



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

Nr. 07/85

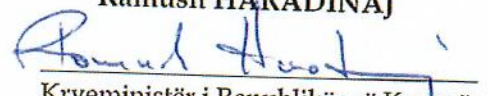
Datë: 22.01.2019

Në mbështetje të nenit 92 paragrafi 4. dhe të nenit 93 paragrafi (4) të Kushtetutës së Republikës së Kosovës, duke u bazuar në nenin 4 të Rregullores Nr. 02/2011 për Fushat e Përgjegjësisë Administrative të Zyrës së Kryeministrit dhe Ministrive, e ndryshuar dhe e plotësuar me Rregulloren Nr. 15/2017, me Rregulloren Nr. 16/2017, me Rregulloren Nr. 07/2018, me Rregulloren Nr. 26/2018 dhe me Rregulloren Nr. 30/2018, në pajtim me nenin 19 të Rregullores së Punës së Qeverisë së Republikës së Kosovës Nr. 09/2011, Qeveria e Republikës së Kosovës, në mbledhjen e mbajtur më 22 janar 2019, nxjerr këtë:

V E N D I M

1. Aprovohet Koncept Dokumenti për Fuqizimin dhe Pjesëmarrjen e Rinisë.
2. Obligohet Ministria e Kulturës, Rinisë dhe Sportit dhe institucionet tjera kompetente për zbatimin e këtij vendimi, në pajtim me Rregulloren e Punës së Qeverisë.
3. Vendimi hyn në fuqi ditën e nënshkrimit.

Ramush HARADINAJ


Kryeministër i Republikës së Kosovës

Iu dërgohet:

- Zëvendëskryeministrave
- të gjitha ministrive (ministrave)
- Sekretarit të Përgjithshëm të ZKM-ës
- Arkivit të Qeverisë



Republika e Kosovës

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Ministrie e Kulturës, Rinisë dhe Sportit

Ministravo Kulturne, Omladina i Sporta – Ministry of Culture, Youth and Sport

CONCEPT - PAPER ON EMPOWERMENT AND PARTICIPATION OF YOUTH

CONCEPT- DOCUMENT

Chapter 1: Introduction

Chapter 2: Description and definition of the main issue/problem

Chapter 3: Aims and Objectives

Chapter 4: Options

Chapter 5: Summary of options

Chapter 6: Options analysis

Chapter 7: Consultation

Chapter 8: Comparison of options (evaluate the consequences of each option)

Chapter 9: Recommendation

Chapter 10: Communication

Chapter 1: Introduction

Formulating and developing appropriate policies and mechanisms for youth empowerment and participation as well as the advancement of legal infrastructure aiming to create adequate technical and professional conditions remain institutional objectives and at the same time medium-term priorities foreseen in policies as well as relevant strategic documents. In this context, the youth sector and its institutional support is also presented within the Program Vision 2017-2021 of the Government of the Republic of Kosovo, respectively as one of the four strategic pillars of this vision, thus attesting the importance and at the same time the institutional commitment for the support and advancement of the respective sector. In this regard, the Program of the Government of the Republic of Kosovo 2017-2021, in view of support and advancement of the youth sector, has envisaged a series of measures and objectives such as Youth Participation, Non Formal Education, Employment, Youth Health Promotion, Youth Safety, Social Integration, Volunteering, Sport, Culture and Recreation. In this context, youth policies are of great importance for all young people as they provide opportunities and solutions to the needs and requirements of young people regardless of ethnicity or gender, offer equal opportunities for the development of all young people as well as provide an equal adequate perspective contributing to their well-being. Within the framework of making youth policies, special importance is given to legal infrastructure. Without advancing the legal basis in accordance with local and regional practices and European and international standards, there can not be pursued many dynamic developments of the state and society. In this regard, the revision and completion of the current legal framework remains a requirement and in compliance with the Program of Government 2017-2021¹, and in compliance with the list of Government concept documents for 2018². The Ministry of Culture, Youth and Sports, within the framework of the Annual Work Plan of the Government, regarding the Promotion and Support of Youth Participation and the List of Cocept Documents for 2018 has foreseen drafting of the concept paper on the Empowerment and Participation of Youth. During the drafting of this document, the Youth Strategy and Action Plan, international instruments and compliance with Kosovo's commitments in the European integration process such as the European Union Youth Strategy 2010-2018, as well as the following documents: The Interim Evaluation of the EU Youth Strategy and the Council Recommendation on the Mobility of Young Volunteers, Joint Report of the Council and the Commission on the implementation of the renewed framework for European cooperation in the youth field (EU Youth Strategy 2010-2018)³, Conclusions from the Trieste Forum as well as legal obligations within the Regional Youth Cooperation Office (RYCO)⁴.

The Concept Paper on Empowerment and Participation of Youth addresses state-level youth policies that deal with important youth issues. This document includes the challenges that followed the implementation of the law in force (Law No. 03/L-145 on Empowerment and Participation of Youth) as well as the specifics and events of other developments that have happened so far in

¹ Program of the Government of the Republic of Kosovo 2017-2021

² Government of the Republic of Kosovo, Concept Papers, http://kryeministri-ks.net/repository/docs/194-Lista_e_Koncept_Dokumenteve_per_vitin_2018_alb_srb_ang.pdf, 10.02.2018

³ European Commission, http://ec.europa.eu/assets/eaac/youth/policy/documents/eu_youth_report_2012_communication_en.pdf, 12.02.2018

⁴ Conclusions from the Forum of Trieste as well as legal obligations within the Regional Office for Youth Cooperation (RYCO)

Kosovo and the European Union youth policies, based on the EU strategic framework 2010-2018⁵. This concept paper is a result of new demands and needs of young people and youth organizations starting from the local youth level to the state level as well as in the interest of the implementation of the EU Youth Strategy in addressing youth issues and relevant strategic documents.

Chapter 2: Describing and defining the main issue/problem

The concept paper provides a solid basis for continuing youth support in the sectoral policy fields and adapting to the needs and demands of young people at both levels of local and central government. The need to review the legal framework in force is based on the challenges identified during the implementation of primary and secondary legislation as well as the new circumstances created during this period of time such as: age, education, employment among Kosovar youth, development of knowledge about innovations presented as a need of modern times, the recognition of voluntary work, the issue of the greatest incentive for young people in creating and implementing decision-making policies, active participation of young people in voluntary work, exchange of work experience of young employees and youth engagement in regional and international youth projects.

The concept paper aims at addressing the following issues: Formal and non-formal education, employment, youth entrepreneurship in the field of youth, etc. **The Concept paper aims at eliminating some of the shortcomings from the current law identified during the implementation period, such as: failure to treat people under the age of 24 according to law, failure to address youth policies in entrepreneurship, failing to clarify the actions of many youth mechanisms, frequent changes of budget codes at central and local level through budget spending internal policies, non-equal treatment of youth NGOs, their local and central division by municipalities, not allowing municipalities to have local youth strategies which should generally be compatible with the national youth strategy, functional facilitation of youth NGOs. The law in force does not provide the sustainable development of non-governmental mechanics or youth centers, the applicable law does not institutionalize youth centers in terms of financial sustainability . The current applicable law does not formally regulate regional and international cooperation and does not provide functional facilitation of international youth cooperation while regional and international co-operation have changed. The current law does not include other developments in the field of recognition of internship and recognition of volunteer platform.**

2.1. Current policies as follows:

Laws and By-Laws:

2.1.1. Law no. 03/L-145 on Empowerment and Participation of Youth

⁵ EU Youth Strategy https://ec.europa.eu/youth/policy/youth-strategy_en,12.01.2018

The provisions of this law aim at continued advancement and reaffirmation of the participation of young people in the decision making process, without any distinction or exclusion, in view of the development of a democratic society, in order to improve the quality of life of young people and their social status. **The current applicable law does not regulate the issue of changes happening in the ongoing circumstances and the evolution of youth policies with European standards and other developmental situations such as the issues identified in chapter two of the concept, as well as the bylaws of MCYS/DY do not regulate these identified issues . Lack of treatment with secondary legislation and above all lack of adequate legal basis. The current law and current acts in force are not effective in addressing youth policy issues.**

2.1.1. Youth Strategy

2.1.2. Youth Action Plan

3. By-laws

The normative acts aimed at regulating these issues are:

1. **Administrative Instruction No. 01/2016 on Voluntary Work of Youth.**
2. **Administrative Instruction no. 04/2015 on Non-formal Education of Youth** which aims to reaffirm the participation and empowerment of young people in sectoral policies through the provision of non-formal education for youth.
3. **Administrative Instruction Nr. 11/2010 on Licensing of Youth Centers** aiming at licensing youth centers in the municipalities.
4. **Administrative Instruction Nr. 9/2010 on the Responsibilities and Procedures for the Establishment and Functionalization of the Youth Action Council**, which aims at determining the responsibilities, procedures for establishment, functioning and registration form of the Youth Action Council in Kosovo.
5. **Experiences in other countries:**

Based on youth policy developments, Kosovo carries out youth policies in line with standards and commitments of EU for the Western Balkans as well as based on regional state developments which have their objectives based on European documents⁶.

⁶ The Connecting Youth – Moving Forward EU-Western Balkans Youth Forum took place on 11-12 July 2017 in Trieste in the margins of the Western Balkans Summit

Based on the experiences of the countries of the region and the EU, youth age according to the laws on young people (youth age in Montenegro has been defined from: 15 to 30, Macedonia: 15 to 24 tending to change up to 30 years of age, Albania: 15 to 29 years old, Croatia: 15 to 29 years old. Based on EUROSTAT data, age has been defined from 15 to 29⁷.

Kosovo remains committed to pursuing European youth policies and experiences as of age, developing youth policies through strategies, youth action plans, programs and incentives for youth activities through voluntary work, educational program exchanges.

Chapter 3. Aims and Objectives

Aim: Empowerment and Participation of Youth in Political Processes, Decision-Making and Promotion of Active Citizenship to Young People.

Objectives:

- 1. Growth of the age group as a major need to improve the situation and create greater opportunities for wider involvement in youth activities.**
- 2. Increasing the opportunities for supporting programs that increase the employment of young people.**
- 3. Volunteering in view of the improvement of civic culture for the inclusion and promotion of volunteer activities.**
- 4. Advanced development of youth policies as a result of the existing circumstances evolution.**

Based on these objectives, efforts are being made to improve the implementation and effectiveness of program policy aiming to encourage broader participation and representation of youth, more proactive in decision-making through the establishment of a legally enforceable and development base by the central and local government through the involvement of youth organizations in decision-making and taking on direct commitments in the area of program policy implementation. Policy making and decision-making will change in favor of advancing youth rights in consultations about building strategies and programs at the central and local level by taking an active part in drafting policies and making a special code on subsidies for youth. The promotion of youth training programs in the area of labor market preparation through legal incentives is a solid foundation for a well prepared and skilled youth.

⁷ https://ec.europa.eu/eurostat/statistics-explained/index.php/Being_young_in_Europe_today_-_demographic_trends

Chapter 4: Options

Option 1. Status quo (no changes)

Options: The current state of the status quo

Options:

1. If continued with the same established policies so far, a range of issues that over time have evolved will remain unaddressed and are left out of adequate legal treatment and out of line with new developments in local sector policies and in relation to EU.
2. If continued with the current legal framework, a range of issues will remain unaddressed adequately and specifically.
3. Currently, the legal framework does not meet the youth needs and requirements in the context of empowerment and youth participation.

Option 2. Changing the existing policy

1. Current policies and commitments can only be changed by amending and supplementing the Law on Empowerment and Participation of Youth for the purpose of regulating relevant areas in addition to the best regional practices and in line with EU policies.
2. Draft-law on amending and supplementing the law on Empowerment and Participation of Youth No. 03/L-145.
3. Following the amendment and supplementation of law, law enforcement policies are foreseen and campaigns for the promotion of law enforcement activities will be organized.

Definition: The MCYS is competent and obliged to act in accordance with the circumstances and developments and is also responsible for implementing adequate policies related to youth fields and in line with EU youth policies. Law enforcement and its oversight is a responsibility of MCYS.

Option 3. Changing the existing implementation approach

1. If the Law on Youth Participation and Empowerment is not amended/ supplemented, new policies can not be implemented with current law in force. Amendment and supplementation of the law is the only alternative for the adaptation of law in accordance with the new circumstances of governmental policies and obligations towards EU integration processes. The current law which is deemed not to contain legal norms, can not be supplemented through drawing up administrative instructions.
2. For non-fulfillment of the obligations due to the vacuum of the legal basis, the MCYS and the Government shall be responsible therefore it is necessary to make adequate amendments and supplementation.
3. The issuance of other sub-legal acts can in no way replace the amendments and supplementation to the law, as well as any additional program or new strategy or action plan can not approve the implementation of new policies foreseen by the recommendations deriving from the Central or local institutions, NGOs and obligations deriving from the EU.

Chapter 5. Summary of Options

Summary of Options			
Main Characteristics	Option 1	Option 2	Option 3
Main Characteristics of Options	Maintaining the status quo in existing policies.	- Amendment and Supplementation of Law on Participation and Empowerment of Youth will include young people up to the age of 29, providing them training and education in entrepreneurship to facilitate youth employment. It shall make possible the functioning of youth NGOs equally without discrimination, which up to now have been allocated by municipalities to local NGOs, which is in conflict with the Law on the Functioning of	Existing sectorial policies can not be met without the approval of amending and supplementing the law. Failure to amend and supplement the existing law shall have as a legal consequence the non-fulfillment and ineffective treatment of youth issues and would present a failure to comply with legal and constitutional obligations.

		<p>NGOs. The ministry, municipalities will have special youth budget codes, drafting of local youth strategies will help the local level to take care of youth policies. Facilitate Youth NGOs participation in youth programs. It will regulate youth volunteer work and will recognize the work experience. With the new changes, the Youth Centers will gain the functional stability through stimulating support and other roles that these centers will receive, such as the role of the educator. International co-operation will advance and stimulate the law, especially youth NGOs, to cooperate with advanced programs.</p> <p>- Fulfillment of these obligations will assist in meeting the needs and demands of young people arisen so far.</p>	
<p>Segment I population / sector / region targeted</p>	<p>The youth of the Republic of Kosovo</p>	<p>The youth of the Republic of Kosovo</p>	<p>The youth of the Republic of Kosovo</p>
<p>Features of implementation - who is</p>	<p>Ministry of Culture, Youth and Sports</p>	<p>Ministry of Culture, Youth and Sports</p>	<p>Ministry of Culture, Youth and Sports</p>

<p>responsible - a</p> <p>Government portfolio (which), private sector, citizens</p>			
<p>Administration and implementation of youth policies or service</p>	<p>- Ministry of Culture, Youth and Sports</p>	<p>- Ministry of Culture, Youth and Sports</p>	<p>- Ministry of Culture, Youth and Sports</p>
<p>The law and other by-laws, the amendments and supplementation to the existing framework, as well as the adequate implementation of youth policies</p>	<p>Law on Empowerment and Participation of Youth, sub-legal acts</p>	<p>Amending and Supplementing the Law on Empowerment and Participation of Youth</p>	<p>Amending and Supplementing the Law on Empowerment and Participation of Youth</p>
<p>The cost of implementation</p>	<p>No additional budget impacts</p>	<p>No additional budget impacts</p>	<p>No additional budget impacts</p>
<p>Public consultation and entry into force of the law with amendments and supplementation</p>		<p>Awareness campaign</p>	<p>Awareness campaign</p>

Chapter 6. Analysis of Options

Benefits:

1. Option 1 (first) (status quo): Under Option 1, benefits will only be those until now, without adding new obligations, i.e. only the existing and the current ones, respectively the ones that have come out from the implementation of the current legal framework and sub-legal acts.
2. Option 2 (second): Through this option, respectively the amending and supplementing the Draft Law on Participation and Empowerment of Youth, new youth policies shall be created.
3. Option 3 (third): If the law is not amended, it is continued with the implementation of the existing policy including consequences of non-fulfillment of obligations under completely new circumstances created for this period, taking into account deficiencies in dealing with issues arising from certain situations and local, regional and international developments.

Negative and Positive Consequences:

1. Option 1 (first) - Negative impacts will be identified and will mainly be revealed stagnations in relation to current developments, consequences and shortcomings.
2. Option 2 (second). - There are no negative consequences if decided on this option. A positive environment will be created as regards adequate treatment of youth issues and there will be commitments based on the circumstances and demands as well as the needs of the youth in the Republic of Kosovo.
3. Option 3 (third). - The same description of the negative consequences as in the first option applies.

Distribution effect:

1. Drafting the Draft Law on Amending/Supplementing the Law on Empowerment and Participation of Youth brings adequate benefits in accordance with the interests of the youth.

2. The elaborated benefits and negative consequences of all the options discussed or considered as an important part of research are not related to certain regions or parts of the Republic of Kosovo, but they have a general effect on the whole territory of state.

3. Impacts of the options considered or discussed are the same for all citizens regardless of ethnicity and act the same in both genders, so there are no distinctive gender-based effects.

4. Cost:

4.1. Financial Impact Assessment: No additional cost is foreseen with regard to law implementation concerning amendment and supplementation.

4.2. Table budgetary assessment of the Department of Youth.

Departament of Youth						
Budget	Year	Amount	Year	Amount	Year	Amount
Salaries and Wages	2018	146,102.29	2019	156,480.00	2020	156,844.54
Subsidies	2018	1,400,000.00	2019	1,750,000.00	2020	1,750,000.00
Goods and Services	2018	6,300.00	2019	6,300.00	2020	6,300.00
Utilities	2018	/	2019	/	2020	/
Capital Investments	2018	1,150,000.00	2019	600,000.00	2020	600,000.00
Total budget	2018	2,702,402.29	2019	2,512,780.00	2020	2,517,344.54

5. The same institutions identified in point 3 of option 2 shall be responsible for the implementation of law.

Chapter 7- Consultation

During the drafting of this draft law were consulted relevant institutions such as the Ministry of Education, Municipal Directorate for Culture, Youth and Sports, Central Youth Action Council and Local Youth Councils, Youth Assembly of Kosovo, RYCO, Youth Centers, Youth Organizations, OSCE, UNICEF, etc.

Chapter 8: Comparison of options (assessment of the consequences of each option)

1. Benefits under the first option associated with the preservation of the existing situation are mainly those that have existed so far. While the negative consequences would be mainly reflected on the failure to settle and define many important issues such as the definition of the status of public institutions as well as their duties and responsibilities.
2. The second option would bring more benefits, in this regard it can be said that it would be difficult to find a negative effect. While, with regard to the positive effects, they will be numerous starting from the definition of the field of activity, the fulfillment of the institutional framework, **It is also worth emphasizing that amending/supplementing the law would have an impact on the opportunities created for the development and professionalization of the respective field by providing more practical opportunities and solutions in view of advancing the youth sector.**

The second option has positive all-round effects

3. The comprehensiveness and efficiency of addressing youth needs and interests under the second option will not make any discrimination in the regional or territorial aspect, ethnicity or gender, but will include all citizens who live and work in the territory of Kosovo.
4. The third option would have the same benefits as the first option, without any appropriate change, given that changes only to the law enforcement approach would not produce any differences in the benefits elaborated in the first option but also the effect of the negative consequences would be the same and the inclusive effects would be the same as in the first option associated with preserving the existing status quo without any substantial modification.
5. The second option, which foresees the amendment/supplementation of the Law on Empowerment and Participation of Youth, would be the most appropriate and recommended option for achieving the goals and objectives set out in section 3.

Chapter 9: Recommendation

1. The second option is recommended, respectively the amendment/supplementation of the Law on Empowerment and Participation of Youth, aiming to settle many important issues in the area of youth sector policies and based on the best European and international practices.
2. Procedures for drafting the Amendment/Supplementation of Law on the Empowerment and Participation of Youth shall be chaired by the Ministry of Culture, Youth and Sports, Youth Department, as the main actors in cooperation with institutions and interest groups in order to achieve the objectives.
3. The procedure concerning Amending/Supplementing the Law on Empowerment and Participation of Youth shall be concluded within 2019.
4. Cost (Budget and Finance Office/MCYS)

Department of Youth						
Budget	Year	Amount	Year	Amount	Year	Amount
Salaries and Wages	2018	146,102.29	2019	156,480.00	2020	156,844.54
Subsidies	2018	1,400,000.00	2019	1,750,000.00	2020	1,750,000.00
Goods and Services	2018	6,300.00	2019	6,300.00	2020	10,500.00
Utilities	2018	/	2019	/	2020	/
Capital Investments	2018	1,150,000.00	2019	600,000.00	2020	600,000.00
Total budget	2018	2,702,402.29	2019	2,512,780.00	2020	2,517,344.54

5. Upon approval of the concept paper from the Government of the Republic of Kosovo, a working team for drafting the Amendment/Supplementation of the Law on Empowerment and Participation of Youth shall be established, which will communicate up-to-date information to all stakeholders regarding the process of drafting of this draft law.

Chapter 10: Communication

1. The main actors of the field are informed about the commencement of procedures related to the drafting of the Concept Document on Empowerment and Participation of Youth. They will be notified of any new action in this regard through official letters and e-mails.
2. The communication with the respective actors shall be carried out based on the procedures foreseen by legal and sub-legal acts, depending on the stage of the procedure.
3. Consultations shall be carried out for each stage of the process, starting from the moment of approval of the concept paper.

11. Draft Decision of the Government

1. The Concept Paper of the Ministry of Culture, Youth and Sports on the Empowerment and Participation of Youth is hereby approved.
2. The Ministry of Culture, Youth and Sports and other institutions shall be obliged to implement this decision, in accordance with the Rules of Procedure of the Government.
3. The decision enters into force on the day of its signature.