

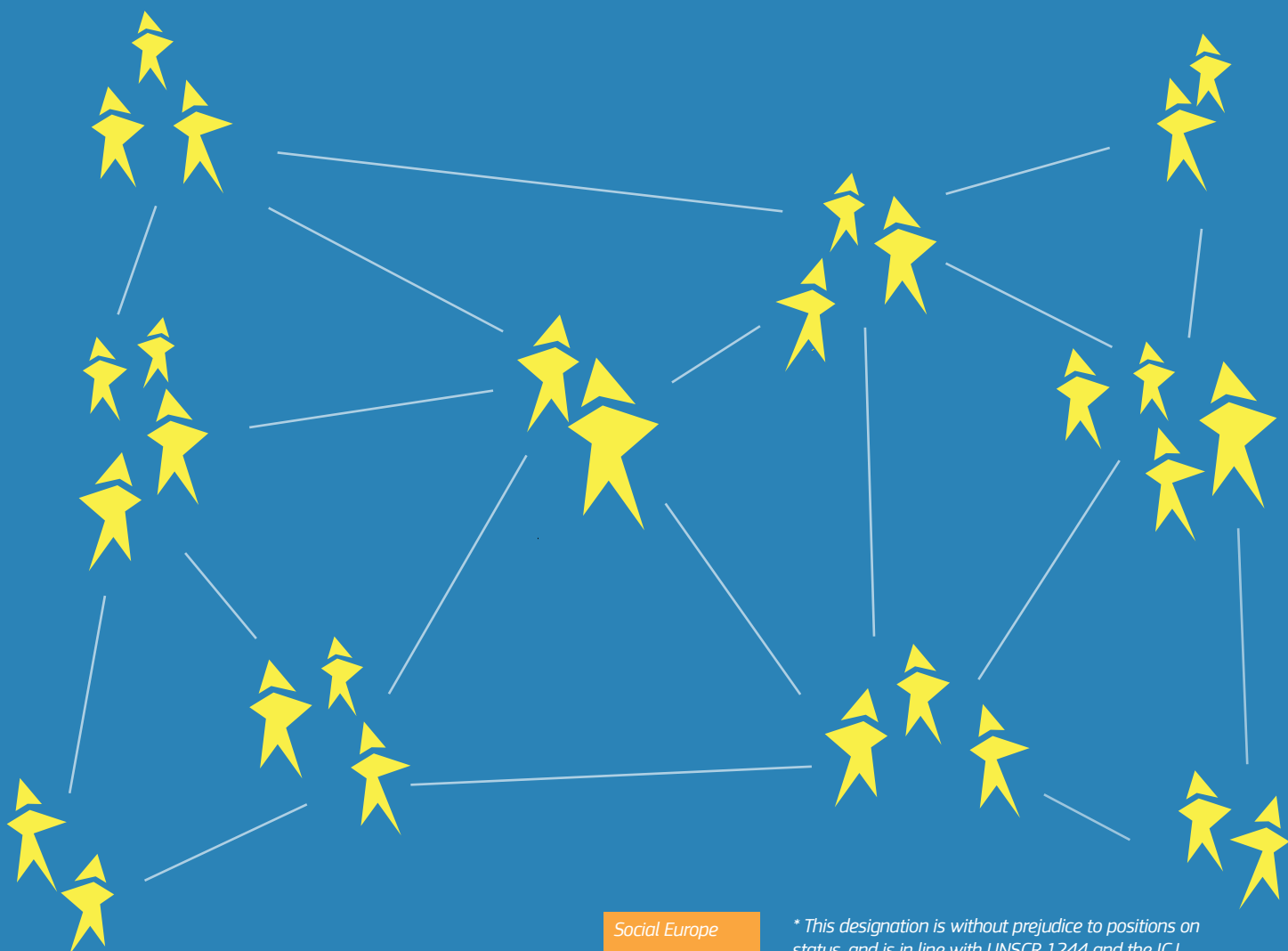


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

# Access to social protection for young people

## Kosovo\*

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Social Europe

*\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.*

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**European Social Policy Network (ESPN)**

**ESPN Thematic Report:  
Access to social protection for  
young people**

**Kosovo**

**2021**

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## SUMMARY

Substantial system gaps hamper young people's access to social protection in Kosovo. These gaps include the total absence of unemployment and sickness insurance benefits for the entire working population, including young people. Other gaps are related to activity status – sick pay and maternity/paternity leave rights are not available to the unemployed, the self-employed, people in most non-standard types of employment, apprentices and unpaid trainees. The final kind of gap is age-related: minimum-income rights (such as social assistance, social assistance for orphaned/abandoned children, and survivor benefits) involve age-based penalties, since they are generally cancelled when a young person reaches 18. The system was designed in the post-war (1999) conditions of a devastated economy and international protectorate, and have not been extended and adjusted since then to take into account new social needs and economic developments.

The most relevant obstacles to young people's access to social protection originate from a lack of employment. Beyond the institutional gaps, young people's access to existing social protection is hampered by poor implementation of labour rights in the private market, including: weak court efficiency, low union activity and an inactive government approach to the labour market. As a result, a large proportion of young people are found in unstable and unregistered employment, as well as in unpaid work. Most importantly, Kosovo's low youth employment rate (the lowest in the region and in Europe) translates into low access to existing social protection rights, access to which is usually conditional on prior employment. In addition, the lowest gross domestic product (GDP) per capita in the region in purchasing power parity international dollars (IMF, 2021), poor availability of childcare services, and the fact that relevant social expenditure is mostly borne by employers (i.e. sick pay and maternity leave) create impediments to youth employment. The country experiences extensive youth poverty, unemployment and outmigration for work, especially towards the central European countries. However, in the context of COVID-19, public policy has started to create youth-specific employment incentives.

The widest consensus in current policy debates supports an extension of leave rights. Active policy debates have taken place over the last few years with the involvement of political parties, the state administration, international and civil society organisations, employee and employer representatives etc. Formal proposals have been advanced in parliament and by the government, including on new unemployment and sickness benefits, extending and improving rights to leave from work, a guaranteed minimum income, and housing rights. So far, most support has been for extending maternity leave rights for self-employed and unemployed mothers, and for introducing parental leave: these now figure both in a proposed government law and in the official government programme for 2021-2025, approved in May 2021. Further commitments have been made on improving public childcare infrastructure as well. However, it remains to be seen what will actually get implemented, because frequent government changes in recent years have effectively frozen out several policy initiatives. With the ongoing EU-mediated dialogue on a normalisation agreement between Kosovo and Serbia potentially reaching a critical stage, such initiatives may not attract the necessary attention from politicians.

New policies should avoid criteria that effectively exclude young people. All social protection systems are spheres of active policy developments, but in the case of Kosovo the system is considerably less crystallised and can therefore be expected to expand. During such moments of expansion, policy-makers should consider avoiding age-related criteria that effectively exclude young people from social protection, as found in various recent initiatives concerning unemployment and sickness benefits. Instead, policies should contribute towards reducing youth poverty and promoting youth employment.

## **1 ACCESS TO UNEMPLOYMENT BENEFITS**

Kosovo does not have an unemployment insurance programme. The only unemployment protection scheme was a small, temporary one (March to May 2020), which was part of the emerging response to unemployment created by the COVID-19 pandemic. This section therefore elaborates on the gaps and obstacles that the absence of unemployment insurance creates for young people.

### **1.1 Eligibility conditions and benefit entitlements**

Not applicable.

### **1.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people are the following.

#### **a) Main gaps in access for young people**

The main gap has to do with the total absence of an unemployment protection programme in Kosovo. Following the war (1999), the United Nations Mission in Kosovo (UNMIK) and its international partner organisations built a social protection system heavily influenced by the mainstream neoliberal paradigm, a choice facilitated by the context of a devastated economy and a poor legacy from the socialist era. The system involved a small overall welfare effort which avoided coupling social benefits with work, such as through typical unemployment insurance institutions found in Europe – even though hundreds of former social enterprises were privatised, leaving workers without jobs. With a very high unemployment rate, policy-makers feared that programmes such as unemployment benefits would become financially unsustainable. After the declaration of Kosovo's independence (February 2008), some relevant additions and changes to the social protection system were made, but these did not include the creation of an unemployment insurance programme. To this day, unemployment insurance has remained off the policy agenda of the parliamentary majorities.

This is a huge institutional gap: unemployment insurance might have contributed to improved social welfare (particularly for young people, who tend to be more prone to unstable employment), and might perhaps have created interest and pressure from young people working in the informal sector to enter the formal one, in the expectation that they would find some temporary protection in cases of job loss. Around 35% of all Kosovo's employment is thought to be in the informal sector (Cojocar, 2017). Furthermore, as the developments during the COVID-19 pandemic showed, the absence of an unemployment insurance scheme seems to weaken policy-makers' ability to respond with relief measures during major economic shocks, since they have to operate with makeshift rather than specialist institutions with a proper infrastructure, thus causing delay and inefficiency in the provision of protection (Mustafa and Haxhikadrija, 2021). Even the idea that the absence of insurance institutions may indirectly support higher employment rates should be questioned, since Kosovo's maximum youth employment rate has been 12.4% (2020), as shown in Section 1.1, meaning that the welfare loss caused by the absence of unemployment protection has not been compensated for by high rates of employment.

#### **b) Main obstacles in access for young people**

Even if a small programme of unemployment insurance were created based on models existing in the region, which all make unemployment benefits conditional on prior contributions, the main obstacle to access for young people would be that of prior access to employment. Despite the high unemployment rate among young people, government policies targeting young people's employment have been non-existent. High unemployment and weak employment conditions overall, among other factors, have caused massive recent outmigration (Table 1), in particular towards central European countries such as Germany, Switzerland, Austria, and Slovenia, which provide more work opportunities. A government report pointed out that 28% of emigrants were aged 21-27 (Ministry of Interior Affairs, 2018: 3). As Figure 1 below shows, the diaspora remittances,

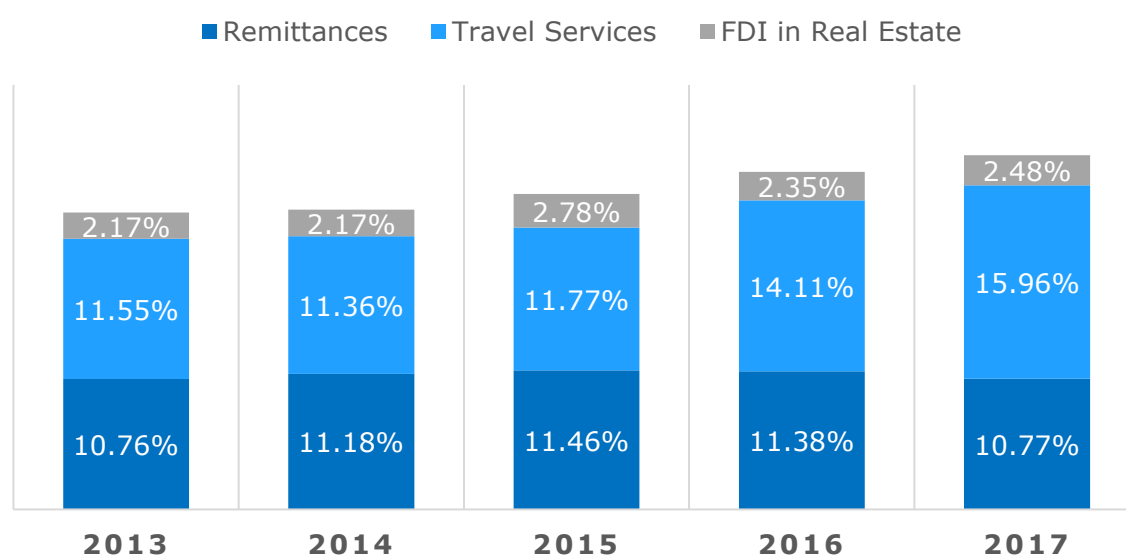
investments (mostly in property) and expenditure on travel back and forth from Kosovo amount to around 19% of the national gross domestic product (GDP).

**Table 1: Net outmigration and Kosovo's citizenship releases, 2013-2019**

	2013	2014	2015	2016	2017	2018	2019
Net outmigration	16,382	39,609	55,572	8,490	5,431	21,402	28,845
Released from citizenship	5,177	5,157	5,537	5,871	5,699	N.A.	5,461

Sources: Net outmigration (KAS 2020b); Release from citizenship (Ministry of Interior Affairs, 2020).

**Figure 1: Diaspora remittances, investments and travel expenditure relative to GDP, 2013-2017, %**



Source: Ministry of Interior Affairs, 2018: 26.

## 2 ACCESS TO SICKNESS AND HEALTHCARE BENEFITS

### 2.1 Sickness benefits

This section focuses on sick pay and work disability benefits. Sick pay is the responsibility of employers (it is not contributory); compensation for full work disability is paid out of general taxation. The schemes do not target young people in particular, but cover the whole working population.

#### 2.1.1 Sick pay

##### 2.1.1.1 Eligibility conditions and benefit entitlements

The main eligibility conditions and benefit entitlements that apply to the scheme in Kosovo as far as young people are concerned are the following.

##### a) Age

Age is not a criterion for this scheme.

##### b) Activity status requirement

The Law on Labour (2012) speaks in general about employees, and this applies to sick leave and sick pay; it does not specifically mention self-employed or non-standard workers. However, the general collective agreement of Kosovo (GCAK, 2014) mentions what could be considered two types of non-standard work – work from home (Article 19) and domestic



workers hired by a household (Article 20). This means the right to sick leave and pay excludes self-employed and most non-standard workers. There are no specific exclusions based on type of contract. The GCAK (Article 15) requires an employment contract (while payment remains optional) for interns (trainees), meaning trainees are considered employed; apprentices, however, are not mentioned.

**c) Contributory history required to access the scheme**

No contributory history required.

**d) Waiting period**

No waiting period required.

**e) Replacement rate/benefit level**

The sick pay replacement rate is 100% (GCAK – Article 49). The replacement rate for young people is the same as that for older groups.

**f) Duration**

Sick pay benefits for general sick leave cover a maximum of 20 days per year; sick pay for longer periods of leave for work-related illness covers a maximum of 90 days within a year (GCAK – Article 49). Additional sick leave can be granted with no sick pay compensation for a maximum of one year (GCAK – Article 35). The duration of leave for young people is the same as that for older groups.

**2.1.1.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

**a) Main gaps in access for young people**

The main gaps when it comes to sick pay relate to activity status. The legislation does not mention the self-employed, non-standard work in general (except two specific forms of non-standard work) and apprentices, which means that sick pay rights do not extend to these groups. When interns are not in a paid employment relationship, they should not receive sick pay as well. Although there are no age differentiations when it comes to access to sick pay, given the overall low employment rate of young people and their propensity to be healthier compared with older cohorts, these rights are likely to cover in practice a very small fraction of young people.

On the other hand, the main general gap relates to the absence of a typical sickness insurance programme. After 20 days (for general sickness) and a maximum of 90 days (for work-related sickness), all sick leave and related expenditure is borne implicitly by employees themselves.

**b) Main obstacles in access for young people**

The main obstacles in access to existing sick pay, particularly in cases of longer spells, are more related to the weak rule of law: young employees in the private sector may lack the resources (finance, information and time – since cases take years for court decisions) to raise court claims when their rights are not implemented (see e.g. Boletini, 2018). In addition, such rights do not cover those working in the informal sector, meaning the costs are borne by workers.

The poor protection against longer periods of sickness (beyond 20/90 days) – particularly when it is not due to full work disability – might be another huge impediment to interest in work in the formal sector. Similarly, because sick pay costs are wholly borne by employers, especially costs related to work-related injury beyond 20 days (maximum three months), this may serve as a disincentive for employers to hire young employees.

## **2.1.2 Benefits for full disability at work**

### **2.1.2.1 Eligibility conditions and benefit entitlements**

The main eligibility conditions and benefit entitlements that apply to the scheme in Kosovo as far as young people are concerned are the following.

#### **a) Age**

Age is not a criterion for this scheme.

#### **b) Activity status requirement**

Employees who end up with full work disability due to work-related illness or occupational disease may be granted access to the benefits, subject to the evaluation of a medical committee of the Ministry of Labour and Social Welfare (MLSW). This is regulated by the Law on Pension Schemes Financed by the State (2014, Article 11.2).

#### **c) Contributory history required to access the scheme**

No contributory history required.

#### **d) Waiting period**

No waiting period required.

#### **e) Replacement rate/benefit level**

The programme issues €95 flat-rate payments a month, equivalent to the universal basic pension.

#### **f) Duration**

The medical committee should issue a re-evaluation after one, three or a maximum of five years.

### **2.1.2.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

#### **a) Main gaps in access for young people**

Only those with a very serious work-related illness or occupational disease (with full work disability confirmed by a medical committee) are eligible for a flat-rate minimum cash benefit (reflecting the value of the food poverty threshold) paid by the government. This is another major institutional gap, since the absence of adequate insurance means that seriously injured workers have to face declining income and living conditions (Haxhikadrija et al., 2019).

#### **b) Main obstacles in access for young people**

Access to these benefits is very difficult, in that they only cover cases where a medical committee decides that an employee has full work disability due to work-related illness or occupational disease. The stringent criteria have resulted in limited access: there were only 81 beneficiaries of the programme in the last quarter of 2020 (KAS, 2020c).

Since Kosovo's legislation does not include self-employed and most non-standard workers in its definition of "employees", these categories, as well as unpaid trainees and apprentices, cannot access the right to full work disability benefit; but they may have access to another benefit issued to all permanently disabled citizens, similarly evaluated by the MLSW medical committee (Law on Pension Schemes Financed by the State, 2014: Article 9), which consists of flat-rate monthly payments of €75.

## **2.2 Healthcare benefits**

In this section, the focus is on the main healthcare eligibility conditions and benefit entitlements as far as young people in Kosovo are concerned.

### 2.2.1 Eligibility conditions and benefit entitlements

The health system in Kosovo should guarantee universal access to healthcare, including access for young people. The system is predominantly tax-funded with the state acting as both the purchaser and the provider of healthcare services, with most recorded healthcare expenditure financed through government revenues (amounting to 2.2% of GDP in 2016). Healthcare services are not free at the point of use – a small user fee (co-payment) is required from all patients, except for vulnerable population groups that are exempt by law, including young people from households receiving SAS benefits. In addition, a large share of health-related expenditure is paid for via out-of-pocket payments, which raises many concerns about the equality and equity of access to healthcare services, particularly for vulnerable groups. The share of voluntary private health insurance in the market is very small – according to a recent survey (Farnsworth et al., 2016) only 6% of Kosovars seem to have private health insurance. The insured get access to private clinics in Kosovo and the neighbouring region.

The government is committed to introducing compulsory social health insurance, and is working on the promulgation of the Law on Health Insurance as a prerequisite for the collection of premiums. In the meantime, it has developed certain aspects of secondary legislation, namely administrative instructions to determine the prices of drugs and medical devices as well as the criteria for exemption from payment for certain social categories, including registered unemployed young people.

#### a) Age

Authorised representatives must accompany young people under 18 to receive healthcare in Kosovo.

#### b) Activity status requirement

No activity status requirements. All citizens have access to publicly funded healthcare. Vulnerable young people, including unemployed people, may be exempt from user fees.

#### c) Contributory history required to access healthcare

No contributory history required.

#### d) Waiting period

The only waiting period is related to the waiting time for a visit by a physician. The average waiting time to get a physician consultation in primary healthcare is approximately five minutes (WHO, 2019). This is a short waiting time, even compared with countries with an appointment system.

#### e) Replacement rate/benefit level

Publicly funded healthcare is mostly free at the point of use, except for user fees. In the case of voluntary private health insurance, the health insurance policy pays back the health costs incurred. On average, privately insured people receive reimbursement of 80-100% of health costs.

#### f) Duration

Not applicable.

### 2.2.2 Gaps/obstacles in access for young people

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

#### a) Main gaps in access for young people

The main gap in terms of publicly funded healthcare is the absence of standalone primary healthcare facilities targeting adolescents in Kosovo. Modest attempts were made to develop and implement adolescent-friendly healthcare in primary healthcare in certain areas of Kosovo, but more needs to be done to expand this targeted provision of

healthcare, including defining, measuring and monitoring the quality of services. Youth-friendly services would be expected to include trained medical personnel who are accustomed to dealing sensitively with adolescents' unique health issues.

The government's plans to introduce mandatory social health insurance may affect access to healthcare for young people, in particular the self-employed and those in unstable and unregistered employment. The government plans to provide cover for people who cannot afford to pay, including the unemployed, but the assistance will be limited to registered unemployed people.

### **b) Main obstacles in access for young people**

Lack of information about the health services available to them is the main problem related to access to healthcare services for young people (UNICEF, 2017). A Kosovo-wide campaign explaining the healthcare system and providing information on which services can be obtained where could contribute to increasing the use of healthcare by young people. In addition, authorised representatives must accompany young people under 18 to receive healthcare in Kosovo. This potentially affects the decision of adolescents to request and utilise healthcare services, especially if it leads to discomfort and stigmatisation.

## **3 ACCESS TO MATERNITY, PATERNITY AND PARENTAL CASH BENEFITS**

In this section, the focus is on the main maternity and paternity benefits. The conditions and entitlements apply to the entire working population and are not youth-specific. The benefits are not issued based on contributory criteria. Parental benefits are not applicable: Kosovo does not have a parental leave (both parents) programme. However, the GCAK (Article 39) recognises the right to part-time work when maternity leave has ended for one of the parents, with the purpose of creating more time for caring for children with disabilities. This right lasts until the child reaches age 2.

### **3.1.1 Eligibility conditions and benefit entitlements**

The main eligibility conditions and benefit entitlements that apply to the scheme in Kosovo as far as young people are concerned are the following.

#### **a) Age**

Age is not a criterion for this scheme.

#### **b) Activity status requirement**

Maternity leave: Rights cover only mothers in employment. Given the legislation's definition of employees as described in the previous sections, effectively the rights do not extend to the self-employed, most forms of non-standard work (as noted in the previous section, only work from home and domestic workers hired by a household are mentioned in the GCAK), apprentices, the unemployed and inactive and unemployed people. Paid trainees are covered, but trainees can also enter employment contracts for unpaid work and related benefits and in such cases, they should not enjoy leave rights.

Paternity leave: Rights cover only fathers in employment; the self-employed, non-standard workers, trainees and apprentices are not covered.

#### **c) Contributory history required to access the scheme**

No contributory history required.

#### **d) Waiting period**

Maternity leave: Mothers may take maternity leave up to 45 days before the expected birth. Employers can also ask female employees to take maternity leave 28 days before

the expected birth, if they believe that the mother cannot carry out the expected work tasks (GCAK – Article 37.2).

Paternity leave: No waiting period required.

#### **e) Replacement rate/benefit level**

Maternity leave: Maternity pay during the first six months replaces 70% of prior earnings (borne by employers); during the subsequent three months it replaces 50% of prior earnings (financed by the government); and the last three months are voluntary and unpaid.

Paternity leave: Paternity pay replaces 100% of prior earnings (borne by employers).

The replacement rate for young people is the same as that for older groups in respect of both maternity and paternity leave.

#### **f) Duration**

Maternity leave: Leave may last in total 12 months; mothers can opt to keep the leave shorter.

Paternity leave: Fathers have three days of leave upon the birth of a child (GCAK – Article 38).

The duration of leave for young people is the same as that for older groups in respect of both maternity and paternity leave.

### **3.1.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

#### **a) Main gaps in access for young people**

The first relevant gap relates to activity status: maternity and paternity leave are not available to unemployed, self-employed or non-standard workers (with the exception of parents working from home and parents working in contracted domestic work) as well as to apprentices and unpaid trainees. In addition, the leave is not available to those in unpaid, unreported work, in which Kosovo's young people may be extensively engaged (see e.g. World Bank, 2008). Other important gaps concern the short duration of paternity leave and the complete absence of normal parental leave for childcare. These do not contribute to degendered childcare responsibilities within families, and they implicitly create impediments to young women's access to the labour market, since they are expected (according to cultural norms) to deliver most care for children.

#### **b) Main obstacles in access for young people**

The main obstacles in access to leave rights may be related to sectors of work. Although the public sector provides stronger employment protection, both in theory and in practice, young people tend to be found more often in more precarious areas of employment. According to a World Bank study (2008: v), based on analyses of the labour force survey (LFS) for 2005, more than a third of young employees had no access to leave rights, and nearly 73% of them were not registered for social security purposes. There are no recent studies of such detail, but Table 2 shows that the increase in the number of the beneficiaries of maternity leave within the private sector has not been very marked: although the private sector employs the majority of workers, the number of maternity leave beneficiaries is nearly the same as between the private and public sectors. There are no data on paternity leave, but employers might be more tolerant since the leave only lasts a maximum of three days.

However, the most relevant obstacles to accessing maternity leave may be indirect, in that the existing conditions do not favour young women entering employment and then accessing maternity leave rights. Most employers in the private sector are small: only around 15% of them have more than 200 workers and 45.5% of them have 10 or fewer

(Kosovo Government, 2020). Since most of the costs of maternity leave (six months x 70% of prior earnings) fall on employers (Table 2), the latter may tend to avoid employing young women. This may be one of the important explanations behind the considerably higher unemployment rate (61% in Q3 2020) among young women compared with young men (40.8%) in the 15-24 youth cohort (KAS, 2020). Another straightforward factor impeding young women's employment, and therefore access to leave rights, is related to poor care services for dependent people and children (there are only 44 public early childhood education and care facilities targeting the most vulnerable social groups, while the rest are expected to find solutions in the market). Thus, the majority of care and domestic work is implicitly vested in the family, and women in particular. In addition, women's historically poor employment rate (including during socialism prior to 1989) has contributed to the maintenance of traditional roles within the family and weak labour market participation.

**Table 2: Expenditure on maternity leave, % of GDP, 2013-2019**

	Private sector beneficiaries	Public sector beneficiaries	Employers' expenditure	Government expenditure	Total expenditure
2013	462	808	0.02	0.01	0.03
2016	940	835	0.04	0.02	0.06
2019	N.A.	N.A.	0.05	0.02	0.08

Source: Data on maternity leave beneficiaries (MLSW, 2021).

## 4 GUARANTEED MINIMUM INCOME SCHEMES

### 4.1 Social assistance scheme (SAS) benefits

This is a general, poverty-reduction scheme which targets the entire population of those in poverty rather than young people in particular. However, young age criteria are relevant to both qualification for and exclusion from the scheme. It is financed by general taxation.

#### 4.1.1 Eligibility conditions and benefit entitlements

The main eligibility conditions and benefit entitlements that apply to the scheme in Kosovo as far as young people are concerned are the following.

##### a) Age

When a child in a family receiving SAS benefits (Law on the Social Assistance Scheme in Kosovo, 2003: Article 4) reaches 18, they are considered an adult available for work and therefore ineligible for benefits.

##### b) Activity status requirement

Any form of income from work and other social transfers cancels out SAS benefits, with the exception of income from minimum government-financed pension programmes (basic pension or disability pension), where the individual benefiting from such pensions is not accounted for in SAS benefits for the rest of the family.

##### c) Other eligibility conditions

The SAS, as the main direct poverty-reduction programme in the country, issues benefits to two social categories: (1) families with members who are fully dependent, for example due to serious illness; and (2) families led by unemployed single mothers eligible for work activation who have at least one child under 5 (or under 15 if an adopted child). This means that the SAS's second category is gender-segregated and excludes single fathers with children. After this categorisation, the families must also fulfil means-test criteria on income (as above) and minimum property. In the case of the second category, when an individual reaches 18 the family's benefit is cancelled out because the scheme considers

the family now has two adults able for work. Trainees and apprentices, like other individuals, can access this scheme only if they live in poor families as defined by the SAS.

#### **d) Benefit level**

The SAS issues monthly payments (€105 on average) to families in poverty. Payment amounts are calculated based on a formula that should take into account the costs of 2,100 calories of basic food intake per day. Calculation of benefits for each family member is the same, based on a standard family equivalisation formula.

#### **e) Distinctions between different groups of young people**

In cases where the youngest child passes age 5, a beneficiary family (based on the second categorisation) loses the benefit as well – thus even prior to one of the children reaching 18.

### **4.1.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

#### **a) Main gaps in access for young people**

The SAS creates important gaps based on age. It penalises young people: as soon as young people reach 18, benefits are cancelled even if they live in poor families. Benefits may be cut even earlier if the youngest child in the beneficiary family is more than 5 (more than 15 when adopted).

#### **b) Main obstacles in access for young people**

The main obstacles in access result from the very rigorous criteria in place: age limitations and the fact that the SAS cancels benefits upon any income arising from either work or most other social transfers.

## **4.2 Transfers for children with permanent disabilities**

This is a general tax-financed scheme for all children with a permanent disability.

### **4.2.1 Eligibility conditions and benefit entitlements**

The main eligibility conditions and benefit entitlements that apply to the scheme in Kosovo as far as young people are concerned are the following.

#### **a) Age**

Benefits are cancelled when children reach 18.

#### **b) Activity status requirement**

Employment activity is not a criterion for this scheme.

#### **c) Other eligibility conditions**

The benefit is issued to children who are unable to move, fully blind, or otherwise fully dependent due to permanent disability.

#### **d) Benefit level**

The scheme issues a €100 monthly flat-rate payment.

#### **e) Distinctions between different groups of young people**

There are no distinctions on benefits.

### **4.2.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

**a) Main gaps in access for young people**

The benefit is cancelled upon reaching 18. However, all adults with a permanent disability (above 18) have a right to the tax-paid permanent disability pension (€75 monthly).

**b) Main obstacles in access for young people**

Access to the scheme depends on medical evaluations, which may take time, but there are no other relevant obstacles in access to the scheme.

**4.3 Benefits of survivors**

This is a very small scheme, targeting only the survivors of contributors to the former (pre-1989) pay-as-you-go (PAYG) pension system. It is financed by general taxation.

**4.3.1 Eligibility conditions and benefit entitlements**

The main eligibility conditions and benefit entitlements that apply to the scheme in Kosovo as far as young people are concerned are the following.

**a) Age**

The benefits of survivors are normally cancelled when children reach 18, but they may be extended to age 26 if the beneficiaries prove they are in education (Law on Pension Schemes Financed by the State, Article 12).

**b) Activity status requirement**

The deceased parent should have been a former pension contributor (pre-1989).

**c) Other eligibility conditions**

The spouse of the former contributor, where applicable, should not be in formal employment or another pension scheme, otherwise entrance results in cancellation.

**d) Benefit level**

It issues a €90 flat-rate threshold monthly payment which can increase to 20% of the value of the basic national pension for each child.

**e) Distinctions between different groups of young people**

The main distinction relates to whether children are in education or not after they reach 18.

**4.3.2 Gaps/obstacles in access for young people**

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

**a) Main gaps in access for young people**

Benefits are issued only to the survivors of pre-1989 pension scheme contributors, in cases where the spouse is unemployed.

**b) Main obstacles in access for young people**

The main obstacles in access to the scheme originate from the eligibility criteria, which effectively exclude all survivors of workers who were not contributors prior to 1989.



#### 4.4 Overall gaps/obstacles in access to minimum-income schemes for young people

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

##### a) Main gaps in access for young people

Guaranteed minimum income schemes in Kosovo (that do not target children with permanent disabilities) create important gaps based on age. They penalise young people: as soon as young people reach 18, most benefits are cancelled even if they live in otherwise poor families. Only in one exception, in the case of the small scheme for survivors of former pension contributors (pre-1989 pension system), can children who reach 18 continue to receive benefits upon proof that they are in education and on condition that no one in the family works or receives other social transfers. In the third quarter of 2020, there were 3,712 beneficiaries in this scheme (KAS, 2020c). In the case of children with permanent disabilities, upon reaching 18 they can become eligible for benefits for all adults with permanent disability (although the benefits are reduced by €25 per month).

Another major gap has to do with the fact that none of the guaranteed minimum schemes in existence is targeted at or oriented towards young people.

##### b) Main obstacles in access for young people

The main obstacles in access to guaranteed minimum income schemes result from the very rigorous criteria in place. For example, in the SAS, the largest direct poverty-reduction programme, the eligibility criteria were set in the conditions of the post-war period, when poverty was prevalent. The World Bank study cited above, analysing the 2005 LFS data, pointed out that Kosovo at that time had the highest youth poverty rate in south-east Europe and that young people found in extreme poverty displayed the poorest employment outcomes (World Bank, 2008: 9). It even argued that youth-specific targeted minimal benefits would have considerably contributed to reducing poverty. But even other existing schemes are highly targeted: they issue benefits in cases where children have permanent disabilities or are survivors of pre-1989 contributors.

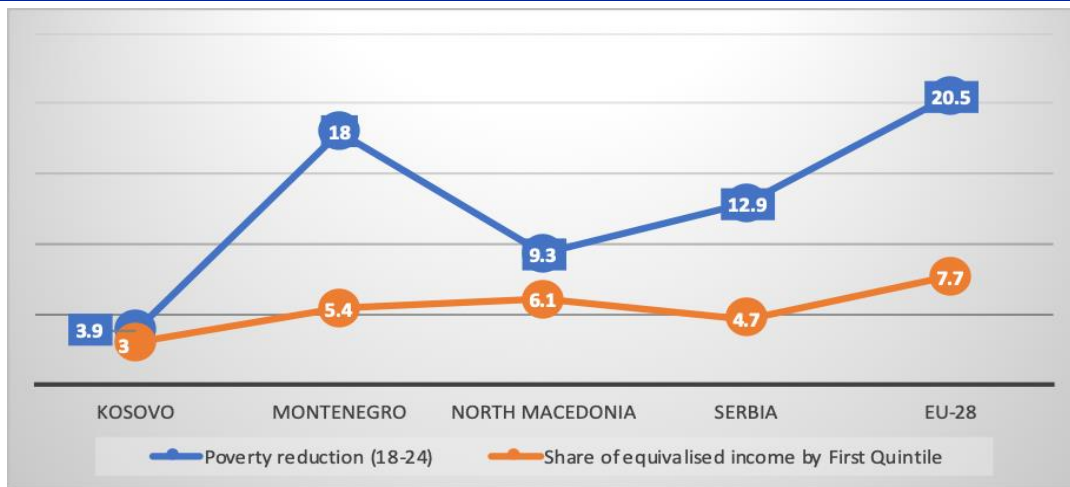
Another major obstacle relates to the fact that the SAS and survivor pensions cancel benefits upon any income arising from work or most other social transfers. This disincentivises employment; where beneficiaries enter employment, they choose the informal sector in order to keep benefits as well. According to the World Bank (2019: 21), 52% of families in the SAS have an adult working, most likely in the informal sector, because families simply cannot afford not to work due to very low payments. Recent policy debates (see Section 7) have begun to address the eligibility criteria with the aim of reforming the SAS so that it provides more generous protection against poverty and does not penalise on the basis of age and/or receipt of a small work income.

Kosovo continues to have very high youth poverty and material deprivation rates, as the most recent data based on the EU-SILC<sup>1</sup> show (Section 1). Based on these data, Kosovo's existing non-pension social transfers are less effective in reducing the at-risk-of-poverty (AROP) rate compared with other countries in the western Balkans and EU-28 (Figure 3); similarly, the smallest share of disposable income is found in Kosovo's poorest income quintile (poorest 20%) (Eurostat, 2021). The rigorous criteria have resulted in benefits being cancelled for thousands of SAS beneficiaries since 2008. A recent World Bank study (2019: 26) pointed out that only one third of the population in the bottom quantile (measured on consumption) received SAS benefits.

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<sup>1</sup> European Union statistics on income and living conditions.

**Figure 3: Youth poverty reduction effectiveness (ages 18-24) by non-pension social transfers and disposable income share by first quintile, based on EU-SILC 2018, %**



Source: Eurostat, 2021.

## 5 HOUSING BENEFITS

The Law on Financing Specific Housing Programmes (Law No 03/L-164) requires municipalities in Kosovo to provide access to adequate and sustainable social housing for families on a low income, by creating three rental schemes: (1) houses newly built by municipalities, central authorities or donors; (2) existing dwellings rented to families benefiting from a housing bonus; and (3) rental apartments owned by municipalities for specific housing programmes.

### 5.1 Eligibility conditions and benefit entitlements

In this section, the focus is on the general rules related to the social housing benefit in Kosovo, with a focus on young people.

#### a) Age

Age is not a criterion for this scheme.

#### b) Activity status requirement

Employment activity is not a criterion for this scheme; however, considering that (low) level of income is a criterion, unemployed or economically inactive young people are favoured.

#### c) Other eligibility conditions

Other eligibility criteria include: housing status, income level, health status, disability, and household size. These conditions are the same for young people and older groups.

#### d) Benefit level

The calculation for young people is the same as that for older groups. The monthly rent payment must not exceed 25% of the household income. Households unable to pay the full rent are subsidised up to 50% of the rent by municipalities (priority is given to single parents and households with a disabled member). The yearly rent should not exceed 4% of the construction cost of the dwelling built by the state or 4% of the dwelling value purchased in the market.

#### e) Distinctions between different groups of young people

No distinctions between different groups of young people.

## 5.2 Gaps/obstacles in access for young people

The main gaps and obstacles in access for young people identified for this scheme in Kosovo are the following.

### a) Main gaps in access for young people

Housing assistance in Kosovo is currently provided as part of a broader policy approach that is aimed at improving the situation of different vulnerable groups, namely: households receiving social assistance (including Roma, Ashkali and Egyptians); displaced people, returnees and repatriated people; and women who are victims of domestic violence (limited to provision of temporary shelter). As such, the assistance is not specifically targeted at young people and there are also no parallel programmes in place that target young people. Current interventions are fragmented and do not address the housing needs of all residents, including young people. There seems to be a lack of concern for certain groups, such as people living in in-work poverty (including young people), and women and children/adolescents facing domestic violence (especially in terms of long-term housing solutions). The new law on social housing tries to correct some of the shortcomings, by introducing specific measures or quotas for these categories.

### b) Main obstacles in access for young people

The Organization for Security and Co-operation in Europe (OSCE) monitored and assessed the progress and shortcomings of institutions in Kosovo regarding the provision of social housing. In its report (OSCE, 2013), it noted several shortcomings in municipalities that implemented social housing programmes, namely: (1) lack of public notification of housing projects; (2) domination of municipal selection commissions by municipal assembly members; and (3) the inclusion of war veterans on the commission, but the exclusion of representatives of minorities and of vulnerable groups whom the law requires to be prioritised for social housing. Furthermore, it stressed that the lack of comprehensive and disaggregated data on applicants for, and beneficiaries of, social housing prevented proper monitoring of the selection procedure (OSCE, 2013). The new online database system that was developed by the Ministry of Environment and Spatial Planning (MESP) is aimed at providing transparency and accountability during the selection procedure, by establishing a points-based system that will automatically show households that are most in need and that meet most criteria for being allocated a social housing unit.

## 6 REFORMS, NATIONAL DEBATES AND RECOMMENDATIONS

### 6.1 Reforms implemented since 2015

Substantial reform initiatives in Kosovo in the last few years have effectively been blocked by long-running political instability. During 2018 and the first half of 2019, there were numerous reform initiatives initiated by the MLSW and parliament. These included: a review of the SAS, with the aim of improving its eligibility criteria; the installation of social insurance schemes jointly financed by employers and employees (pensions, health, disability at work, unemployment, sickness benefits); a review of the tax-financed pension and related cash transfer schemes, aimed at improving budgetary sustainability and the equitability of transfers; the installation of cash benefits for children; a review of parental leave and care practices; and a review of the minimum wage. These substantial initiatives were all effectively paused due to frequent changes of government.

The COVID-19-related measures, on the other hand, will provide valuable policy learning for longer-term change. Several emergent and recovery measures incentivised new employment and rational interest in formal work: as such they could provide potential for learning and use in long-term policy, particularly concerning youth employment. Some of these promising initiatives are explained in the next section.

## 6.2 National debates

### 6.2.1 Initiatives to create unemployment and sickness insurance left aside.

In August 2019, an ad hoc parliamentary committee led by the Social Democratic Party (PSD) proposed a reform of the social protection system which, among other things, envisaged the creation of unemployment and sickness insurance benefits. Unemployment benefits were to be issued after prior uninterrupted contributions of at least two years; in such cases benefits were to replace 70% of the national minimum wage for three months, on condition that the beneficiary was available for activation measures. In cases of at least five years of uninterrupted prior contributions, the benefits were to replace 70% of prior earnings during the first three months, and would be equal to the national minimum wage during the next three months, again on condition that the beneficiary was available for activation measures. On the other hand, sickness benefits would cover sickness leave longer than two weeks; during the first three months sickness benefits would replace 75% of prior earnings, 50% for leave up to one year, and 40% for longer periods of leave – in each case subject to a proven medical need based on a medical committee's evaluation. Payment of benefits for longer than three months would apply only to former workers with uninterrupted contributions to the scheme for five years (Ad hoc Parliamentary Committee, 2019).

There were no relevant age criteria. As such, the schemes would have improved the protection of young people by filling the missing gaps in relation to unemployment and sickness benefits (see Sections 2 and 3 above). But the requirement for five years of uninterrupted contributions for the more generous unemployment and sickness benefits would have probably led to wide exclusion of young people, who realistically would find it difficult to enter and sustain employment for five years without interruption. Nonetheless, the programmes would fill missing gaps, and perhaps smaller changes over time would be easier to make compared with the creation of entire new institutions. However, the PSD lost the elections in autumn 2019 and did not return to parliament. Other parties have not addressed such policy concerns so far.

### 6.2.2 Initiatives to extend maternity leave and create parental leave rights have wider support.

There is more social consensus when it comes to extending maternity leave and creating a right to parental leave. In addition to being part of the PSD-led ad hoc committee's proposals in 2019, a draft law on maternity and parental leave was prepared in December 2020 by the MLSW. It envisaged: shortening the employer-compensated period of maternity leave from six to three months (with replacement of 70% of prior earnings); extending the government compensation from three to six months (50% replacement of earnings); maintaining the three months of optional maternity leave; and the inclusion of the right to four months of parental leave (any time before the child reaches 2), which could be taken at the same time by both parents on condition of having six months of prior uninterrupted work. The father's right to leave (compensated by employers) upon a child's birth would be extended to 10 days as well. At the same time, the draft law envisages six months of maternity leave paid by the government (50% of prior earnings) for self-employed mothers, and a six-month government payment at the level of the minimal wage for non-employed mothers, on condition that they had been registered as job-seekers for six months prior to childbirth. On May 2021, the new government led by the Self-Determination Movement / Lëvizja Vetëvendosje (LVV) committed to creating parental leave and extending citizenship-based maternity leave to non-working mothers for six months, with compensation equal to the national minimum wage, as envisaged by the MLSW's draft law.

Reducing employers' maternity leave costs and the introduction of parental leave could support women's long-term employment and, indirectly, youth employment and leave coverage. However, the reduction of the earnings replacement level (maternity leave) and the ambiguity over whether parental leave would be compensated (and by who) hardly

bode well in practice, based on the experience of other countries: they might lead to reduced social welfare (declining replacement levels) and non-use of leave if fathers' leave is unpaid, optional or transferable (see e.g. Doucet et al., 2020). The proposed policy on self-employed women should be positive; the compensation for all resident mothers might discourage employment, but it can increase activity and such rights are increasingly becoming citizenship rights to a minimum level of support in many European countries (see e.g. Dobrotić and Blum, 2020).

### **6.2.3 Youth employment subsidies as a COVID-19 recovery measure might improve long-term conditions.**

The LVV-led government committed in May 2021 to the creation of a scheme aimed at incentivising employment as a recovery measure from the COVID-19 pandemic targeting young people (Mustafa, 2021). It envisaged subsidising all new youth employment with a one-year minimum wage (€250 a month). With a very low youth employment rate (see Section 1), the incentives should boost youth employment. A small government incentive towards new employment used during the first phase of the pandemic had given positive results, leading to 15,000 people employed in one month in March 2020. These were the first such measures ever taken in Kosovo, where the preferred policy approach has for a long time been withdrawal from labour market developments. Although the challenge will be to maintain youth employment beyond one year, the government hopes that the experience created will enhance the habits and skills of young people useful for longer-term employment and success in the labour market. By boosting youth employment, the measure may also lead to higher youth access to existing benefits such as sick leave, maternity and paternity leave. The government is speaking at the same time of turning the scheme in a long-term guaranteed employment programme for young people, which would constitute a major policy change.

### **6.2.4 Planned reforms in the SAS should improve minimum protection.**

The new government programme for 2021-2025, published in May 2021, confirms the commitment of the LVV-led government to reform the SAS. It also promises guaranteed seasonal employment for at least one member of each household in receipt of social assistance. The reform of the SAS was initiated in 2019 by the coalition government led by the Democratic Party of Kosovo (PDK; centre-right), the Alliance for the Future of Kosovo (AAK; centre-right), NISMA (centre-left) and the New Kosovo Alliance (AKR; centre-left), but it was halted due to changes in government. It re-emerged in July 2020 under the government led by the Democratic League of Kosovo (LDK; centre-right), AAK and NISMA. The reform therefore seems to have broad support from all the main political parties in Kosovo.

The reform would introduce a more generous equivalence scale for calculating the monthly benefit and would increase the child allowance (from €5 to €10 per month) for every child under 18. Finally, in order to activate SAS beneficiaries and push them to gradually exit the scheme, the new law would allow people engaged in public employment programmes, vocational training, internships, salary subsidies, or other government employment programmes, to continue to receive SAS benefits for a certain period of time, depending on the level of salary and the programme in question. Every working-age beneficiary able to work would have to be registered as unemployed with the Employment Agency. Mandatory registration during the application phase is expected to increase the number of registered unemployed SAS beneficiaries. Since SAS benefits will be maintained, together with various activation measures, this should improve the activation of young people and women in particular, which in turn will improve youth access to the existing benefits described earlier.

### **6.2.5 The initiative to provide affordable housing looks promising.**

The new government programme for 2021-2025 is aimed, among other things, at providing affordable housing for 4,000 households in Kosovo during the next four years. The

government expects to accomplish this objective through two distinct programmes – “120x120” and “150x150” – both of which envisage a monthly payment from benefiting households in the amount of €120 and €150 for a period of 120 and 150 months respectively. The government plans to invest €22 million to build these housing units and expects that the amount invested will be returned to the implementing institution through monthly payments of rent (a new institution will be established to implement these programmes).

The government also envisages the drafting of a new Law on Social Housing. Previous governments have already worked on a new draft law giving the right to social housing to families and individuals who do not own a housing unit, were left without housing as a result of the recent armed conflict or whose residential buildings do not meet habitability standards. The draft law specifically addressed the needs of low- and middle-income families by earmarking 30% of social housing for low-income families and 20% for middle-income families. The remaining 50% would be distributed among families that are part of social assistance schemes. Although the draft law passed all the formal procedures for adoption in parliament in 2018, the Ministry of Finance (MF) returned it for reassessment due to budgetary implications. A new working group consisting of 12 members from various ministries was established by the MESP in 2019 and the group redrafted the law in close consultation with the MF to avoid another refusal. All formal procedures were completed, including public consultations for the redrafted law; however, frequent government changes and political instability have prevented the submission of the law to the Kosovo parliament. The adoption of the new law was listed among the priorities of the government programme for 2021-2025. In addition, the MESP is working with the MF to create a separate budget line/code for social housing projects in MESP and municipal budgets. The approval of a designated budget line for social housing would enable adequate planning and implementation of social housing programmes by central and local authorities.

### **6.3 Good practices and recommendations**

When Kosovo moves to fill unemployment and sickness insurance and benefit gaps, it should consider avoiding criteria that exclude young people. Unemployment and sickness benefits can improve protection and welfare in times of need, but they may serve as rational incentives for informal workers to enter the formal sector as well and (as the COVID-19 crisis showed) they may be crucial, in times of economic shock, to effective responses. Due to very high inactivity rates, Kosovo should also consider incentivising unemployment registration through a small scheme targeting young people even if and while it prioritises youth-centred employment incentives. The higher economic activity during 2020 was a direct result of interest in participating in various government schemes created in response to COVID-19; it showed that such incentives can produce positive results.

It is obvious that employers in Kosovo hesitate to hire young people due to the disproportionate costs they incur for training, maternity leave, and sickness and other leave. New policy could help in this context by transferring most direct costs to social insurance institutions; with the smallest contribution charges in the region (10% in total for pension savings), Kosovo has room to increase contribution rates, which would also help to balance the social protection financing structure as well (currently revenue-dominated). At the same time, the government could look at covering contribution costs and creating job training funds in order to improve the employability of young people and women. Recent government commitments to increase public early childhood education and care facilities are welcome as well, as they can create room for young women in particular to enter employment.

The Kosovo government has also committed itself to reforming the SAS. The reform of the SAS, as the main poverty-reduction programme, should avoid penalising young people based on age, and penalising some youth work income, which could help fight informality and poverty traps.

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