

# REPORT – EASY READ

## ANALYSIS OF THE COMPATIBILITY OF THE LEGAL FRAMEWORK OF KOSOVO WITH THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

ACCESS AND PARTICIPATION IN PUBLIC AND POLITICAL LIFE





- This is the short version of the report

A longer report has been prepared for the same purpose.



- For this report, the data's have been collected according to the project methodology, expert, laws, discussions with PWDs and meetings with the working group.

**PWDs- Persons with Disabilities**



- The report contains the analysis and summary form of the Legal Framework of Kosovo and the necessary recommendations for intervention.



- A similar report has been made in North Macedonia and Albania.

The aim of the reports is to advocate for the rights of persons with disabilities at national and regional level.



- The purpose of the report is to give a more accurate overview of how Kosovo has legally regulated the rights of persons with disabilities.



- Legal acts with a focus on access and participation in public and political life compared to CRPD. and

**Are there institutions that ensure the implementation of the rights of persons with disabilities?**



- The International Convention on the Rights of Persons with Disabilities entered into force in 2008.

**Has been ratified by 186 countries/164 signed.**

**Its protocol has been ratified by: 104 countries/94 signed.**

**The Convention (CRPD) is an international binding document for the states that have accepted and ratified it.**



- The aim of the Convention is to ensure that states respect the rights of persons with disabilities.

Therefore, the Convention has requested that states harmonize their legislation with the Convention.



- Currently, the CRPD is not applicable in Kosovo. Kosovo cannot be a party because it is not a member state of the UN.

- In 2023, the Constitutional Court of Kosovo brought the decision to incorporate the Convention in Article 22 of the Constitution.

When this happens, the Convention will be applicable in Kosovo and shall take precedence over the laws of Kosovo.

The Constitution of Kosovo ensures equality and respect for human rights, equally for all.

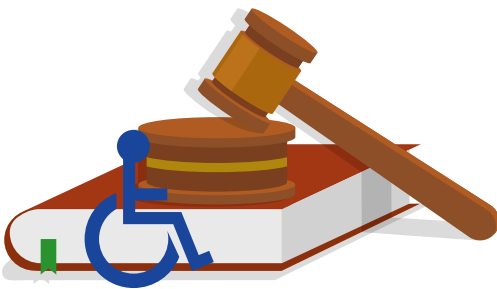
Kosovo has addressed disability in Kosovo's legislation.





- **Laws for disability have dealt with persons with disabilities according to the types of disability. E.g., there are laws that financially support blind people, persons with paraplegia and tetraplegia, persons with intellectual and physical disabilities**

**There are also other laws that regulate various issues in society that have provisions for disability.**



- **Also the Law on Protection from Discrimination has recognized disability as a basis for discrimination.**

**PWDs can file a lawsuit if they believe they are discriminated because of their disability.**



- **For this report, we analysed only the laws that included access and participation in public and political life.**



- In the CRPD, access is in Article 9 while participation in public and political life is in Article 29



- There are several Committees within the Convention that provide recommendations on how to implement the articles of the Convention.

The UN committees on the rights of persons with disabilities are mechanisms of the Convention.



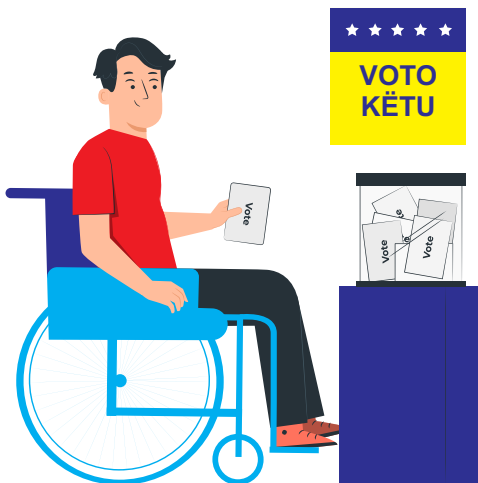
- In this report we integrated few recommendations of the Committees for Access and Participation.

All recommendations are important.

But the key words for access are:

- Independent living.
- Effective participation in society.

- The key words for participation are:



- Participation in voting and elections
- Representation in public institutions.

All this applies in relation to:

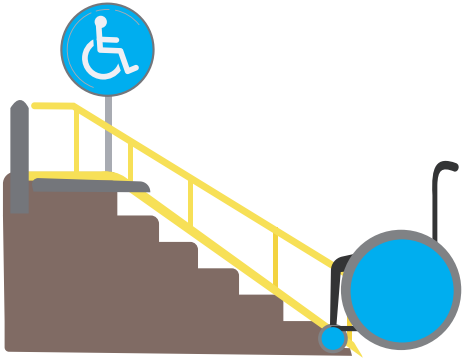
- public and private institutions that are at the service of the public
- it should be applied to urban and rural areas.



- All these that are guaranteed by the Convention and the Committees, have been analysed for:
  - if they are in the legislation of Kosovo, and
  - if the legislation of Kosovo is similar to the Convention.



- We found that the laws in Kosovo are not in harmony with the Convention in terms of access and participation.



- When we talk about access, we are thinking about:
  - The physical environment,
  - Public transport,
  - Information and Communication, ICT and
  - Public Services



- The physical environment are:

Streets, sidewalks, city center, public spaces, parks, public institutions, Health institutions, hospitals, recreational spaces, schools, educational buildings, cultural, touristic, parking lots, entrances to buildings.



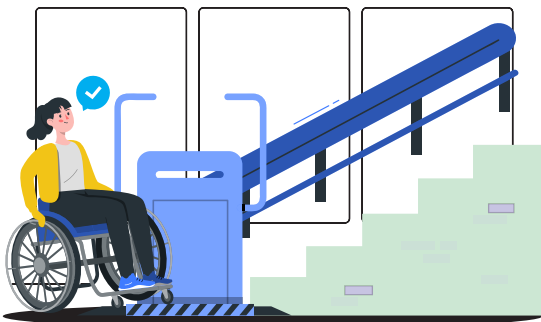
There are few laws that address some of this, but not fully.







- **Public transport includes:**
  - buses, planes, boats, trams, taxis, vans;
  - stations, bus stations, airports, roads, bridges, pedestrian crossings, sidewalks;
  - signs at bus stations, timetables, maps, information for travellers at airports;
  - accessible information inside trams, trains, buses, etc.;
  - for current and future stops, emergency procedures, how to call for help;
  - Digital platforms that provide real-time information on the transport system;
  - Online services for ticket reservation or complaint procedures.



Many of these issues are missing in laws.





- **Communication and information refers to:**
  - **Information, communication and other services, including but not limited to electronic and emergency services**
  - **They include among others, information and communication technology (ICT) as a modern achievement of current development.**



**We can find some issues in the laws but they are scattered, there are some issues that are not in the laws at all.**



- **Public services include but are not limited to:**
  - **medical care,**
  - **education,**
  - **energy,**
  - **legal services,**
  - **telecommunications,**
  - **transport services and infrastructure,**
  - **urban planning,**
  - **emergency services,**
  - **water supply,**



- environmental protection,
- sanitary services,
- postal services,
- recreation services,
- economic and agricultural programs, social services,
- public buildings.

It is the same with this field, for some there are laws for some no. Few of them that we found are not complete.



- Therefore, we conclude that the Legislation does not fully address the field of access.

There are components that are not addressed at all in the legislation.



Few times the legal provisions are spread to the different laws.

Some of them are fragmented i.e., an issue is addressed in 2 or more places.

Some are incomplete, meaning that something they regulate and something they don't.



• When we talk about participation we are thinking about:

- Voting,
- being candidates in elections,
- doing public campaigns,
- included in public positions,
- to be members in NGOs,
- to establish an NGO,
- to participate in various

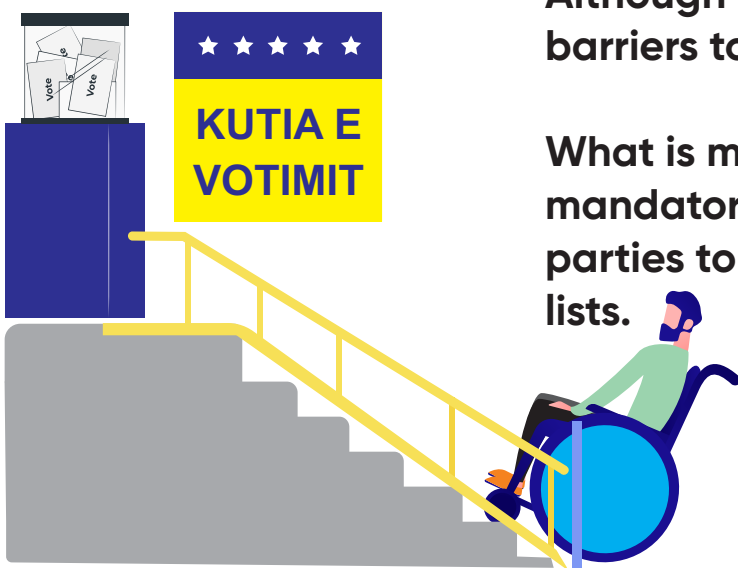
meetings in Kosovo, in the region or anywhere in the world.



• The law on general elections has to some extent dealt well with the voting of persons with disabilities.

Although in reality there are physical barriers to participate in voting.

What is missing in this matter are the mandatory criteria's for the political parties to include PWDs in electoral lists.





- Although the law does not prohibit it, the representation in public institutions is very low.

It is the same with participation in the meetings at the local, regional and international level.

The participation and establishment of the NGOs is regulated by law, same as for other organizations.

What is missing is to define the status of DPOs.



- There are no special institutions to monitor whether the rights of PWDs are being respected



- Although each law has defined who is responsible for its implementation



- In Kosovo, only CPWD at central level and Consultative Committees at the local level are dealing with disability. CPWD- Council for Persons with Disabilities. The OGG has an official only for disability. OGG -Office for Good Governance

In this report we also included the summary of the Analysis of Kosovo's Legal Framework for Access and Participation.

In the last column we added recommendations for changes, amendments and drafting of the new legislation for these two issues.



- At this stage, for the disability issues we recommend that:



- The institutions of Kosovo should initiate a structural review of the legislative and institutional framework as soon as possible
- To harmonize it with the required standards of CRPD,
- Before the review, the evaluation analysis is needed from the national assessment system for disability standards.
- Addressing access policies as prerequisites for effective participation in public life and implementation of rights for PWDs.





- However, in the following months a special report with specific recommendations will be drafted and presented.

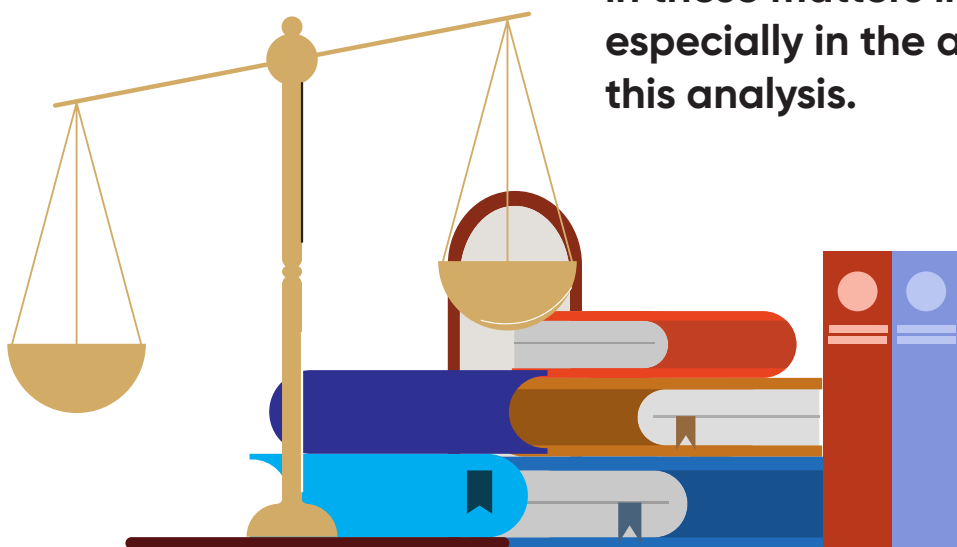


- How and to whom will the report serve?

The report will serve the institutions of Kosovo:

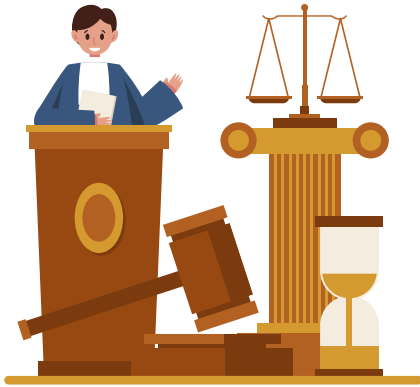
- as a guide for fully addressing disability issues in the design of adequate policies and legislation.

Because there are large legal gaps in these matters in general and especially in the areas targeted in this analysis.

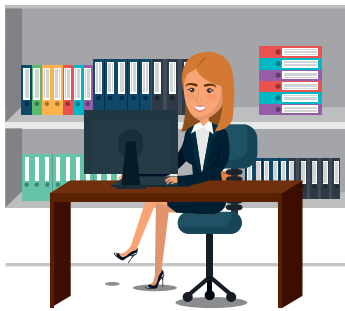




- The report will serve organizations of persons with disabilities and persons with disabilities
  - to advocate to public institutions at the national and local level, including legislative and administrative ones



For addressing fundamental issues so that this part of society can enjoy their guaranteed rights.



- This report, and other reports should be used to address disability issues.

The harmonization of Kosovo's legal infrastructure should guarantee compliance with the standards of the CRPD framework.



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