter-ministerial cooperation in expansion and implementation of policies and professional development mechanisms

More improved climate for business and stimulation for development of SMEs	Efficient connection of Professional Development Mechanisms with private sector	Lack of investments	Expansion and provision of internal and foreign investments
Legal infrastructure	Full and efficient implementation of existing laws		Stimulation of investments through improvement of climate for doing business
	Supplementing and improving legal infrastructure	Lack of (human, physical, etc.) resources for employment public services	Rational development and use of professional human resources
Support for active labour policies by donors	Coordination and rationale use for continued development of MAP	Limited use such as SIMP and lack of the system for collection of information of labour market (SITP)	Improvement and maintenance of equipment and physical infrastructure
	Preparation for the use of European Social Fund		Upgrade and operationalization of SIMP and establishment of SITP
		Lack of budgetary support in development of professional development mechanisms	Exponential growth for the budget of professional development mechanisms
		Lack of responsibility and institutional management	Development of performance indicators at all levels and positions
			Strengthening of staff control mechanisms

Chapter IV – Health Policies

1. EU Health Policy

The EU health policy is considered as a policy for which the member states have a broad autonomy in decision making based on their economic and social situation. While the organization and management of public health systems remains an exclusive competence of the member states, while the EU supports them to address the common problems of the Member States in the area of public health.

To be healthy is one of the main priorities of European citizens. European Union (EU) tries to reach a higher level of healthcare through all European policies and activities, in accordance with the Article 168 of the Treaty on Functioning of the European Union. In particular, European health policy aims to improve the public health, prevention of illnesses and risk of illnesses (including those that are related to the lifestyle of European citizens) and fight of rare diseases through promotion of scientific research. The Union actions are composed of member states national policies and EU encourages cooperation among the members in the area of health.

However, definition of national policies remains an exclusive competence of EU member states. Therefore, EU actions shall not include definition of health policies as well as organization and provision of health services and healthcare.

EU health policy is composed of development of distributed competences, supplemented by national policies. EU member states can cooperate with third countries and competent international organizations.

As regarding legislation in this area, the EU has adopted a number of legal acts which cover only some issues of public health. These provisions are included also in some important strategic documents such as EU Strategy 2020, White Paper: Together for Health - EU Strategic Approach 2008-2013,³⁹⁰ as well as a number of directives for member states. EU has also a Health Programme for Growth which is established by the EU Council Regulation which was adopted by the EU Parliament, 2011/0399 (COD)³⁹¹ which fund supports the initiatives and projects in the area of public health. The responsible institution for coordination of health policies of Member States is the General Directorate for Health and Consumers within European Commission³⁹².

³⁹⁰ Ibid.

³⁹¹ Regulation on establishment of the Health for Growth Programme, the third multi-annual action programme of EU in the area of health for the period 2014-2020.

³⁹² EU Portal: http://ec.europa.eu/dgs/health_consumer/index_en.htm.

The DG for Health and Consumers operates based on the following main documents:

- EU Strategy 2020
- White Paper: Together for Health – A new Strategic Approach for the EU 2008-2013
- Directive 2003/33/EC of European Parliament and the Council of 26 May 2003 on approximation of laws, regulations and administrative provisions of Member States relating to advertising and sponsorship of tobacco products.
- Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products
- Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services
- Directive 2002/98/EC of European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC
- Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells

The issue of harmonization with EU legislation is exclusively required in public health, which includes:

- European Health Strategy
- Programmes and initiatives
- Health risks
- Transmitted diseases
- Health determinants
- Smoking, alcohol, eating, physical and psychological activity, mental health
- Health determinants – environment
- Socio-economic determinants, environment, electromagnetic area, genetics and examination

Public health policies are part of the ten year EU strategy for economic development. The EU reasoning on this approach is presented in a list of reasons which among others includes: keeping the people healthy and active for longer periods of time has a positive impact on productivity and competition; Innovation may support the health sector to become more sustainable and to find new healing ways to illnesses; The health sector has an important role on improving the skills and generation of new jobs as it employs 1 to 10 most qualified employees in EU. Taking under consideration that the percentage of the population over 65 years old is expected to increase to 45% of during the next 20 years, the financing of the cost of healthcare and access to an independent and dignity

life for the aging population will be a crucial issue of the policy debate³⁹³.

The Health for Growth Programme is managed by the Executive Agency for Health and Consumers. Only for the second cycle during the time period 2008-2013, this programme has a cost to EU budgeted of 321,500,000 EUR³⁹⁴, which has financed over 300 projects and other measures which aim at improving public health of European citizens.

One of the most unified public health policies in EU is of no doubt the one on tobacco. In all EU members states, the policies on tobacco are such that fully prohibit smoking in public places, include strict provisions on the appearance of the cigarette packages, including here also the counter advertisement which covers a considerable space of the package. In addition, for many years the tobacco production companies and distributors are prohibited to advertise their products in public media. The commitment of EU in the fight against smoking is expressed by determination of quotas of subsidized tobacco planted lands³⁹⁵ as well as discouraging policies for producers. The possible policies of the future as regarding tobacco and its products may include even stricter rules of sale, distribution and advertisement of tobacco products, up to banning of production of this plant in the EU territory. The banning of production of tobacco products is believed that it can be achieved if the subventions of EU and Member States for tobacco production are stopped³⁹⁶.

The other institutions in the EU level, which deal with different aspects of public health, are the European Authority for Food Safety³⁹⁷, EU Medicines Agency³⁹⁸, and European Centre for Disease Prevention and Control³⁹⁹.

2. Kosovo Health Policies

Based on the World Bank study, Kosovo allocates only sixty five (65) Euros per capita per year. In 2010, Kosovo citizens have spent eighty (80) million Euros for healthcare abroad. Kosovo as one of the poorest countries in Europe needs to address some fundamental challenges, in order the health sector can be a comprehensive system of prevention, diagnosing and treatment services which are in accordance with population needs and which support the citizen to be healthy to a comparable level with European Union.⁴⁰⁰

³⁹³ Europe 2020 – for a healthier EU. http://ec.europa.eu/health/europe_2020_en.htm.

³⁹⁴ Fact Sheet Health Programme 2008-2013.

³⁹⁵ COUNCIL REGULATION (EC) No 1782/2003 of 29 September 2003.

³⁹⁶ World Bank and European Commission. Economy of the Usage and Control of Tobacco in the Developing World.

³⁹⁷ EFSA. <http://www.efsa.europa.eu/>.

³⁹⁸ EMA. <http://www.ema.europa.eu/ema/>.

³⁹⁹ ECDC. <http://www.ecdc.europa.eu/en/Pages/home.aspx>.

⁴⁰⁰ Report on state of play and planned reforms based on strategic documents in health sector. Department of European Integration and Policy Coordination. Ministry of Health. 2013.

The health policy is considered to be of high importance for the society. Therefore this policy is usually given special attention in the agendas of policy decision makers. The basic law for regulation of health sector in Kosovo is the Law on Health⁴⁰¹ which was revised and entered into force in 2013. The Laws on Public Health⁴⁰², Private Healthcare⁴⁰³ and Reproductive Health⁴⁰⁴ are also very important for regulation of this sector. Due to limitations to finance a sustainable scheme, Kosovo does not yet have health insurance system. Since 2001 up to date, at least four draft laws on health insurance could not pass. An analytical report for Kosovo considers the lack of health insurance system as one of the main obstacles for development of healthcare system in Kosovo⁴⁰⁵.

Based on the new law on health, the Ministry of Health carries out the functions in the following areas:

- Healthcare policy orientation and management in all levels of healthcare systems
- Monitoring the implementation of policies
- Monitoring on the rights and obligations in healthcare system
- Implementation of healthcare principles
- Monitoring of healthcare services

Healthcare system in Kosovo is financed mainly through state budget, with a small contribution of payments by citizens. The vulnerable social categories are excluded from payment of healthcare services⁴⁰⁶. The healthcare expenditure for 2012 has a cost to Kosovo budget of 88,168,485 EUR⁴⁰⁷. This amount makes up 6.37% of the total budget of the Kosovo Government for this year⁴⁰⁸. This amount of budget with only 40 Euros per capita, lists Kosovo as a country with the lowest budget dedicated to health in Europe.⁴⁰⁹

The quality of healthcare services is very often not assessed to be at the desired level. The actual healthcare system is not composed of separate entities for provision and purchase of services, which brings the healthcare system to a situation where there is a lack of financial incentives for providers to improve the quality and efficiency of healthcare services provision.⁴¹⁰ For this purpose, in December 2012, the Government adopted

⁴⁰¹ Law No.2012/04-L-125 on Health. <http://kuvendikosoves.org/?cid=1,191,229>

⁴⁰² Law No. 2007/02 L78 on Public Healthcare. <http://kuvendikosoves.org/?cid=1,191,229>

⁴⁰³ Law No. 2004/50 on Private Healthcare. <http://kuvendikosoves.org/?cid=1,191,229>

⁴⁰⁴ Law No. 2006/02 L76 on Reproductive Health. <http://kuvendikosoves.org/?cid=1,191,229>

⁴⁰⁵ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

⁴⁰⁶ Council of Europe. Situation of Social Security in Kosovo.

⁴⁰⁷ Law N0. 04/L-128 on Amendment to the Law No. 04/L-079 on the Budget of the Republic of Kosovo 2012.

⁴⁰⁸ Ibid.

⁴⁰⁹ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

⁴¹⁰ Ilir Hoxha. Health Insurance in Kosovo: Is the right solution being offered? Friedrich Ebert Stiftung. 2011.

the Strategy on Quality Services. A research study of Balkan Investigative Reporting Network (BIRN) identifies a considerable number of problems in the Kosovo healthcare system, including here also the poorly supplied pharmacies, lack and amortized medical appliances, in-consistent and not efficient work of medical personnel and their involvement in private sector parallel to the public sector, and the personnel referring the patients to the private clinics and other forms of corruption.⁴¹¹

According to the Government Work Action Plan 2013 and the Plan for Drafting Strategic Documents adopted by the Government, it is planned to draft the Health Sector Strategy 2014-2020 which will integrate all the other strategic documents in health sector in one single strategic documents for the entire sector.⁴¹² The reorganization process of this sector is being developed since the beginning of the mandate of actual Government and an integral part of this process was also the negotiation with the international financial institutions such as World Bank and International Monetary Fund which look after ensuring that the budget stays within the anticipated parameters as agreed in the agreement arrangements of Kosovo signed with these institutions. Based on the media report and declarations of the Ministry, it is understood that the last version of the package of Laws for healthcare reform is accepted by the WB and IMF and these laws are expected to be adopted soon in the Parliament.

Besides the general regulation of this sector, Law on Health regulates also the transplantation of organs and tissues which are allowed to be carried out only by institutions authorized by the Ministry of Health, while the cloning of people is strictly prohibited in all health institutions.⁴¹³ These two laws are among the changes that need to be made as suggested by EU in the framework of legislation approximation.⁴¹⁴

The legal framework which regulates the healthcare sector in Kosovo is composed of the following laws:

- Law on Health, No.2004/4
- Law on Sanitary Inspectorate, No.2003/22
- Law on Medical Products and Equipments, No. 2003/26
- Law on the Rights and Responsibilities of Citizens, No. 2004/38
- Law on Private Healthcare, No. 2004/50
- Law on Health Inspectorate, No. 2006/02-L38
- Law on Emergency Healthcare, No. 2006/02-L50
- Law on Tobacco, (adopted by the Parliament in April 2013)
- Law on Infants' Breastfeeding Incitement and Protection, No.02/L-81
- Law on Reproductive Health No.02/L-76

⁴¹¹ BIRN. Report on Kosovo Healthcare System.

⁴¹² Report on state of play and planned reforms based on strategic documents in health sector. Department of European Integration and Policy Coordination. Ministry of Health. 2013.

⁴¹³ Law No.2004/4 on Health, Article 110 and 111. <http://kuvendikosoves.org/?cid=1,191,229>.

⁴¹⁴ Kosovo Government, Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012.

- Law on Public Health, No.02/L-78
- Law on Blood Transfusion, Blood Control and Its Products, No.02/L-101
- Law on Narcotic Medicines, Psychotropic Substances and Precursors, No. 02/L-128
- Law on Prevention and Fight Against Transmitted Diseases No. 02/L-109⁴¹⁵

2.1. Public Health Policies in Kosovo

The legislation on public health in Kosovo needs to be revised in order to harmonise it with the EU legislation. Besides the fact that a number of relevant legislation for this area is already adopted and into force, EU has continuously emphasized the necessity to make changes in this area.

The tobacco control and its products is one of the most problematic laws up to now. The fight against smoking is actually regulated and harmonized through the Law on Tobacco, , Law No. 02/L-78 on Public Health, AI No. 05/2007 on Smoking Zones, Non-Smoking Signs and Note on the Tobacco Packages by Producers and Importers, AI No. 06/2007 on Banning of Selling Products by persons under the age of 18 and the AI No.07/2007 on the Measures for Reduction and Limitation of Tobacco and the EPAP 2012 (action 66.4, indicator 4)⁴¹⁶. The responsible institutions for implementation of the Law on Tobacco are the Sanitary Inspectorate, Labour Inspectorate, Market Inspectorate and Education Inspectorate.⁴¹⁷ Since the entry into force of the previous Law on Tobacco, its implementation has not been satisfactory and the provisions for separation of smoking and non-smoking spaces have faced difficulties in implementation. The new Law on Tobacco bans smoking (100%) and its products in all public spaces and it is considered that it would face less challenges in implementation.

Human substances like the blood, tissues, cells and transplantation of organs are also issues which present a challenge for Kosovo Institutions. The issue of blood/tissues is regulated by the Law No. 02/L-101 on Blood Transfusion, Blood Control and its Products. Pursuant to this law, the responsible institutions for blood and tissues are the National Centre for Blood Transfusion (NCBT) and regional hospitals, while other responsible institutions for the legislation in the area of human substances and communicable diseases include the Institute of Public Health, Kosovo University Clinic Centre, KAMP and the Council for Coordination of Blood Supply.⁴¹⁸

As regarding organ donation and transplantation in Kosovo, it is carried out by institutions which are specialized and have an agreement and special licence by the Ministry of Health. Autogenic transplantation of bone and skin tissues is made by Orthopaedic

⁴¹⁵ BIRN. Report on Kosovo Healthcare System.

⁴¹⁶ Kosovo Government. Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012.

⁴¹⁷ Ibid.

⁴¹⁸ Ibid.

and Surgery Clinic within Kosovo University Clinic Centre. This area is regulated by the following secondary legal acts and policy documents in this area:

- Law on Health No. 04/2004 (Article 110);
- First objective of the Sector Health Strategy 2010-2014 (decrease of illnesses and reduction of mortality of population), and
- Action Plan (the main area which has to do with the improvement of health status and quality of healthcare services).

As regarding transplantation of substances of human origin, Kosovo has a substantial lack of human capacities and physical infrastructure. Therefore, development of a registry of persons who are on the waiting list for transplantation of organs, tissues and cells and registry of donators is a necessity. The Stabilisation Association Process Dialogue⁴¹⁹ has put recommendations that this problem shall be addressed through harmonization with the Directive 2010/45 on the Quality and Safety Standards in Transplantation of Human Organs. EC Progress Report 2011 has emphasized the lack of legislation in the area of tissue and cell transplantation as a challenge in the area of health policies. Currently, Ministry of Health is in the final drafting phase of the draft proposal on transplantation of tissues and cells and draft proposal on transplantation of organs.⁴²⁰

The citizens of Kosovo use healthcare services in the Republic of Albania and vice versa, on equal bases, according to the special mutual agreement between two countries. According to this agreement, MH provides healthcare services, including dialyses services to patient coming from Albania. Within these agreement, the Gjakova Regional Hospital provides supporting staff to the hospital of Bajram Curri in Albania, while the emergent cases are sent from there to Gjakova Regional Hospital.⁴²¹

100 patients from Kosovo are treated free of charge each year in health care institutions in Turkey, based on the bilateral agreement among Kosovo and Turkey. The referring procedures are defined in the AI No. 02/2012 on health care outside the public healthcare institutions and based on this the citizens of Kosovo have the right to use international healthcare services ensured by 2 million Euros allocated by the Kosovo budget each year. .⁴²²

Currently, those who are not citizens of Kosovo use the services provided by healthcare institutions under the same conditions which apply to Kosovo citizens. The Law on Health Insurance will also regulate the bilateral relations among citizens of the Republic of Kosovo and EU Member States as regarding mutual provision of healthcare services, based on the bilateral agreements to be signed for this purpose up to the membership of Kosovo into EU and taking under consideration the EU Directives 883/04 and 987/09

⁴¹⁹ EC Progress Report, 2011, p. 44, 45.

⁴²⁰ Kosovo Government, Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012.

⁴²¹ Ibid.

⁴²² Ibid.

on payments from other countries, in accordance with the bilateral agreements and EU regulations for payments and health security funds.⁴²³

The future legislative activities in relation to cross-border healthcare will be based on the EU Directive 2011/24 on the rights of patients to cross-border healthcare of February 2011.⁴²⁴

Management of communicable diseases has improved in the last years. Since after the war, all the epidemics are managed in accordance with the WHO standards and this is assessed positively by international experts. The conditions for management of communicable diseases have improved since 2007. The area of communicable diseases is regulated with policies and legal acts; Law No. 2004/4 on Health, Law No. 02/L-78 on Public Health, Law No. 02/L-109 on Communicable Diseases, Law No. 2003/22 on Sanitary Inspectorate, Law No. 02/L-38 on Health Inspectorate, Law No. 2004/21 on Veterinary. While EPAP 2012 foresees specific actions on this area (Action 66.4, Indicators 10).⁴²⁵

The responsible institutions for implementation of this legislation are the Institute for Public Health, National Centre for Blood Transfusion, Kosovo University Clinic Centre (infective clinic), regional hospitals, microbiologic laboratories, Sanitary Inspectorate, Health Inspectorate, Police, KMA, family health centres, Coordinating Council for Blood Transfusion and Veterinary Services.

Fight against drug abuse is not yet addressed as well as there is a lack of policy for prevention of non-transmitted diseases. Little progress was made on implementation of programmes on breast cancer, cervical and colorectal cancer in accordance with the EU recommendations. Healthcare services are not provided in adequate manner for minority communities. The availability of data on health of Roma, Ashkali and Egyptian are limited. Vaccination of RAE community is lower than other communities. In January 2011, the Institute for Public Health has conducted a vaccination campaign with more than 800 children from RAE community against different illnesses. In the area of mental health, provisions for people with mental disabilities shall be included in health strategy and action plan.⁴²⁶

There is a need for adequate funds for the necessary restructuring of the sector. Further actions are needed to improve inclusion of people with mental disability, especially in education system. Having into account the fact that the European integration process is the main goal of our country, the issues of public health and risks of illnesses including those related to the lifestyle of citizens, fight of the rare illnesses and promotion of scientific research shall be a priority. The cooperation with neighbouring countries in the

⁴²³ Ibid.

⁴²⁴ Ibid.

⁴²⁵ Ibid.

⁴²⁶ Report on state of play and planned reforms based on strategic documents in health sector. Department of European Integration and Policy Coordination. Ministry of Health. 2013.

area of health is a precondition for membership to EU.⁴²⁷

European Health Strategy 2007-2013, programmes and initiatives, health risks, transmitted diseases, blood, human tissues, health determinants, smoking, alcohol, eating, physical activity, mental health, health determinants and environment, socio-economic determinants, environment, electromagnetic field, genetics and examination. Ministry of Health shall draft, amend and adopt this legislation within a short time frame and to start implementing it, being an essential precondition during the membership process.⁴²⁸

One of the main challenges is with no doubt the package of laws for the comprehensive reform of health sector. Besides adoption by the Parliament, implementation of the legislation will face lot of challenges. By adoption of these laws, MH would have met the most challenging recommendation of the feasibility study.⁴²⁹ Besides creation of new institutions (health insurance fund) implementation of the reforms will face the challenge of human capacities. Changes in the procedures and operations shall be followed with the distribution of the necessary information for the parties affected as well as trainings for the administrative and medical staff in the field. Such approach would enable the Ministry to achieve the recommendations of EU on the training and increase of the number of medical staff. Another challenge which may hinder the new scheme is the informal labour market. The high number of unemployed and those who work without any official contract burdens the cost of the Law on Health Insurance for the Government. Reduction of the informal labour market is one of the basic preconditions for the sustainability of the Health Insurance Fund.

Main challenges:

- Development of a sustainable financing of health sector
- Development and implementation of Health Information System
- Reduction of morbidity and mortality rate
- Improvement of management of existing resources and quality of services
- Development of human capacities for management of healthcare system
- Information of employees and citizens for the changes in the sector
- Acceleration of health system reforms by approving the necessary legislation in Kosovo Parliament and promulgated by the President
- Adoption of the legislation on healthcare system reform by the Parliament and promulgation by the President
- Implementation of the legislation:
 - Creation of the Health Insurance Fund
 - Amendment of secondary legislation in compliance with the new legislation
 - Reduction of informal labour market
 - Development of IT in health sector

⁴²⁷ Ibid.

⁴²⁸ Ibid.

⁴²⁹ Feasibility Study on Kosovo for the Stabilization and Association Agreement with the EU.

- Training of the administrative and medical staff throughout the sector
- Information of employers and citizens on the changes in the sector
- Appropriate prioritization of the sector and appropriate allocation of budget for those priorities
- Support the research capacities of KNPHI in order to have an informed decision making
- Development of the strategy for health education and promotion
- Ensuring the data on environmental factors and their effect on health
- Implementation of the law on tobacco adopted by the Parliament in April 2013
- Achievement of measurable indicators of public health within the Millennium Development Goals as regarding protection from diseases, mortality of infants and mothers, tuberculoses, HIV/AIDS, prevention of diseases in particular for marginalized groups.
- Provision of quality services throughout the territory of Kosovo (at the moment in parts of the country inhabited by Serb community, MH has no structures)
- Collection and saving of the data in an integrated management system (IMS) to generate reliable and comparable data⁴³⁰.
- Amendment of the laws as recommended by the EU through the feasibility study, respectively the laws on blood and blood products, tissues and cells, donation and transplantation of organs as well communicable diseases.⁴³¹

3. Institutional Framework and its Capacities

The Kosovo healthcare system is composed of two types of institutions; institutions for policy, planning and implementation of the laws and institutions which provide healthcare and pharmaceutical services. The Ministry of Health is the main policy making institutions, while healthcare service providers (public) are those who take care of the health of citizens. The healthcare service providers are classified as primary, secondary and tertiary healthcare providers. The institutional framework of public healthcare providers is composed of: KUCC as the major tertiary healthcare provider, Dental University Clinic Centre, National Blood Transfusion Centre, Labour Medical Institute, Sports Medical Centre and National Institute of Public Health⁴³², seven regional hospitals and Gjakova Labour Institute as a secondary healthcare provider, main family healthcare centres as primary health care units⁴³³. An important role is played also by private healthcare providers who increasingly provide more sophisticated services which very often are not provided even by KUCC and other public healthcare providers.

The Ministry carries out its tasks and responsibilities through six main departments⁴³⁴,

⁴³⁰ This recommendation is presented in the EC Progress Reports 2010, 2011 and the Feasibility Study.

⁴³¹ Feasibility Study on Kosovo for the Stabilization and Association Agreement with the EU.

⁴³² Kosovo Government, Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012.

⁴³³ Ibid.

⁴³⁴ Departments of the Ministry are the following: Department of Administration, Department of Healthcare Services, Department of Strategic Management, Department of Pharmacy, Department of Procurement, Department of Budget and Finances. Source: Ministry of Health.

two inspectorates⁴³⁵ and an agency⁴³⁶. The departments are further organized in divisions and offices/units. While the staff of the ministry is generally well educated with an average well above the other ministries, the management capacities of the ministry are very often assessed as weak. In addition the EC Progress Report writes that “Lot of efforts need to be made to fight the widespread corruption in education and health”⁴³⁷.

The actual reform of the sector is expected to redefine the roles of the institutions and to establish new institutions such as the Health Insurance Fund. This institution should be monitored by the Parliament, while it would ensure health insurance for provision of healthcare in public and private market.⁴³⁸ The expected reforms focus on three pillars: reorganization of healthcare system, redesign of health financial sector and management of human resources. Reform of health system aims to improve the healthcare services for citizens⁴³⁹ and will be implemented in two phases: organizational reform of healthcare system and the phase of health financial reform.⁴⁴⁰ This reform is expected to address among others also the improvement of access to healthcare by marginalized communities such as RAE who face more challenges and problems to have access to healthcare than other groups.⁴⁴¹ It is estimated that more than 80% of population in Kosovo have to a certain degree access to primary healthcare services in 10 minutes while 99% in 20 minutes.⁴⁴²

One of the crucial aspects and at the same time the major challenge remains the systematic collection of reliable data on the performance of the sector⁴⁴³. The lack of a unified system of data management has been one of the major challenges for development and adequate planning of policies in health sector. With the support of Luxemburg Government, MH is currently developing the Health Information System for integrated management of health data which is expected to substantially improve the quality of data collection in health sector.

The public health indicators in Kosovo present a concerning situation as regarding communicable diseases and chronic illnesses. The presence of HIV/AIDS and other sexually transmitted diseases is one of the lowest in the region where since 2002 up 2008, the National Centre for Blood Transfusion has analyzed around 14,000 blood samples and

⁴³⁵ Sanitary Inspectorate and Health Inspectorate. Source: Ministry of Health.

⁴³⁶ Kosovo Agency for Medical Products. Source: Ministry of Health.

⁴³⁷ EC Progress Report 2011 .

⁴³⁸ Ilir Hoxha. Health Insurance in Kosovo: Is the right solution being offered? Friedrich Ebert Stiftung. 2011.

⁴³⁹ Provision of quality health services to all citizens of Kosovo was one of the recommendations of the EC Progress Report 2011 and feasibility study on the health sector.

⁴⁴⁰ Kosovo Government, Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012.

⁴⁴¹ UNDP. Human Capacities Development in Kosovo 2010.

⁴⁴² Ibid.

⁴⁴³ EC Progress Reports 2011.

has identified two HIV cases.⁴⁴⁴, 0.04% cases of syphilis, 3.3% cases of Hepatitis B and 0.3 cases with Hepatitis C.⁴⁴⁵ The prevalence of tuberculosis is one of the highest in Europe, where the average prevalence per year is 53.4 in 100, 000 inhabitants⁴⁴⁶. The statistics of communicable diseases which can be prevented with vaccination in Kosovo is presented in the figure below.⁴⁴⁷

Tabela	4,2		Numri I rasteve të sëmundjeve që mund të parandalohen me vaksinë në Kosovë 2008/2009	
Sëmundja	2008		2009	
Paliomieliti	0		0	
Parotiti	797		731	
Fruthi/Rubeola	19		27	
Hepatiti B	95		102	
Difteria	0		0	
Kolla e keqe	37		28	
Tuberkulozi	948		901	
Tetanus	0		0	
Gjithsej	1898		1789	

Figure 2. Prevalence of diseases which can be prevented with vaccination

In 2009, there were 115,999 cases of communicable diseases with a mortality rate of 5,510 for 100,000 inhabitants. The most reported diseases were acute diarrhea syndrome which makes up around 43% of total deaths of the communicable diseases, followed by acute infections of respiratory tract.⁴⁴⁸

Indicators on mothers and child health are the lowest in Europe. The level of prenatal mortality is estimated to be 23 per 1000 deliveries and the mortality rate of mothers is 7 in 100,000 deliveries⁴⁴⁹. The UNDP human development report assesses that the chil-

⁴⁴⁴ According to UNDP, between 1986 and 2009 there were registered in total 80 HIV/ AIDS cases in Kosovo (six cases are reported in 2009), with 27 reported deaths.

⁴⁴⁵ Kosovo Government, Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012.

⁴⁴⁶ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

⁴⁴⁷ UNDP. Human Development Report in Kosovo 2010.

⁴⁴⁸ Ibid.

⁴⁴⁹ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

dren mortality rate is 17-48 in 1000 and mortality of children under the age 5 is 35-40 in 1000⁴⁵⁰.

The policies of the Ministry on prevention of communicable diseases as well as other policies which are related to public health such as management of blood and its products, need to be revised. Among the laws recommended to be revised include:

- Law on Reproductive Health No.02/L-76
- Law on Public Health No.02/L-78
- Law on Blood Transfusion, Blood Control and its Products No.02/L-101
- Law on Prevention and Fight of Communicable Diseases No. 02/L-109⁴⁵¹

Important legislation on blood, tissues, cells, organ donation and transplantation and communicable diseases still needs to be adopted or amended.⁴⁵²

Human capacities for provision of healthcare services in Kosovo are also a major challenge. The number of doctors per capita is 0.94 per 1000 inhabitants⁴⁵³ compared to 2.7 in Macedonia, 21 in Serbia, 16 in Bosnia and Hercegovina.⁴⁵⁴ The use of hospital capacities in average is around 62.9%, while the average level of treatment in hospitals is 5.8 days⁴⁵⁵.

Another challenge related to qualified human resources and their management, has to do with the insufficient number of specialized doctors who provide equal quality healthcare services in the whole territory of Kosovo, is challenging. The licensed healthcare employees in Kosovo are distributed as the following: 4099 doctors, 1234 dentists, 1030 pharmacists, 139 nurses (graduated), 26 psychologists, 238 physiotherapists, 16,736 nurses with secondary education, which in total reaches to 23,502. Due to limited financial resources, the possibility of employing the healthcare personnel is limited.⁴⁵⁶ The low salaries in public sector discourages the specialists to work in public sector, therefore they prefer to work in private sector. Within the development of human resources, the ministry has announced vacant positions for more than 470 new opportunities for specialization for doctors, dentists and pharmacists and has announced the vacancies

⁴⁵⁰ UNDP. Human Development Report in Kosovo 2010.

⁴⁵¹ Feasibility Study on Kosovo for the Stabilization and Association Agreement with the EU.

⁴⁵² Ibid.

⁴⁵³ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

⁴⁵⁴ Keiser Family Foundation. Global Health Facts. <http://www.globalhealthfacts.org/data/topic/map.aspx?ind=74>

⁴⁵⁵ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

⁴⁵⁶ Kosovo Government, Answers to the EC Questionnaire on the Feasibility Study on Kosovo for Stabilization and Association Agreement with the EU, June 2012

for 65 new specialists in KUCC and regional hospitals.⁴⁵⁷

The main causes of death (54%) in Kosovo are the non-communicable diseases (cardio and cancer diseases) neonatal diseases (28%) and communicable diseases (12%).⁴⁵⁸ Other communicable diseases continue to be very widespread in Kosovo. In 2009, there were 115,999 reported cases with communicable diseases with the mortality rate of 5,510 per 100,000 inhabitants.⁴⁵⁹ The most reported diseases were the acute diarrhea syndrome which makes up to 43% of total mortality rate from communicable diseases, followed by the acute infective respiratory tract.⁴⁶⁰

The most challenging aspect in the institutional sphere has to do with the planned reforms of the sector. Besides other institutions and their operational procedures as part of the reform, also the existing institutions will be affected. The new processes will require adequate trainings of all persons affected by the reforms. Having into consideration the number of persons affected by the reform, a considerable time for training of personnel on the implementation of the reform may be needed. Continuous increase of the medical personnel in all levels in order to improve access of citizens to healthcare services is also a challenge which will be faced in the future.

Main challenges:

- Improvement and management capacity building in macro (monitoring) and micro level
- Adequate distribution of resources
- Implementation of the roles and responsibilities of decision making actors
- Improvement of implementation, inspection, monitoring, reporting and evaluation in health sector
- Adoption of legal acts, administrative instructions and other documents on operation of the new scheme;
- Drafting and adoption of the changes in the administrative scheme of MH and redefinition of job positions;
- Adequate training of administrative and medical personnel on the changes in processes and procedures;
- Continuous increase of the medical personnel in public sector in order to improve the quality of services and access to healthcare services for all citizens;
- Creation of specialized human capacities in the country and abroad⁴⁶¹

⁴⁵⁷ Ibid.

⁴⁵⁸ Lul Raka, MD-PhD and Dukagjin Pupovci, PhD, Prof., National Background Report on Health for Kosovo. 2009.

⁴⁵⁹ UNDP. Human Development Report in Kosovo 2010.

⁴⁶⁰ Ibid.

⁴⁶¹ Financing of specialization abroad may be necessary especially for profiles which are related to use of advanced technology in medicine.

4. Health Infrastructure

Health infrastructure in Kosovo is considered one of the most undeveloped in the Balkans. The significant lacks of proper working conditions as well as out-dated and poorly maintained equipments are the main reasons for such considerations. For many specialized services, Kosovo's citizens rely on health institutions abroad. Grave situation in the health system is a consequence of historic developments from the former Yugoslavia period, then from 10 year period of extreme situation in Kosovo, where health services for the majority of population were organized in a parallel system through Mother Theresa network⁴⁶². In first years after the war, there were numerous investments in health by the Government of Kosovo and different donor organizations. In 2009 alone, the Ministry of Health spent more than 4 million Euros on capital investments and about €700,000 on advancement equipment at Kosovo University Clinical Centre (KUCC)⁴⁶³

Primary Health Care (PHC) is the primary level for provision of health services. PHC strategy is developed by the Ministry of Health (MH) in 2004 and it is based on organization and implementation of primary health care in 37 municipalities.⁴⁶⁴ PHC is funded directly by the Government through municipal health grants allocated by the Ministry of Finances after a consultation process with MH and respective municipalities. PHC budget for 2012 was 41 million Euros (MF 2012).

Secondary Health Care (SHC) represents the secondary level of health services. SHC is provided through regional hospitals (Mitrovica, Peja, Gjakova, Prizren, Gjilan) and town hospitals (Ferizaj and Vushtrri). These institutions provide hospital care and specialized treatment, including ambulatory care.⁴⁶⁵ According to Ahtisaari plan for Kosovo's status settlement, it is expected that three regional hospitals will be established in municipalities inhabited by Serb majority of Graçanica, Shtërpca and Northern Mitrovica.⁴⁶⁶

Mental health care is also provided at the SHC level though Mental Health Centres (MHC), Community Integration Centres (CIC, Gjilan) and Rehabilitation and Integration Centre for chronic psychiatric patients in Shtime.

Tertiary Health Care (THC) is the highest level of health services. THC includes advanced and specialized services by health institutions, including compulsory education of students, graduate studies and research in respective fields. THC services are provided by the Kosovo University Clinic Centre (KUCC), Kosovo University Dental Centre (KUDC), Kosovo National Blood Transfusion Centre (KNBTC), Kosovo Labour Medicine Institute (KLMI) and Kosovo National Public Health Institute (KNPHI). For

⁴⁶² Bloom, J., Hoxha, I., Sambunjak, D., Sondorp, E. (2007) Ethnic segregation in Kosovo's post-war health care system. *European Journal of Public Health*, 17 (5). pp. 430-436.

⁴⁶³ BIRN. Report on Health System in Kosovo.

⁴⁶⁴ Government of Kosovo. Responses to questionnaire on preparation of Feasibility Study for Association Stabilization Agreement.

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid.

Prishtina region, tertiary health care institutions also serve as secondary health care institutions.⁴⁶⁷

Public sector secondary and tertiary health care is funded through health budget that is managed by MH, which decided to allocate 88.5 million Euros for 2012 for SHC and THC. It must be noted that access to specialized health services (especially for those at tertiary level) poses a great challenge.⁴⁶⁸ Kosovo lacks specialists of cardio-surgery, oncology and some other tertiary and diagnostic services. The majority of patients travel abroad, mainly in neighbouring countries such as Macedonia, Serbia and even Turkey. Despite the lack of reliable data in the field, MH has reported that it spent several million Euros every year to support treatment of Kosovors abroad. Only in 2010, MH allocated 2 million Euros from its budget for this purpose.⁴⁶⁹

Private Health Sector is also an important part of Kosovo's health system. Recently, there is a growing private investment in health which has resulted with a considerable number of private hospitals, diagnostic/therapeutic centres (poly-clinics) and specialized clinics. Payments for services in the private sector are exclusively from patients or from private health insurances which are not mandatory by law. Overall reform in the sector and establishment of the Health Insurance Fund are believed to have a positive effect for private health providers as well since services that many patients would not be able to cover themselves will be covered by the Fund.

Future challenges regarding health infrastructure are closely related with access to health for all citizens with uniform quality of provided services. Besides lacking infrastructure in some parts of Kosovo, the existing infrastructure needs continued investments since it is in grave condition. Improvement of supply and maintenance of equipment is also necessary. Advancement of the level of use of information technology is also necessary.

Key challenges:

- Increase of capital investments in health infrastructure
- Capital investments in equipment and improvement of their maintenance

5. Health services and their quality

According the Law on Health, all citizens have the right to use health services provided by public health institutions. While citizens' co-payment is envisioned for health services, specific social categories of citizens do not make co-payments as stipulated by Article 22 of the Law on Health no. 4/2004.

⁴⁶⁷ Ibid.

⁴⁶⁸ UNDP. Kosovo Human Development Report 2010.

⁴⁶⁹ Ibid.

The quality of health services in Kosovo is the most visible aspect of problems and challenges in the health system. Lacking funds dedicated to this aspect by the state budget has created the situations where patients often have to buy basic products for treatments, such as bandages, syringes or other basic medicaments that by law are required to be provided for free for citizens. A study of Balkan Investigative Reporting Network (BIRN) identified the most frequent problems related to the quality of services at public health institutions. According to the report, problems related to the quality of health services most often relate to lack of sanitary conditions in health premises, absence of medical staff during working hours, instructing patients to go from public health institutions to private ones, corruption, non-operation of equipment, and the lack of specialized medical staff⁴⁷⁰.

All these aspects also have affected that the modest budget allocated by the Government of Kosovo for health is not efficient in practice. In 2012, the Government of Kosovo has allocated 130 million Euros or 8.46% of the state budget for health which is lower than the budget of regional countries where Macedonia allocates 12% or Serbia 13.9%⁴⁷¹. UNDP's Human Development Report noted that health budget per capita in Kosovo is five times lower than in regional countries.⁴⁷²

The table below provides budget spending of the Government of Kosovo in health sector.

	2009	2010	2011	2012
Budget for the Ministry of Education (second and third level) (in million Euros)	66	71	79	89
Budget for municipalities (in million Euros)	26	27	38	41
Total (in million Euros)	92	98	117	130
PBB (in million Euros)*	3,912	4,216	4,637	4,911
Total health expenditure in % of PBB	2.35	2.33	2.53	2.64

Expenditure for Public Health Care. Source: National IMF Report, April 2012; MF;⁹

Sector for Health Services Quality within the Ministry of Health is operational since 2002 and now it consists of two officials only⁴⁷³. Due to the lack of human resources, the supervision by the sector in the field cannot be that strict. Separation of the sector as a separate part of the administrative structure has resulted with establishment of a network of health coordinators in all levels of health care who report to this sector.⁴⁷⁴

⁴⁷⁰ BIRN. Kosovo Health System Report.

⁴⁷¹ Keiser Family Foundation. Global Health Facts. <http://www.globalhealthfacts.org/data/topic/map.aspx?ind=74>.

⁴⁷² UNDP. Kosovo Human Development Report 2010.

⁴⁷³ Ibid.

⁴⁷⁴ Ibid.

Assessment and monitoring of health service quality is controlled by health coordinators and inspectors of quality. The Strategy for improvement of quality and safety of health services 2012-2016 is under development.⁴⁷⁵

Key challenges:

- Increasing the overall quality of healthcare services
- Expansion of the existing limited spectre of healthcare services
- Improvement of sanitary conditions in premises of public health service providers;
- Improvement of supervision of medical personnel in the public sector;
- Effective combating of corruption at all levels;
- Prevention and control of abuses in health insurance schemes;
- Strengthening of service quality unit in the Ministry and network quality coordinators at all levels;
- Improvement in planning and implementation of policies for essential medications as well as spending materials in health institutions;

6. Health information system

In 2010, the Ministry of Health presented a draft strategy for implementation of Health Information System (HIS). Supported by the Government of Luxembourg and other donors, MH has initiated the work in designing and implementing the Health Information System that is composed of three components:

- Creation of information technology infrastructure
- Drafting of legal framework
- Implementation of European standards in health.

According to the strategy, HIS implementation is done in three phases and is spread across a ten-year period (2010 – 2020). In phase A, it is envisioned to implement required infrastructure for HIS implementation in Prishtina and Prizren as well as to improve existing statistics. Phase B envisions that information system is put in practice, while phase C envisions strengthening of infrastructure for HIS implementation in entire Kosovo, by trying to meet all objectives.⁴⁷⁶

HIS implementation in the field is expected to be very challenging. Such management systems are challenging for countries that have a much higher level of economic development than Kosovo, and which often fail. In Kosovo, there were a few small-scale attempts to pilot HIS, which have ended unsuccessfully. The current project for establishment of HIS is considered one of the most serious attempts of the Government, supported by donors for developing and implementing HIS infrastructure.

⁴⁷⁵ Ibid.

⁴⁷⁶ Ministry of Health. <http://www.msh-ks.org/sq/component/content/article/656-ne-ministrine-e-shendetesise-u-prezantua-drafti-final-i-strategjise-se-sistemit-te-informimit-shendetesor.html>.

Greatest challenges in relation to designing and implementing HIS system in Kosovo are tied to physical infrastructure for its implementation and qualified personnel to use it. Regarding the required physical infrastructure for HIS implementation, provision of computers and internet connection for all health institutions is needed. On the other hand, the staff that will use that infrastructure need to be adequately trained. Another challenge that is envisioned in HIS implementation is local capacities to maintain and further develop HIS system. The current system is being developed by an international company and its further development might be expensive.

Key challenges:

- Lack of health statistics (marginalized groups
- HIS software development in compliance with Kosovo's system, physical and legal infrastructure as well as in line with EU standards for collecting and saving data;
- Development of physical infrastructure for HIS implementation;
- Training of health and administrative personnel that will implement HIS in their work;
- Continued maintenance and development of HIS is costly and local capacities in the field are lacking;

7. Health Funding and Health Insurance

The existing Law on Health no. 4/2004 (Articles 12.6, 12.7, 12.8, 57, 61 and 124) provide definitions of health institutions. Co-payments are regulated by the Law on Health 4/2004 (Article 12.8 and 22) and AI No Nr. 6/2006.⁴⁷⁷

Public health sector in Kosovo is currently funded through state budget and co-payments. The revenues of health institutions are not held by the health sector but they go to the state treasury in compliance with the Law on Management of Public Finances and Responsibilities. There is no mandatory public health insurance requirement⁴⁷⁸. MH receives 22% of overall funds for health, secondary and tertiary hospitals receive 51%, while municipalities receive the remaining part of 26% of budget allocations for health care.⁴⁷⁹

In 2011 the Ministry drafted the draft law on Health Insurance and new draft law on Health. These two laws are expected to enter into force in 2013 after they have gone through parliamentary procedures. It must be noted that approval of these laws was held hostage of IMF and World Bank approval, which Kosovo has a contractual relationships and which expect limitations in budget spending. Ministry officials have stated that after many talks and consultations they have reached an agreement with IMF on

⁴⁷⁷ The Government of Kosovo. Responses to the questionnaire on preparation of Feasibility Study for Association and Stabilization Agreement.

⁴⁷⁸ Ibid.

⁴⁷⁹ UNDP. Kosovo Human Development Report 2010.

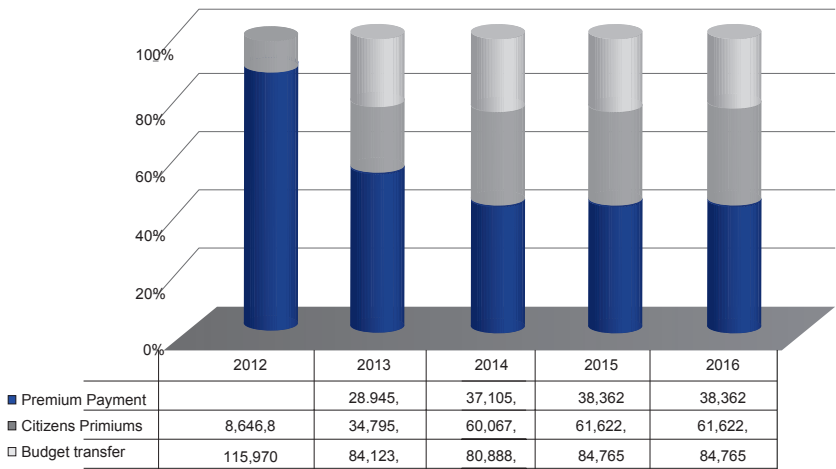
the new draft law⁴⁸⁰.

According to the new scheme, health insurance system is a mixed model of joining sources obtained from premiums paid by the citizens and the funds of Government collected through taxes into a single public fund for health insurance.⁴⁸¹ Health insurance will be organized and implemented as a mandatory insurance as well as supplementary voluntary insurance. Mandatory health insurance will cover basic health care and will be implemented through Health Insurance Fund (HIF).⁴⁸²

Financial resources for the mandatory health insurance will be paid to FIH. This includes all funding sources: health insurance premiums for all citizens and residents of the Republic of Kosovo; and budget transfers from respective government institutions to cover mandatory health insurance for special groups (pensioners, unemployed, persons with disabilities, war invalids and persons under social assistance).⁴⁸³

Mandatory health insurance premiums will be calculated every year as a fixed rate based on average salary in the Republic of Kosovo. Premium rates are subject to Government's decision, based on available budget resources and health needs of population. Persons who will not be covered by mandatory health insurance will pay full amount for basic services in line with price list approved by MH based on HIF proposal.⁴⁸⁴

Overall predicted amount for the accumulated funds is illustrated below.



480 Ministry of Health. <http://www.msh-ks.org>.

481 Ilir Hoxha. Health Insurance in Kosovo: Is adequate financial solution being offered? Friedrich Ebert Stiftung. 2011.

482 Ibid.

483 The Government of Kosovo. Responses to the questionnaire on preparation of Feasibility Study for Association and Stabilization Agreement.

484 Ilir Hoxha. Health Insurance in Kosovo: Is adequate financial solution being offered? Friedrich Ebert Stiftung. 2011.

Figure 3. Envisioned health budget expenditure⁴⁸⁵

Compared to current payments that MH makes from the state budget and the scheme that is expected to be established, the percentage of the total bill is very low. This is also noticed in the current bill when compared to projections for the following years. As it is shown, currently 90% of the health bill is covered by state budget, while in the coming years this is expected to drop to 40%.

The main challenge regarding health system funding is closely related to the operationalization of the Health Insurance Fund. One of the main challenges has to do with the liquidity of the fund, especially in the first few years of its operations. Informality in the labour market and large number of people who will not pay for health insurance but whose bills will be covered by the state budget is a very challenging aspect for funding health sector. The control in the field of implementation of health insurance scheme is also another challenge predicted for the future, in particular until monitoring capacity is built in the field to required levels.

Key challenges:

- Establishing the healthcare insurance fund and system
- Operationalization of health insurance scheme and Health Insurance Fund;
- Fighting informality in labour market;
- Control of Health Insurance Fund by the Parliament and the Government;
- Control in the field and prevention of abuses (especially referral of patients from public institutions to get services from private institutions);

485 Ibid.

8. Main conclusions on Health Policies

HEALTH POLICIES				
Strengths	Recommendations to use strengths	Weaknesses	Recommendations for elimination of weaknesses	
Draft bill on health and insurance	Development of capacities for implementation of the Law on Health Insurance	Not being a priority and budget	Setting sector as a priority	
Support from international financial institutions (WB, IMF)		Lack of health insurance and funding	Sustainable funding	
Amendment and harmonization of legislation	Planning, implementation, supervision and evaluation of the strategic plan and annual plan of MH	Limited spectrum of health services		
Health draft bill approved	Development of innovative and sustainable health sector	High payments by patients for health services		
Network of health institutions spread		Delays in institutional and staff structuring reforms	Timely approval of relevant documents	
Sectorial health strategy 2010-2014	Increase of the access into better and safer health care	Supplementing legal framework		
Draft strategy of the quality of health services is drafted	Institutional operationalization of reporting network	Implementation, monitoring, inspection and evaluation	Revision of the existing plan for planned capacity building	
Network of coordinators of the quality of health services in health institutions and quality division / MH		Non-satisfactory quality of health services	Implementation and completion of relevant documents	
High rate of vaccination	Protection and improvement of population health and prevention of diseases	Micro- and macro- level (monitoring) management		
Cooperation in promotion of health and activities		Clinical guides and protocols (lack of them and non-implementation)		Allocation of necessary resources
Accredited labs (IKSHPK)	Protection of citizens from cross-border risks	Lack of population registries for other non-infectious and rare diseases	Capacity building and development in public health	
Operationalization of population registry on cancer		Support of research capacities at IKSHPK for informed decision-making	Ensuring adequate budget	
Strategy of SISH 2010-2019 approved	Timely and accurate provision of information	Strategy for health promotion and education	Empowerment of reporting system	
Relevant institution (IKSHPK)		Insufficient data for environmental factors and their impact on health	Provision of strategy for health promotion and education	
System of supervision and evaluation of infectious diseases		Inadequate distribution of resources	Setting implementation of SISH strategy as a priority	
Donations		Lack of health statistics (vulnerable groups)		
			Role and responsibility of decision-making stakeholders	Empowerment of supervision and reporting system
			Fragmented reporting	
		Monitoring process and continued capacity building (trainings)		

Chapter V – Information Society

1. EU policies on Electronic communications, Information Society and Audio-visual Policies

Europe 2020 is the EU's growth strategy with the aim to foster a smarter, more sustainable and inclusive economy. These three goals aim to help the European Union to deliver high levels of employment, productivity and social cohesion. Priority areas are addressed by 7 flagship initiatives and within each initiative, both the EU and national authorities have to coordinate their efforts so they are mutually reinforcing. Concretely, the Union has set five ambitious objectives - on employment, innovation, education, social inclusion and climate/energy - to be reached by 2020. Each Member State has adopted its own national targets in each of these areas. Most of these initiatives have been presented by the Commission in 2010.

The Information Society will affect most aspects of our lives. European policies range from the regulation of entire industrial sectors to the protection of each individual's privacy. The EU's policies in the field of the information society are grouped around regulating the market, stimulating the Information Society and exploiting the benefits through providing better public services.

The chapter 10 of the *acquis communautaire* on information society and media aims to eliminate obstacles to the effective operation of the internal market in electronic communications services and networks promote competition and safeguard consumer interests in the sector, including the universal availability of basic modern services. Chapter 10 includes rules on information society services and a transparent, predictable and effective regulatory framework for audiovisual media services in line with European standards.

1.1. Digital Agenda for Europe (DAE)

Today, Europe's Information Society policies are brought together under the umbrella of the Digital European Agenda ⁴⁸⁶.

As one of the seven flagship initiatives of the Europe 2020 strategy, Digital Agenda for Europe frames the information and communication technology (ICT) strategy in the European Union. The DAE aims at delivering sustainable economic and social benefits from a digital single market based on ultra-fast internet.

Based on the Directorate General Management Plan for Information Society and Media, DAE has three general objectives supported by seven pillars of the DEA⁴⁸⁷.

⁴⁸⁶ Digital Agenda for Europe: http://europa.eu/legislation_summaries/information_society/strategies/si0016_en.htm.

⁴⁸⁷ Directorate General, Information Society and Media, Management Plan 2012–13 Dec. 2011 http://ec.europa.eu/atwork/synthesis/amp/doc/infso_mp_en.pdf.

1.1.1. General Objectives of DAE

1. Establish a vibrant⁴⁸⁸ digital single market with a stable legal framework that stimulates competition and investment in order to deliver sustainable economic and social benefits.
2. Reinforce Europe's competitiveness by increasing innovation and investment in ICT research as a main driver of the digital economy.
3. Promote the access and use of ICT to the benefit of EU society.

1.1.2. The Pillars of DAE

The Digital Agenda for Europe is based on 7 pillars and it contains 101 actions which will help to reboot the EU economy and enable Europe's citizens and businesses to get the most out of digital technologies. The seven pillars aims are:

- Achieving the digital single market
- Enhancing interoperability and standards
- Consolidating online trust and security
- Promoting fast and ultra-fast Internet access for all
- Investing in research and innovation
- Enhancing digital literacy, skills and inclusion
- Leveraging smart use of technology for society

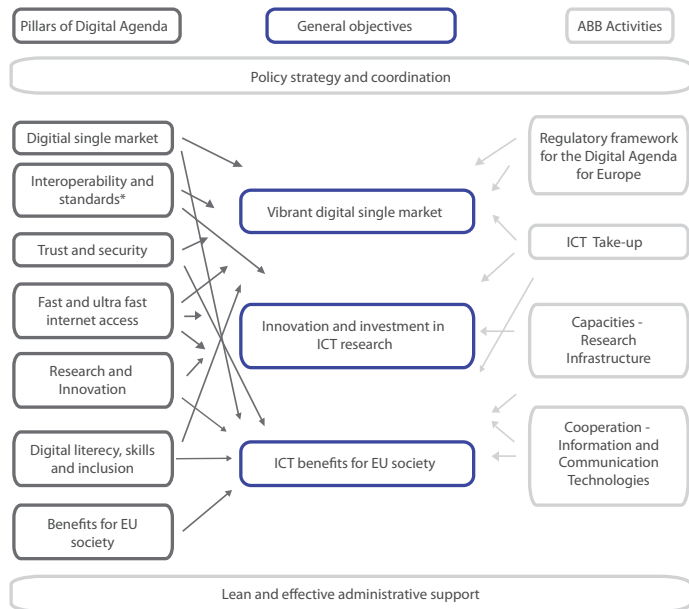


Figure 1 – Objectives, activities and pillars of DAE⁴⁸⁹

⁴⁸⁸ All the terminology and the terms, such as “vibrant”, were used as in original to avoid confusion.

⁴⁸⁹ Directorate General, Information Society and Media, Management Plan 2012-13 Dec, 2011, page 10 http://ec.europa.eu/atwork/synthesis/amp/doc/info_mp_en.pdf.

1.1.3. Targets of the Digital Agenda for Europe

Key performance target of DEA⁴⁹⁰ for 2013 – 2020 and their detailed progress can be in details is given on the (scoreboard) below⁴⁹¹:

Key performance target 1a: the entire EU to be covered by broadband by 2013.

Key performance targets 1b and 1c: the entire EU to be covered by broadband above 30 Mbps by 2020 and 50 % of the EU to subscribe to broadband above 100 Mbps by 2020.

Key performance target 2a: 50 % of the population to buy online by 2015.

Key performance target 2b: 20 % of

the population to buy online cross-border by 2015.

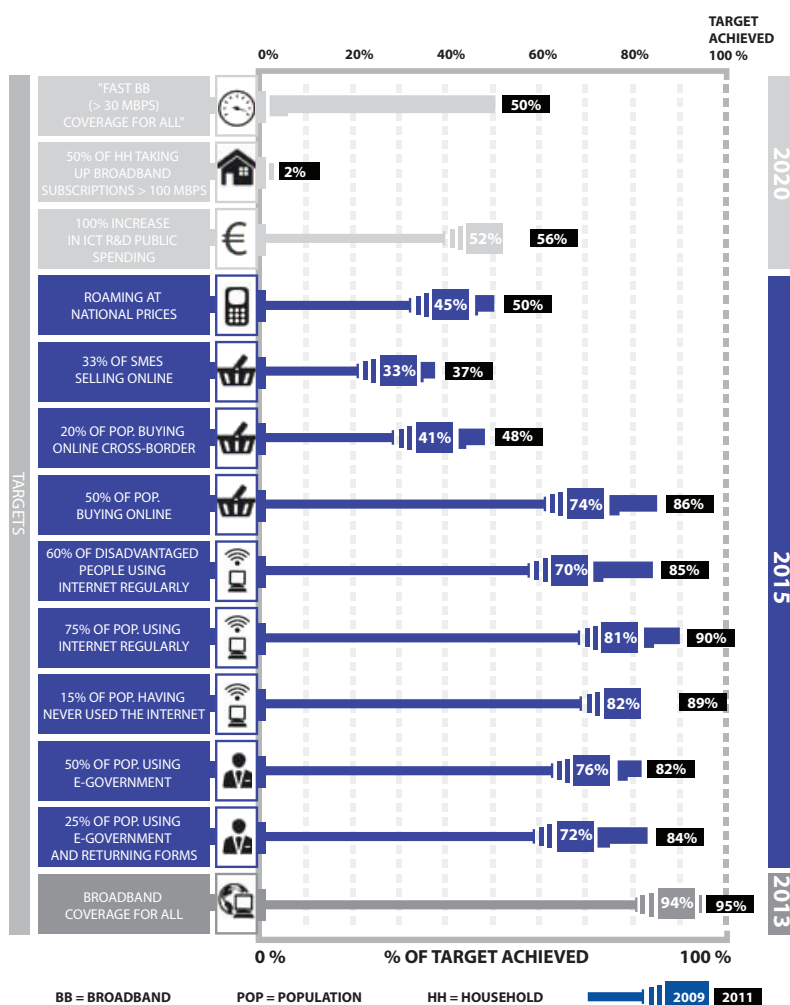
Key performance target 2c: 33 % of SMEs to make online sales by 2015

Key performance target 2d: the difference between roaming and national tariffs to approach zero by 2015

Key performance target 3a: to increase regular internet usage from 60 % to 75 % by 2015, and from 41 % to 60 % among disadvantaged people.

Key performance target 3b: to halve the proportion of the population that has never used the internet from 30 % to 15 % by 2015.

Key performance target 4a: 50 % of citizens to use eGovernment by 2015, with more than half returning completed forms.



⁴⁹⁰ Digital Agenda for Europe, Scoreboard: <http://ec.europa.eu/digital-agenda/en/scoreboard>.

⁴⁹¹ For 2012, see "DAE-Scoreboard 2012", http://www.europolitics.info/pdf/gratuit_en/316456-en.pdf.

Key performance target 4b: all key cross-border public services, to be agreed by Member States in 2011, to be available online by 2015.

Key performance target 5: to double public investment in ICT⁴⁹² R&D to € 11 bn by 2020. The 13th Key performance target 6 to reduce energy use of lighting by 20% by 2020, has more to do with the reduction of the energy consumption than with electronic communications, information society and audiovisual media.

1.2. General Legal Framework

The process of liberalisation of the telecommunications sector starts with the European Commission's publication in 1987 of the Green Paper⁴⁹³ on the Development of the Common Market for Telecommunications Services and Equipment marked. The process continued with the gradual introduction of a legal framework⁴⁹⁴ for telecommunications comprising five main directives: the 'Framework', 'Access', 'Authorisation', 'Universal Service' and 'Privacy' Directives. In 2009, the Commission revised the 'Telecoms Package' by adopting the 'Better Regulation' and 'Citizens' Rights' Directives and setting up the Body of European Regulators for Electronic Communications (BEREC). The adoption of the EU electronic communications reform package in November 2009 paved the way towards strengthening the European electronic communications market by revising rules to ensure more effective competition and better rights for consumer.⁴⁹⁵

1.2.1. Regulatory Framework for Networks and Services

1. Directive 2009/140/EC⁴⁹⁶

This Directive amends Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services

2. Directive 2009/136/EC⁴⁹⁷

This Directive amends Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Direc-

⁴⁹² Information and Communication Technology.

⁴⁹³ Towards a dynamic European Economy, European Commission, Green Paper, 1987 http://ec.europa.eu/green-papers/pdf/green_paper_telecom_services_common_market_com_87_290.pdf.

⁴⁹⁴ Current general legal framework: http://europa.eu/legislation_summaries/information_society/legislative_framework/index_en.htm.

⁴⁹⁵ Regulatory Framework for Networks and Services in EU, Situation in December 2009, page 7 http://ec.europa.eu/information_society/policy/ecomms/doc/library/regframeforec_dec2009.pdf.

⁴⁹⁶ Directive 2009/140/EC amends Directives 2002/21/EC, 2002/19/EC and 2002/20/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0140:EN:NOT>.

⁴⁹⁷ Directive 2009/136/EC amends Directives 2002/58/EC and 2002/22/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0136:EN:NOT>.

tive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

3. Regulation no. 1211/2009⁴⁹⁸ Body of European Regulators for Electronic Communications-BEREC

This Regulation defines the rules on the establishment and functioning of the Body of European Regulators (BEREC) and the main task of BEREC is to advise and assist the European Commission in developing the internal market and to form a link between national regulatory authorities (NRAs) and the Commission⁴⁹⁹.

4. Directive 2002/21/EC⁵⁰⁰ Regulatory framework for electronic communications⁵⁰¹
Framework Directive 2002/21/EC part of “Telecommunications Package” establishes a harmonised framework for the regulation of electronic communications services, electronic communications networks, associated facilities and associated services. It lays down tasks of national regulatory authorities and establishes a set of procedures to ensure the harmonised application of the regulatory framework throughout the Community. In 2009, the Commission revised the ‘Telecoms Package’ by adopting the ‘Better Regulation’ and ‘Citizens’ Rights’ Directives and setting up the Body of European Regulators for Electronic Communications. This new regulatory framework consists of Framework Directive and four specific directives.

5. Directive 2002/20/EC⁵⁰² on the authorisation of electronic communications networks and services

The aim of this Directive is to implement an internal market in electronic communications networks and services through the harmonisation and simplification of authorisation rules and conditions in order to facilitate their provision throughout the Community.

6. Directive 2002/19/EC⁵⁰³ on access to, and interconnection of, electronic communications networks and associated facilities

This Directive establishes rights and obligations for operators and for un-

⁴⁹⁸ The Body of European Regulators for Electronic Communications (BEREC): http://europa.eu/legislation_summaries/information_society/legislative_framework/si0015_en.htm

⁴⁹⁹ Regulation (BE) Nr. 1211/2009, Article 1.

⁵⁰⁰ Directive 2002/21/EC, Article 1.

⁵⁰¹ Regulatory framework for electronic communications: http://europa.eu/legislation_summaries/information_society/legislative_framework/l24216a_en.htm.

⁵⁰² Directive 2002/20/EC on the authorisation of electronic communications networks and services http://europa.eu/legislation_summaries/information_society/legislative_framework/l24164_en.htm.

⁵⁰³ Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities: http://europa.eu/legislation_summaries/information_society/legislative_framework/l24108i_en.htm.

dertakings seeking interconnection and/or access to their networks based on the principle that allows competition rules to act as an instrument for market regulation. However, insofar as there is no effective competition on the market, the national regulatory authorities must act, among other things by imposing obligations on operators which have significant market power. The objective is to establish a framework which will encourage competition by stimulating the development of communications services and networks, and also to ensure that any bottlenecks in the market do not constrain the emergence of innovative services that could benefit the users.

7. Directive 2002/22/EC⁵⁰⁴ on universal service and users' rights relating to electronic communications networks and services

This Directive aims to ensure the availability throughout the Community of good quality publicly available services through effective competition and choice and to deal with circumstances in which the needs of end-users are not satisfactorily met by the market.

8. Directive 2002/58/EC⁵⁰⁵ concerning the processing of personal data and the protection of privacy in the electronic communications sector

This Directive harmonises the provisions of the Member States required to ensure an equivalent level of protection of fundamental rights and freedoms, and in particular the right to privacy, with respect to the processing of personal data in the electronic communication sector and to ensure the free movement of such data and of electronic communication equipment and services in the Community.

1.2.2. Frequency Policy

Decision No 676/2002/EC⁵⁰⁶ on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision).

- The aim of this Decision is to establish a policy and legal framework in the Community in order to ensure the coordination of policy approaches and, where appropriate, harmonised conditions with regard to the availability and efficient use of the radio spectrum necessary for the establishment and functioning of the internal market in Community policy areas such as electronic communications, transport and research and development (R & D).

⁵⁰⁴ Directive 2002/22/EC, on universal service and users' rights relating to electronic communications networks and services: http://europa.eu/legislation_summaries/information_society/legislative_framework/l24108h_en.htm.

⁵⁰⁵ Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector: http://europa.eu/legislation_summaries/information_society/legislative_framework/l24120_en.htm.

⁵⁰⁶ Decision No 676/2002/EC on a regulatory framework for radio spectrum policy in the European Community <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002D0676:EN:NOT>.

Directive 2009/114/EC⁵⁰⁷ amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community.

Directive 87/372/EEC⁵⁰⁸ on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community

- Member States shall ensure that the 905-914 and 950-959 MHz frequency bands or equivalent parts of the bands are reserved exclusively for a public pan-European cellular digital mobile communications service by 1 January 1991.
- Member States shall ensure that the necessary plans are prepared for the public pan-European cellular digital mobile communications service to be able to occupy the whole of the 890-915 and 935-960 MHz bands according to commercial demand as quickly as possible.

Decision No 626/2008/EC⁵⁰⁹ on the selection and authorisation of systems providing mobile satellite services (MSS)

- The purpose of this Decision is to facilitate the development of a competitive internal market for mobile satellite services across the Community and to ensure gradual coverage in all Member States.

1.2.3. Audiovisual Media Services Directive (AVMSD)

The AVMSD^{510 511} Directive establishes European standards for the TV services, videos online and other audiovisual content in a way that national borders do not stand in the way of reaching viewers and users⁵¹².

⁵⁰⁷ Directive 2009/114/EC <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:274:0025:0027:en:PDF>.

⁵⁰⁸ Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=31987L0372&-model=guichett.

⁵⁰⁹ Decision No 626/2008/EC on the selection and authorisation of systems providing mobile satellite services (MSS): http://europa.eu/legislation_summaries/information_society/legislative_framework/si0002_en.htm

⁵¹⁰ Audiovisual Media Services Directive (AVMSD): http://ec.europa.eu/avpolicy/reg/tvwf/index_en.htm.

⁵¹¹ Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

⁵¹² Modern Rules for Audiovisual Europe: http://ec.europa.eu/avpolicy/docs/reg/avmsd/fact_sheet_en.pdf.

Goals of the EU coordination:

- providing rules to shape technological developments
- creating a level playing field for emerging audiovisual media
- preserving cultural diversity
- protecting children and consumers
- safeguarding media pluralism
- combating racial and religious hatred
- guaranteeing the independence of national media regulators.

The AVMSD governs EU-wide coordination of national legislation in the following areas:

- general principles
- incitement to hatred
- accessibility for people with disabilities
- principles of Jurisdiction
- major Events
- promotion and distribution of European works
- commercial communications
- protection of minors.

2. Situation analysis

2.1. Kosovo legal and institutional structure analysis for electronic communications, information society and audiovisual policies

2.1.1. Institutional structure

The bodies responsible for electronic communications in Kosovo are as bellow:

- a. Ministry of Economic Development (MED) – prepares the drafts of laws, strategic documents and policies for the sector, represents Kosovo in international the relevant meetings and assumes obligations. In 2011 the responsibilities at the government level were transferred from the former Ministry of Transport and Post-Telecommunications to the MED;⁵¹³
- b. Government of Kosovo (GK) – approves strategic documents and policies drafted by MED;⁵¹⁴
- c. Ministry of Public Administration (MPA) – The Department for eGovernment and Administrative Processes – acts as a central point of government for all issues regarding the development, management and maintenance of information technology and electronic governance. Leads and coordinates

⁵¹³ MED: <http://mzhe.rks-gov.net/?page=1,252>.

⁵¹⁴ The office of the Prime Minister is usually identified with the Government of Kosovo when it comes to taking decision at the level of government of Kosovo: <http://www.kryeministri-ks.net/>.

at the level of government the process of updating and further developing the strategies that concern investments in eGovernment and information technology;⁵¹⁵

MPA establishes standards and information technology services for the institutions of Kosovo and it coordinates security of information technology services including electronic government and base electronic registries for the institutions of Kosovo.⁵¹⁶

- d. Regulatory Authority of Electronic and Postal Communications (RAEPC) – is responsible for regulating the internal telecommunications market, frequency resources management, numeration and licensing of the companies that offer network and telecommunications services as well as it implements the policies and national strategies in the area of electronic communications, set out by the Ministry. RAEPC is legal successor of the Telecommunications Regulatory Authority – TRA (Article 106, point 11 of the new Law on Electronic Communications No. 2102/04-L-109;⁵¹⁷
- e. Independent Media Commission (IMC) – manages the radio-broadcasting frequency spectre and licensing of audiovisual content;⁵¹⁸
- f. Kosovo Competition Authority (KPA) has the responsibility and authority to promote competition and to protect consumers, control competition conditions in the Kosovo economy and in sectors, industries and specific markets;⁵¹⁹
- g. Parliament of Kosovo – approves the National Frequency Plan, and the budget of RAEPC, and IMC and appoints (and dismisses) board members, receives annual reports.⁵²⁰

Table. Institutional framework for electronic communications, IS and audiovisual media⁵²¹

National regulatory authority	Government	Other bodies
Regulatory Authority of Electronic and Postal Communications - RAEPC, as per the new Law on electronic communications	- Ministry of Economic Development (MED), - Ministry of Public Administration (MPA), - Government of Kosovo (GK)	- Independent Media Commission ⁵²¹ , - Kosovo Competition Authority, - Parliament of Kosovo

⁵¹⁵ DeQPA: <http://map.rks-gov.net/sq/Page.aspx?id=16>.

⁵¹⁶ Regulation No. 02/2011 on the Areas of Responsibility of the Administrative Office of the Prime Ministers' Office and the Ministries, Annex 11 Ministry of Public Administration: http://www.kryeministri-ks.net/repository/docs/Rregullorja_02-2011-e_miraturar_nga_Qeveria-finale.pdf, p. 61.

⁵¹⁷ RAEPC: <http://www.art-ks.org/>.

⁵¹⁸ IMC: <http://www.kpm-ks.org/?faq=90&gjuha=1>.

⁵¹⁹ KCA: <http://ak.rks-gov.net/>.

⁵²⁰ Parliament of Kosovo: <http://www.assembly-Kosovo.org/?cid=1,122>.

⁵²¹ There is some duality in the name of the Independent Media Commission as per the Law in Albanian language (<http://www.assembly-Kosovo.org/common/docs/ligjet/Ligji%20per%20KPM.pdf>): Media Independent Commission. Chapter) and: (Article II – Definitions 1.10 – Broadcasting Frequency Plan). This duality in the name of the institution can be observed also on the IMC web site: <http://www.kpm-ks.org/?faq=90&gjuha=1>

2.1.2. Policies and legislation

Strategic documents:

- a. National Strategy for Information Society 2006-2012⁵²²;
- b. Policies of the Electronic Communications Sector – Digital Agenda for Kosovo 2013 -2020.⁵²³;
- c. The documents of the eSEE Initiative for the Development of Information Society⁵²⁴ and the obligations taken from the Government of Kosovo in regard with the eSEE Initiative⁵²⁵.
- d. Electronic Government Strategy⁵²⁶ and Action Plan 2009-2015⁵²⁷.
- e. The Strategy for Administration Reform 2010-2013⁵²⁸.

Documents in procedure:

- a. The strategy of digital switchover and use of the digital dividend. The drafting of the strategy has commenced in 2008, moreover in 2010, when IPC established working groups⁵²⁹ for digital switchover issues such as: programme, technical, legal, and socio-economic. One group was established to inform and sensibilise the public. The law on IPC foresees the need to have the Law on digitalisation which will be based on the strategy drafted by IPC.

Relevant laws in force:

- a. Law on Electronic Communications No. 2012/04-L-109⁵³⁰ decreed on 25 October 2012. Replaces the former Law on Telecommunications No. 2002/7⁵³¹ (amended

⁵²² http://www.kryeministri-ks.net/repository/docs/Strategjia_Nacionale_per_Shoqerite_Informacionit_2006-2012.pdf.

⁵²³ http://mzhe.rks-gov.net/repository/docs/Politikat_e_Sektorit_te_Komunikimeve_Elektronike_-_Axhenda_Dixhitale_per_Kosoven_2013_-_2020.pdf.

⁵²⁴ http://www.eseeinitiative.org/index.php?option=com_content&view=article&id=173&Itemid=50.

⁵²⁵ See: http://www.eseeinitiative.org/index.php?option=com_content&view=article&id=173&Itemid=50.
<http://www.stabilitypact.org/wt2/eSEEWG.asp>.

<http://www.stabilitypact.org/e-see/CONCLUSIONS%20Thessaloniki.pdf>.

⁵²⁶ Electronic Government Strategy and Action Plan 2009-2015: http://map.rks-gov.net/userfiles/file/StrategjiteC3%AB%20dhe%20Planet/STRATEGJIA_E_QEVERISJES_ELEKTRONIKE_2009_2015.pdf.

⁵²⁷ Action Plan for implementing the Strategy on eGovernment 2009-2015: http://map.rks-gov.net/userfiles/file/StrategjiteC3%AB%20dhe%20Planet/PLANI_I_VEPRIMIT_PBR_IMPLEMENTIMIN_E_STRATEGJIS_PER_QEVERISJE_ELEKTRONIKE_2009_2015.pdf.

⁵²⁸ The Strategy for Public Administration Reform 2010-2013: <https://map.rks-gov.net/userfiles/file/StrategjiteC3%AB%20dhe%20Planet/STRATEGJIA%20E%20REFORMES%20SE%20ADMINISTRATES%20PUBLIKE.pdf>.

⁵²⁹ Decision of the IPC Council: <http://www.kpm-ks.org/materiale/dokument/1343215969.5303.pdf>

⁵³⁰ Law on Electronic Communications: <http://www.assembly-Kosovo.org/common/docs/ligjet/109%20Ligji%20per%20komunikimet%20elektronike.pdf>.

⁵³¹ Law on Telecommunications and the amendment: <http://www.assembly-Kosovo.org/common/docs/>

- by the Law No. 03/L-085 of 13 June 2008);
- b. Law on Information Society Services No. 2011/04-L-094⁵³², decreed on 2 April 2012. Replaces the former law No. 02/L-23 on Information Society Services of 2005 (decreed in 2006);
 - c. Law on Prevention and Fight of the Cybercrime No.2010/03-L-166⁵³³, decreed on 2 July 2010;
 - d. Law on Personal Data Protection⁵³⁴ No. 2010/03-L-172⁵³⁵, decreed on 13 May 2010;
 - e. Law on Copyright and Related Rights No. 04/L-065⁵³⁶, of 2011.
 - f. Law on Government Bodies for Information Society, published in Official Gazette No. 15, date 15 May 2013.
 - g. Law on Independent Media Commission No. 2011/04-L-044 ⁵³⁷, decreed on 26 March 2012.
 - h. Law on Protection of Competition No. 2010/03-L-229⁵³⁸, decreed on 25 October 2010. Amends the Law on Competition No. 2004/36 (decreed by SRSG on 29 October 2004)
 - i. Law on Radio Television of Kosovo No. 2011/04-L-046, ⁵³⁹ decreed on 12 April 2012. Replaces the old law on RTK No. 02/L-47 of 2008.
 - j. Law on Cinematography No.2004/22, decreed by SRSG on 14 October 2004.
 - k. Law on Consumer Protection No. 2012/04-L-121⁵⁴⁰, decreed on 7 November 2012. Replaces the Law on Consumer Protection No.2004/17 of 2004 (which was amended in 2009 by the law No. 03/L-131).

ligjet/2002_7_al.pdf http://www.assembly-Kosovo.org/common/docs/ligjet/2008_03-L085_al.pdf

⁵³² Law on Information Society Services: <http://www.assembly-Kosovo.org/common/docs/ligjet/Ligji%20per%20sherbimet%20e%20shoqerise%20informatike.pdf> The old Law on Information Society Services: http://www.assembly-Kosovo.org/common/docs/ligjet/2005_02-L23_al.pdf.

⁵³³ Law on Prevention and Fight of Cyber Crime: <http://www.assembly-Kosovo.org/common/docs/ligjet/2010-166-alb.pdf>.

⁵³⁴ Per the Feasibility Study, page 9 and page 14: "Legislation on personal data protection needs to be further harmonised with EU standards and administrative capacities strengthened in this area." and "Harmonise legislation on personal data protection with EU standards and focus on its implementation, notably by drafting secondary legislation and building up administrative capacities." http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_feasibility_2012_en.pdf

⁵³⁵ Law on Data Protection: <http://www.assembly-Kosovo.org/common/docs/ligjet/2010-172-alb.pdf>

⁵³⁶ Law on Copyright and Related Rights: http://www.mkrs-ks.org/repository/docs/Ligji_nr_04-L-065_per_te_Drejtat_e_Autorit_dhe_te_Drejtat_e_Peraferta.pdf. The old Law on Copyright ...: http://www.unmikonline.org/regulations/unmikgazette/02english/E2006regs/RE2006_46_ALE2004_45.pdf.

⁵³⁷ Law on Independent Media Commission: <http://www.assembly-Kosovo.org/common/docs/ligjet/Ligji%20per%20KPM.pdf>

⁵³⁸ Law on Protection of Competition: <http://www.assembly-Kosovo.org/common/docs/ligjet/2010-229-alb.pdf> Old Law on Competition: http://www.assembly-Kosovo.org/common/docs/ligjet/2004_36_al.pdf

⁵³⁹ Law on Radio Television of Kosovo: <http://www.assembly-Kosovo.org/common/docs/ligjet/Ligji%20per%20Radio%20Televizionin%20e%20kosoves.pdf>

⁵⁴⁰ Law on Consumer Protection: <http://www.kuvendikosoves.org/common/docs/ligjet/121%20Ligji%20per%20mbrojtjen%20e%20konsumatorit.pdf>.

New laws in procedure:

- l. Law on digitalization of radio-difusive transmission, the first draft is prepared by MED and it has entered the phase of public discussion. It is planned that by June 2013 it is submitted to the Government for approval;
- m. New Law on Cinematography drafted by the Ministry of Culture, Youth and Sports (MCYS) has been distributed for public debate in November 2012. The Law is to be approved soon. With this law it is envisaged that Kosovofilm, a publicly owned enterprise, will be reduced and turned in “Kinotekë”, – special public archive for film material, which by the former law was a part of Kosovofilm.

Table. Basic legal framework for electronic communications

Regulatory framework EU 2003	Regulatory framework EU 2009	Electronic Commerce	Electronic Signature	Cyber Crime	eGovernment
Law on Electronic Communications (2012)		Law on Information Society Services (2012)		2010	(There is no explicit requirement for a law)

2.2. The Electronic Communications Sector

The telecommunications market was formally liberalised in 2003, with the approval of the Law on Telecommunications. The new Law on Electronic Communications is expected to replace the licensing framework by a general authorisation framework for all communications networks and services.

The spectrum frequency allocation is foreseen with the National plan on radio frequency use, approved by the Parliament of Kosovo by the Decision No. 04-V-93, of 23 June 2011. This plan is fully in alignment with European Table on frequency distribution.⁵⁴¹ The government and RAEPK should approve all the secondary legislation on the frequency management no later than six (6) months since entry into force of this law.⁵⁴²

There are only two mobile network operators in Kosovo: Vala (since 2004) and IPKO (since 2007), and since 2008 there are two virtual mobile operators (MVNO) D3 Mobile and Z mobile. The market share of operators as of end of 2011⁵⁴³ was respectively: 67.14%, 25.28%, 0.6% and 6.98% in order as above. The total market size of mobile telephony is 199.2 million € with a yearly growth of 9.94% during 2011. Kosovo has not started yet to issue UMTS licenses (the only country in SEE) however, the government approved a decision on the frequency band in use by mobile operators enabling it to be used for other services of the next generation broadband telecommunication services.⁵⁴⁴

⁵⁴¹ Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012.

⁵⁴² Law on Electronic Communications, Article 106, paragraph 1 – Transitional clauses.

⁵⁴³ Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012

⁵⁴⁴ Decision of the Government of Kosovo, No. 04/88, of 24.08.2012: http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_se_88te_te_Qeverise_se_Republikes_se_Kosoves_2012.pdf.

The decision should be implemented by RAEPC during 2013.⁵⁴⁵

Kosovo has the lowest penetration of fixed telephony lines in the region, which is around 5%, where incumbent PTK has a dominant market position. The Internet service provision is more competitive, and the market is dominated by alternative cable operators at around 75% market share. The figures for Internet penetration in Kosovo vary in respect to the research methodology, where figures reported by TRA⁵⁴⁶ (which are based on the reporting of the Internet service providers) seems to be more conservative than the reports from field research.⁵⁴⁷ Regardless, it can be noticed a gradual decline of the growth⁵⁴⁸ which can be attributed to reaching of the threshold of profitability and the need to implement mechanisms of USO (Universal Service Obligation) in the markets of Internet access services.

Kosovo is lagging, compared to other countries in the region (SEE), with ensuring competition in the electronic communications market (see the table below⁵⁴⁹). It is worth noting that the first steps to improving situation in this regard have been initiated by the TRA, who has completed the first analysis of fixed telephony market (in February 2012) and is about to complete the analysis of mobile telephony termination market. The Kosovo Competition Authority has not completed any analysis in this area, and it is not known whether it will, given its lack of capacity and budget⁵⁵⁰.

⁵⁴⁵ MED, Comments to the Report on the achievements and challenges in the area of Information Society, 20 December 2012.

⁵⁴⁶ Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012: Cable penetration of at households is around 48,55%, Internet penetration for individuals in 2011 was 8,26%.

⁵⁴⁷ Society for Information and Communication Technology of Kosovo (STIKK): Internet Penetration and Usage in Kosovo, January 2012 (http://stikk-ks.org/images/stories/publikime/STIKK-raport_eng_email.pdf): Internet penetration based on households is 72.1%, Internet penetration based on users is 46.3%.

⁵⁴⁸ See consecutive reports: EC, Cullen International, Monitoring of electronic communications in the Enlargement countries 2005-2008, 2008-2011, and 2011-2013 <http://www.cullen-international.com/other-services/studies.htm?lng=en>

⁵⁴⁹ Cullen International, Supply of services in monitoring regulatory and market developments for electronic communications and information society services in Enlargement Countries 2011-2013, Report 2, July 2012, page 122: <http://www.cullen-international.com/other-services/studies.htm?lng=en>.

⁵⁵⁰ For more detailed analysis of KCA capacities see KDI, Kosovo Competition Commission – Case Study: <http://www.kdi-Kosovo.org/publications/cimap/kkk.pdf>.

Table. Competitive safeguards⁵⁵¹

	CS	CPS	Number Portability fixed	NP mobile	RIO fixed	RIO mobile	RUO	WBA	WLR	MVNO	National roaming	LRIC fixed	LRIC mobile	Tariff rebalancing
2005		X		X	X	X	X	X	X	X	X	X	X	X
X		X												
2012	X	X	X	X	2007	X	X	X	X	2008	X	X	X	X

2.2.1. Strengths

The enforcement of laws in this area, with the approval of appropriate administrative instructions, has increased the alignment with *acquis*, for example, as it pertains to the market analysis, assigning of the significant market power (SMP) designation, or referent interconnection offer.

It is also evaluated on the positive side that Kosovo has established its administrative and regulatory institutions, in the first place RAEPC and IMC, to start implementing *acquis* in this area.

RAEPC leads in regard with offering its cooperation to relevant regulatory bodies in Kosovo and it has signed memoranda with Kosovo Competition Authority, State Agency for Personal Data Protection, as well as with Ombudsperson of Kosovo. RAEPC has 5 memoranda of understanding with regulators from countries of the region Me, Al, Mk, Tr and Hr. Memoranda create the conditions for friendly relations based on equality and mutual benefits, enable maintaining regular contacts and help with practical cooperation in issues that relate to electronic communications services and telecommunications.⁵⁵²

2.2.2. Challenges:

- External evaluation is that legal framework of the telecommunications sector is dominated by “framework laws”.⁵⁵³ These laws are characterised such that their enforcement often requires, which is frequently specified in the body of the law itself, an approval of frequently not so small of a number of other sub-legal acts. These are for example Law on Electronic Communications and on Information Society Services. Hence, the enforcement of laws, especially the Law on

⁵⁵¹ Cullen International, Supply of services in monitoring regulatory and market developments for electronic communications and information society services in Enlargement Countries 2011-2013, Report 2, July 2012, page 122: <http://www.cullen-international.com/other-services/studies.htm?lng=en>.

⁵⁵² Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012.

⁵⁵³ See: Feasibility Study for Kosovo, page 43: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf

Information Society Services, has had very little or no progress in practice.

- The capacity of the Ministry of Economic Development for information society policy development and coordination, including the issues covered by the Digital Agenda for Europe, is weak.⁵⁵⁴
- The budget to finance Kosovo's cultural institutions is limited. Strengthening the administrative capacity and increasing international cultural and media cooperation is important to prepare Kosovo to participate in EU programmes in this area.⁵⁵⁵ TRA (now RAEPC) has the lowest budget and staff number in the region.⁵⁵⁶
- Compared to other countries of the region, most competitive safeguards for electronic communications market have not been implemented.⁵⁵⁷
- Kosovo does not have its country code and uses the codes of three different countries: Serbia, Monaco and Slovenia. This creates costs, reduces control to systems in Kosovo, creates coordination problems with regulators from these countries and is especially hindering the EU requirements for number portability.
- Kosovo does not have country code Internet domain, and does not have developed market nor structures for distribution of Internet names (Registry and registrars)
- Kosovo does not fully manage its frequency spectrum and has interference from companies licensed in Serbia which operate in Kosovo.
- Kosovo is not a member of ITU, nor of most relevant international organisations. There is no information on the efforts or any strategy to attaining membership in these organisations.⁵⁵⁸
- Kosovo has the draft of the strategy for digital switch over which the IMC submitted for approval to the government on December 19, 2012.⁵⁵⁹ Based on this strategy and the Law on IMC, there will be prepared a separate law by MED. The last date for digital switchover is June 2015.
- Although almost all laws from the broad legislative framework (of electronic communications) cover also consumer protection in their respective areas, there are observations that consumer protection is not at a desirable level and that laws do not follow the general best practices on consumer protection.⁵⁶⁰

⁵⁵⁴ Ibid, p. 43.

⁵⁵⁵ Ibid.

⁵⁵⁶ CullenInternational, Supply of services in monitoring regulatory and market developments for electronic communications and information society services in Enlargement Countries 2011-2013, Report 2, July 2012, page 123: <http://www.cullen-international.com/other-services/studies.htm?lng=en>

⁵⁵⁷ Ibid.

⁵⁵⁸ The ITU Constitution, Article 2 – Composition of the Union, paragraph 23 PP-98 c), states that the Union (ITU) can be composed of countries that are not members of the United Nations, if the application for ITU membership is supported by 2/3 of the ITU members: <http://www.itu.int/pub/S-CONF-PLEN-2011/en>

⁵⁵⁹ A part of the digital divide (channel 67) is already available for use to connect in networks and services of new generation (LTE, WiMAX), 4G. * * Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012

⁵⁶⁰ As per Balkan Policy Institute, the Law on Telecommunications is mentioned several times in relation to shortcomings in regard with consumer protection: http://policyinstitute.eu/images/uploads/Mbrojtja_e_Konsumatorit_Korniza_ligjoresfidat_n_Kosov_dhe_standardet_e_BE-s.pdf

- Other identified challenges are:
 - lack of continuity of concrete coordinated efforts in enforcing legislation in force and of using existing enforcement mechanisms;
 - there is a lot space for improving coordination of activities between the institutions and departments responsible of information society and then between them and the institutions that lead the European integration process.
 - there is no vision on the need to measure the real indicators of progress in respective areas utilizing methodology with which Kosovo will be evaluated during the process of integrations.⁵⁶¹

2.3. Information Society

The area of information society has a broad coverage and requires obligations from all government bodies of the institutional framework for electronic communications (identified in this report). However, with the approval of the Law on Information Society Government Bodies it is expected that more responsibility will transfer on the new body (it is presumed to be an agency) which will emerge from the dissolution of DeGAP and, eventually, other competent units within the Government of Kosovo. This new body will create effective and efficient management mechanisms for human resources, financial and investments (hardware and software) as well as legislation concerning information society.

In the answers to the Feasibility Study questionnaire in relation to Information Society, there was plenty information provided on the projects that contribute to it, although there can be noted one very specific viewpoint, mostly technical-technological, in relation as to what represents a project in the area of information society and what is the concrete contribution of the project to this area. This viewpoint is characterised by starting from internal government projects, infrastructure and systems which have the very institutions as a primary focus. The results of the project are, in reality, hard to notice by the citizens and businesses and even harder to measure. For example, it is hard to measure the progress, in an information society sense, by the completion or not of the projects of e-Cabinet, document management within the government, project of Video conferences in MLGA and similar.⁵⁶² For a completeness of information, in addition to the goals and expected results which are not clear or missing, it would be very useful to have reported, for example, the duration of the project and the allotted budget for information technology. Thus, it is almost impossible to extract even basic information such is the overall annual investment in ICT by the government of Kosovo.

It is imperative that the planning for future ICT projects, including here the projects that build internal systems for the government, aligns with the goals of EU integration, that is, that the expected results of these projects have direct impact in one or more indicators for which Kosovo will be evaluated in continuity during the process of integrations as

⁵⁶¹ Author's opinion.

⁵⁶² For a complete list of projects, see part: E-services (e-government, e-health, e-commerce): Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012

well as later, in the same way as for member states.⁵⁶³

2.3.1. Strengths

MPA has been preparing the draft of the law on Information Society Government Bodies. This law should create a consolidation of responsibilities within the government in relation with the information society services, by clarifying and eliminating the ambiguities and defining coverage of responsibilities to draft policies and provision of information society services.

The preconditions to provisioning of the information society services, primarily the infrastructure and numerous current and planned projects, seem to be better than the level of actual provisioning of information society services. With a little refocusing towards concrete indicators, which are measurable, these preconditions could provide quick results.

2.3.2. Challenges

The EU 2009 regulatory framework has raised several issues which imply the area of information society and that may present challenges for Kosovo. Although there exists the legal framework in Kosovo for most of the issues enlisted below and it is covered with the Law on Electronic Communications and other laws, nonetheless, the challenges remain actual not because of the lack of legal framework, but because the expected process of implementing this framework, a situation which has been observed not only in the EU member states but also in the Kosovo's neighbours, Macedonia and Serbia.

Challenges below are related to implementing mechanisms that regulate:

- Restrict access to the Internet and web sites – without court decision – in precisely specified conditions by law. (Which was frequently accompanied by debates and court decisions in the area of freedom of expression and information in Internet.)
- Access to user histories (frequently accompanied with debates and constitutional court decisions)
- Collection of statistics, that is, the obligation (for member states) to collect statistics on information society. -
- The Council Resolution⁵⁶⁴ of 2003 and Regulation⁵⁶⁵ of EU Parliament and Coun-

⁵⁶³ There are 20 indicators that do get measured usually, see for example the list: Common list of basic public services: http://ec.europa.eu/information_society/eeurope/2002/action_plan/pdf/basicpublic-services.pdf

⁵⁶⁴ Council Resolution of 18 February, 2003 on implementing e Europe 2005 Action Plan, 2003/C 48/02: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2003:048:0002:0009:EN:PDF>.

⁵⁶⁵ See Parliament of Europe No 808/2004 of 21 April, 2004 on information society statistics: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004R0808:20091120:EN:PDF> as well as amendment by: (EC) No

cil approved in 2004 defines indicators and obliges member states to collect information so the progress can be measured for achievement of objectives (defined in Lisbon in March 2000 and later in the eEurope action plan of 2002). The collected statistics are published by Eurostat.⁵⁶⁶ Indicators that are actually measured are defined by the framework i2010, 2011-2015.⁵⁶⁷ The i2010 framework contains a large number of indicators divided by areas: ICT sector, broadband and access, ICT usage by households and individuals, ICT usage by Businesses, and “eServices” (20 indicators: 8 for services for businesses and 12 services for citizens). In all monitored states the obligation to collect statistics falls on the national statistics institutes.

- Kosovo does not collect these statistics entirely and there is no information whether there are concrete plans to integrate the Eurostat methodology in the statistics on information society.
- Network and information security. -

The EU regulatory framework requires operators of public communication networks and services to safeguard security of networks⁵⁶⁸ and of personal data⁵⁶⁹ and to report security breaches, initially to the national regulator, and then reports to ENISA⁵⁷⁰ on (annual basis). Regulator may submit operators to a security audit. Operators are usually required to get certified in ISO security standards ISO/IEC 27001 or ISO/IEC 17799.⁵⁷¹

In Kosovo, RAEPK has the right to request security audit of the operators. The new law on electronic communications gives the right to TRA (RAEPK) to operate CERT⁵⁷². In Kosovo, in case of security breaches, operator has the obligation to report the breaches to RAEPK. RAEPK can then inform the people or may request the operator to do this, if it serves the public interest.⁵⁷³ Kosovo is not yet a member of ENISA.

1006/2009:<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:286:0031:0035:EN:PDF>.

⁵⁶⁶ See “Information society” statistics at: http://epp.eurostat.ec.europa.eu/portal/page/portal/information_society/introduction.

⁵⁶⁷ http://ec.europa.eu/information_society/eeurope/i2010/docs/benchmarking/benchmarking_digital_europe_2011-2015.pdf.

⁵⁶⁸ Article 13 a and b: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0037:0069:EN:PDF>.

⁵⁶⁹ Article 4 of the ePrivacy Directive, 2002/58/EC: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002L0058:EN:NOT>.

⁵⁷⁰ European Network and Information Security Agency: <http://www.enisa.europa.eu/>.

⁵⁷¹ Such practice is described on the report by Cullen International, 2012.

⁵⁷² Computer Emergency Response Team–CERT.

⁵⁷³ Law on Electronic Communications, Article 85, paragraph 4.

- Cyber Crime. –
Kosovo has not ratified the Council of Europe Convention 185 on Cyber Crime, but it has approved the law, in 2010, which incorporates⁵⁷⁴ this convention in the national legislation.
- eBusiness and electronic signature. –
Directive 2000/31/EC (eCommerce Directive) provides a general framework for the information society service providers. Directive requires member states to enable activities for provision of information society services without any prior authorisation. This directive also protects the providers from liability, under specific conditions, for the actions of their clients, and it does not oblige the providers to actively monitor for facts and circumstances indicating illegal activity of their clients.

With the adoption of the new Law on Electronic Communications Kosovo has switched to the general authorisations regime for information society services. However, implementation in practice will require some time to yield results. Protection of service providers met its first test in the case of investigation of the operators offering codes for TV channel through the Internet, when the authorities in Kosovo forced internet service providers to track activities of their users. None of the cases has been resolved yet in a regular legal procedure.

- Market Access and supervision of certificate services. –
The directive on electronic services is reported to have been incorporated in the new law on Information Society Services, but there is no provider of certificates not an authority to supervise which, according to the law, should be established by the Ministry of Economic Development with a secondary legislation.
- Protection of confidentiality of communication. –
The ePrivacy Directive 2002/58/EC obliges member states to prevent listening, tapping, storing and recording or other kinds of interception or surveillance of communication and traffic data from other persons than users, without approval of the users, except legal interception. This directive regulates issues such as data/history storing and location, as well as unsolicited communication (spam).
- Legal interception and data retention. –
Legal interception, as per the ePrivacy Directive, requires legal framework and court order based on this framework, and is limited to serious crimes. Interception for other purposes, e.g. National security and public security or defence, also requires court order. The persons involved have to be informed (post factum, usually within 24 hours), and these persons have the right to appeal. Data retention, as per the ePrivacy Directive, requires that

⁵⁷⁴ The original term in use is “transpose”.

the data on traffic be erased as soon as they are not needed any longer (e.g. for billing), but it enables member states to approve legislation which permits retention of these data, for security or similar purposes, for a period of time limited to 6 months to maximum e years. This directive is much talked about and is actually undergoing the process of change.

- Management of the top-level country-code domain name (Country Code Top Level Domain - ccTLD name) is usually not part of any law but it falls under the agreement between the authority assigned by the state and IANA or ICAN. Kosovo does not have yet assigned a ccTLD.

2.4. Audiovisual Media Sector

Authority. IMC is the sole regulatory authority in the area of audiovisual media which harmonizes and approves broadcast policies and all sub-legal regulatory acts in the audiovisual area.⁵⁷⁵

Broadcasting licence are issued on competitive procedures, with several restrictions: can be issued only to legal person which fulfils requirements set forth in the Law on IMC and criteria set by IMC⁵⁷⁶; issuing of licences if restricted to political parties, religious communities, groups or organisations managed by an individual which holds an elected position or is member of an executive body of a political party; legal person which is managed by an individual sentenced in a process which includes violence or fraud.⁵⁷⁷

Market. IMC has a database of audiovisual media which contains data on number, location, region, type of business, date of issuing of license, license expiry date, frequency and coverage, broadcasting language and contact details. There are reported to be 105 broadcasters and providers of audiovisual services, 37 broadcasters on cable networks and 11 cable network operators.⁵⁷⁸

IMC has conducted research (in 2011) on the number of viewers and media, penetration and evaluation of media and advertising market. IMC has not created yet a system to continue evaluation of these components in annual basis.

⁵⁷⁵ Constitution of Republic of Kosovo, article 141; and Law No. 04/L-44 on Independent Media Commission (IMC), article 3.

⁵⁷⁶ Law No. 04/L-044 on IMC, article 22 on “application for broadcasting licence”.

⁵⁷⁷ Restrictions are further defined in the IMC regulation CIMC - 2009/02 where foreign ownership is limited to maximum 49% and only if the applicant is registered in Kosovo.

⁵⁷⁸ Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012.

Film heritage. “Kosovo Film” is institution operating under the MCYS and it has digitalised some 24 films from the overall national heritage, of which 15 are artistic films, 6 are documentaries, and 2 are short-films.⁵⁷⁹ The new Law on Cinematography, currently undergoing public debate procedure, envisages drafting of a national strategy on film.

2.4.1. Strengths

Ministry of Culture, Youth and Sports (MCYS) is driving the process of changing of the current (old) Law on Cinematography L-2004/22. The draft of the new law envisages that the Kosovofilm, public enterprise, be reduced and transformed in “Kinotekë” – special public archive for film material. (Kinoteka is currently part of Kosovofilm). The new Law on Cinematography has been distributed for public debate in November 2012.

Cooperation with other regulatory bodies and third parties. IMC is a member of European Platform of Regulatory Authorities (EPRA) since 2003, and since 2011 is an observing member of the Mediterranean Network of Regulatory Authorities.⁵⁸⁰

2.4.2. Challenges

- The new Law on Radio Television of Kosovo (RTK) has not resolved the issue off sustainability of RTK. This law also envisages creation of one television channel in Serbian language, which may present additional challenge on the sustainability of RTK.
- The budget to finance Kosovo’s regulatory institutions and especially the cultural institutions of Kosovo very is limited. Strengthening the administrative capacity and increasing international cultural and media cooperation is important to prepare Kosovo to participate in EU programmes in this area.⁵⁸¹
- Kosovo does not have yet the strategy and a date for digital switchover.⁵⁸²
- Kosovo is not member of most international organisations and institutions in the area of broadcasting and audiovisual media, including e.g.:
 - ITU (International Telecommunication Union);
 - CEPT (European Conference of Postal and Telecommunications Administrations);
 - ITSO (International Telecommunication Satellite Organisation);
 - IMSO (International Mobile Satellite Organisation);
 - EUTELSAT (European Telecommunications Satellite Organisation);
 - ECO (European Communications Office).

⁵⁷⁹ Ibid.

⁵⁸⁰ Ibid.

⁵⁸¹ See: Feasibility Study for Kosovo, page 42: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf

⁵⁸² Although a part of digital band (channel 67) is already available for use for networks and services of new generation (advanced LTE, WiMAX), 4G.* * Government of Kosovo, Answers to the Feasibility Study Questionnaire, 2012

3. Concrete tasks to fulfil obligations for SAA (Stabilisation and Association Agreement):

- Kosovo had obligation to adopt and on electronic communications.⁵⁸³ and the law on information society government bodies
- Institutions working in the area of electronic communications (and IS and audiovisual), RAACP and IMC, must be strengthened.
- The Feasibility Study for Kosovo states, without providing much detail, that the independence⁵⁸⁴ of these institutions has been violated by the government interference, low salary and lack of resources. The process of nomination for the IMC Council has started in June 2012, after IMC had been without a board since December 2010. (A similar situation has existed in the past with the TRA board, up to the appointment of the actual board).⁵⁸⁵

If and when Kosovo will be entering SAA there are additional requirements to be met:

- further development of legal and regulatory aspects of telecommunications and postal services,
- Progressive liberalisation of the sector;
- promotion of an investor-friendly environment for modernising Kosovo's telecommunications networks and their integration into European and world networks;
- institutional reforms suitable for a liberalised environment. Reforms would need to promote cultural diversity, freedom of expression, and a flourishing public service broadcaster, as well as preserving the independence of regulatory bodies
- align gradually policies and legislation with those of the EU, including as regards cross-border/ boundary broadcasting and the acquisition of intellectual property rights for programmes and broadcasts by satellite or cable.
- Provisions establishing the general principles for the participation of Kosovo in EU programmes such as the future Creative Europe Programme.⁵⁸⁶

⁵⁸³ See: Feasibility Study for Kosovo, page 43: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf

⁵⁸⁴ A possible interpretation of the findings in the Feasibility Study has been discussed extensively at the working group meeting where the first draft of this report was presented. In this spirit, e.g., where the "independence of these institutions" it was proposed to change to "financial independence of these institutions". But, although the original formulation of the Study may sound not so precise or clear, the authors of this report could not take the responsibility to interpret freely the findings of European Commission hence leaving them at their original form as in the text.

⁵⁸⁵ For a more thorough analysis and the need to strengthen independence and capacity of regulatory authorities in Kosovo see: OSCE, State of independent institutions in Kosovo, July 2012. <http://www.osce.org/sq/kosovo/92052?download=true>. KIPRED, Public Management: Analyses of boards and independent agencies. May 2011 http://www.kipred.org/advCms/documents/99595_analize_e_bordeve_te_ndermarrjeve%20publike_dhe_agjencive_te%20pavarura.pdf.

⁵⁸⁶ Feasibility Study for Kosovo, page 43: http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf.

Annex 1. Main Problems of the Thematic Roundtable on Innovation, Information Society, Social and Health Policies

Education

1. Low quality of education at all levels and ineffective quality assurance mechanism
2. Low enrolment in preschool education, higher secondary school and higher education, particularly of children from marginalized groups
3. Insufficient planning capacity at central, municipal and school level
4. Lack of capacities of local authorities, schools and teachers to implement competence based curriculum.
5. Absence of a clear program for having well qualified teachers in the future
6. Insufficient cooperation with the business community to continuously adapt the curriculum with needs of the labour market, in particular as regards the Vocational Education and Training
7. Low awareness on adult education and training, non-formal and informal education as the backbone of Lifelong Learning

Science and Research

8. Very low budget for research, 0.1% of GDP (the Lisbon Strategy target is 3% by 2020)
9. Non-implementation of research policies (National Research Program)
10. Lack of real research programs in various fields of PHD level
11. Teaching and scientific research in higher education are not linked to one another
12. Lack of tradition for research, especially in the priority areas
13. The lack of connection between research, market and institutions
14. Limited international cooperation in scientific research

Youth

15. Insufficient participation of youth in policy making at central and local level
16. Lack of cross-institutional coordination on youth development
17. Insufficient stimulation of young people to open businesses
18. High unemployment of youth and lack of active policies for youth employment

Culture

19. Lack of a clear strategy for the development of culture
20. Culture in Kosovo is not considered as a sector of economic development potential
21. Kosovo does not participate in EU Programme "Culture" and it has insufficient capacities to benefit from this programme
22. Lack of cultural and artistic industry
23. Insufficient support of independent culture
24. Unfavourable conditions for the development of culture and art in Kosovo

Sport

25. Insufficient and extremely underdeveloped infrastructure which does not meet international standards
26. Insufficient internationalization of Kosovo sports as a result of non-membership in the International Olympic Committee, FIFA and other international federations
27. Sport is not considered a potential sector for economic development
28. The quality of training the athletes is not satisfactory
29. Very little attention is paid to physical education in general

Labour, Employment and Social Dialogue

30. Insufficient human and technical capacities for implementation of the labour law and health & safety at work legislation
31. Inefficiency of courts to resolve cases in the areas of labour and employment
32. Extreme poverty, high unemployment and the informal economy
33. Insufficient negotiations of social partners

Employment policies

34. Mismatch of supply and demand in the labour market
35. Lack of necessary capacities public employment services
36. Lack of employment funds and active employment policies
37. Insufficient inter institutional cooperation for development and implementation of employment policies
38. Lack of a labour market information system

Social services and social protection, anti discrimination and equal opportunities

39. Unsustainable and incomprehensive social protection system
40. Insufficient analytical research and data collection
41. Ineffective decentralization of social services
42. Lack of cross sector cooperation in the field of social protection
43. Insufficient implementation of legislation on anti discrimination

Health policies

44. Low quality of health services
45. Lack of sustainable financing of health (including health insurance)
46. Lack of health promotion and health education policies
47. Underdeveloped health information system
48. Insufficient healthcare capacities and limited spectrum of health services
49. Implementation of the laws on blood and blood products, tissues, cells, organ donation and transplantation, as well as those for communicable diseases, in compliance with EU legislation

Information society

50. Low Budget and low number of staff RAEPC and IMC
51. Insufficient capacities for policy development and coordination of information society, including issues covered in the Digital Agenda for Europe
52. Lack of the law on government bodies for information society and electronic communications
53. Kosovo does not have its own state code and internet domain as well it hasn't developed the market and structures for the provision of Internet names (Registries)
54. Kosovo is not a member of the ITU and other most relevant international organizations.
55. A number of market competitiveness requirements for electronic communications are not yet been implemented
56. Kosovo has not yet adopted a strategy for transition from analogue to digital broadcasting
57. The Audiovisual Media Services Directive is not yet entirely transposed

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