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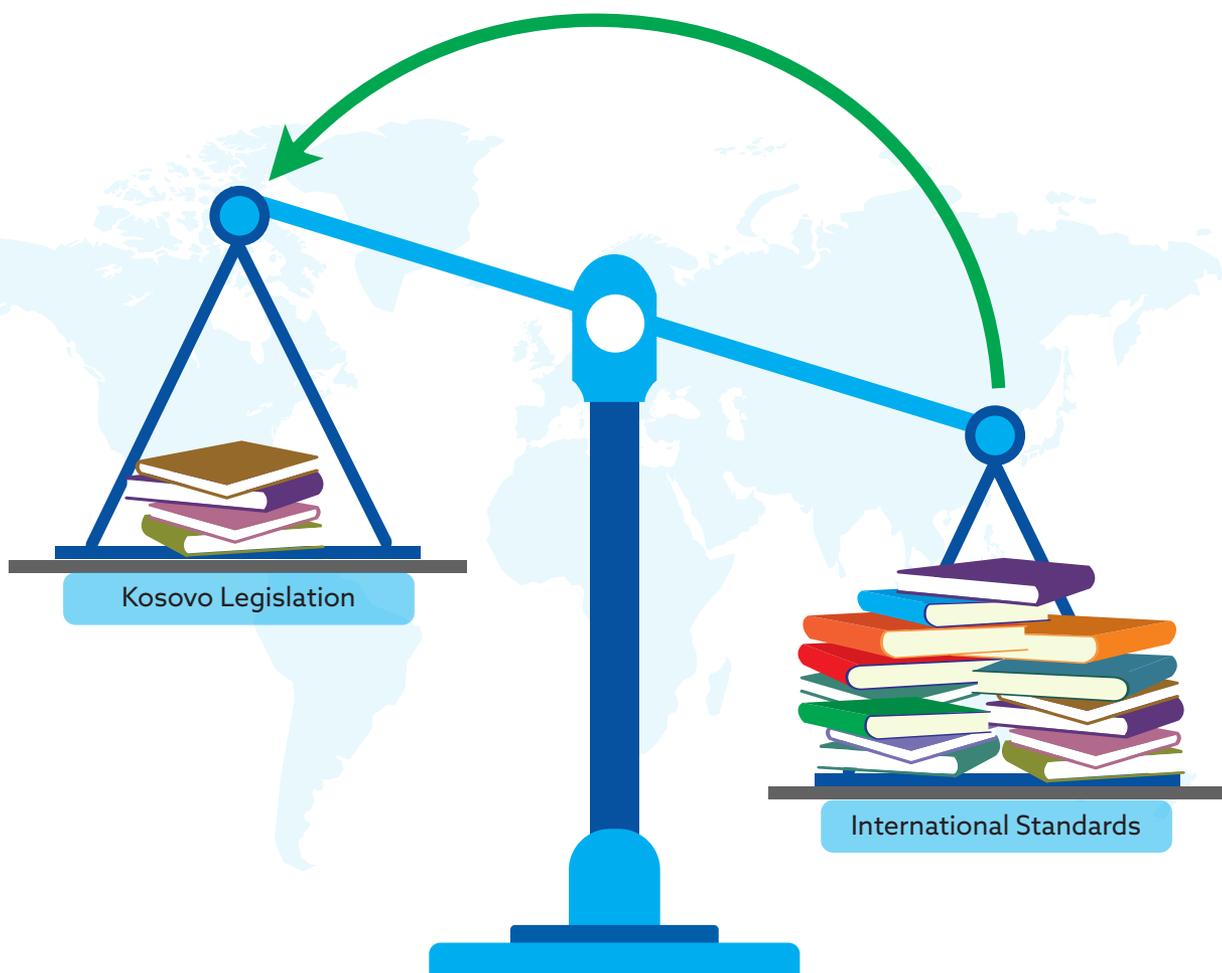


Research Report

INTERNATIONAL STANDARDS ON DISABILITY ISSUES

# WHERE DOES KOSOVO STAND?

*An assessment of Kosovo disability legislation in the light of United Nation Convention on the Rights of the Persons with Disabilities*



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**Afrim Maliqi**  
**HandiKOS Director**

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## **ACRONYMS**

**HANDIKOS**-Association of Paraplegic and Paralyzed Children of Kosova

**KAD**- Kosovo Association of Deaf

**KAB** –Kosovo Association of Blinds

**KDF**-Kosovo Disability Forum

**OGG**-Office of Good Governance

**DPF**-Disability Partnership Finland

**ANED**- Academic Network of European Disability Experts

**CRPD** –Convention on the Rights of the Persons with Dissability

**SDG**-Sustainable Development Goals

**PwD**-Persons with Disability

**DPO**-Disability Persons Organizations

## **1.Executive Summary**

The UN Convention on the Rights of Persons with Disabilities (adopted in 2006) sets out the legal obligations of State parties to promote and protect the rights of persons with disabilities. For the Convention to make a difference in the lives of persons with disabilities and their families, caregivers and communities, State parties must implement it. A key requirement in this regard, as set out in Article 4, General Obligations, is for State parties to harmonize domestic law with the Convention. One of the most important steps that a State can take towards implementation of the CRPD is to undertake a comprehensive 'scoping' – or review – to examine and assess existing laws to identify any areas of non-compliance, for example in the case of discriminatory laws, or gaps, where new legislative measures will be necessary. Even in instances where international conventions are automatically incorporated into national law, a review will be necessary to ensure the consistency of all legislation, including in the constitution itself, as well as in sector-specific areas such as health, employment and education, among others.

A European Union measurement instrument, the Academic Network of European Disability Experts (ANED) established by the European Commission in 2007, provides scientific support and advice for the European Commission's Disability and Inclusion Unit. One of the functions of ANED is to establish a mechanism for monitoring and evaluating EU laws and policies that affect disabled people (including, for example, legislation, communications and resolutions of the Council, Parliament and Commission, and of associated committees, etc.). The resulting summaries and details of laws and policies are made available for the benefit of the wider research community, policymakers and other stakeholders via the ANED website (<http://www.disability-europe.net/>).

This study assesses current Kosovo disability legislation in the light of United Nation's Convention on the Rights of Persons with Disabilities and European Union's *acquis communautaire* in the respective area. The assessment looks at the international disability standards codified in relevant conventions and legal acts through the following categories: 1. Right to life and Justice, 2. Independence, privacy, family and life in community, 3. Accessibility, 4. Education, 5. Freedom, protection from torture, integrity and mobility, 6. Equality, non-discrimination (women and children), 7. Health, 8. Employment and social care, 9. Public participation, 10. Statistics and international cooperation.

Less than one third (30.72%) of the assessed international disability obligations (standards) are fully translated into Kosovo legislation. The remaining around 70% of the obligations belong to partially addressed (50.00%) and missing standard (19.28%) assessment categories. Accessibility remains the most challenging category, with only 6.77% of the standards fully included in the legislation. On the other hand, Public participation and Statistics and international cooperation have missing standard level at 60% and 100% respectively.

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<sup>1</sup> UN, Legislating for Disability, <https://www.un.org/esa/socdev/documents/disability/Toolkit/Legislatinfordisabilityrights.pdf>

<sup>2</sup> ANED, EU Law and Policy, <https://www.disability-europe.net/theme/eu-law-and-policy>

Three highest scoring categories of this assessment are: Freedom, protection from torture, integrity and mobility (68.42% full standard), Health (66.66% full standard) and Equality, non-discrimination (women and children) (60% full standard). It should be duly noted that overall, most of the obligations (standards) are assessed as “Partially addressed” (50.00%). This means that half of the assessed standards, although part of Kosovo legislation, they fail to fully translate the respective standards, thus preventing PwD from fully enjoying and exercising the respective rights.

This report urges Kosovo institutions to address all relevant areas of disability rights and services, since considerable legal gaps remain. In this regard, all ten categories of disability standards assessed in this report should be priority areas of state institutions. However, some areas call for urgency of intervention due to alarmingly low assessment scores. These include accessibility, public participation, statistics, right to life and justice, independence, privacy, family and life in community and employment and social care.

This report and the upcoming ones in the coming years should be utilized for policy development and delivery processes. The main purpose of this report is to highlight gaps in legislation and guide state institutions in properly planning, designing and delivering public policies on the right of persons with disabilities.

## **2.Note on methodology**

The study assesses current Kosovo disability legislation in the light of United Nation's Convention on the Rights of Persons with Disabilities and European Union's *acquis communautaire* in the respective area. The assessment looks at the international disability standards codified in relevant conventions and legal acts through the following categories: 1. Right to life and Justice, 2. Independence, privacy, family and life in community, 3. Accessibility, 4. Education, 5. Freedom, protection from torture, integrity and mobility, 6. Equality, non-discrimination (women and children), 7. Health, 8. Employment and social care, 9. Public participation, 10. Statistics and international cooperation.

The most essential part of this research activity was reading and having a good understanding of the respective United Nations and European Union instruments, before moving ahead with the assessment work. In the beginning, it was the duty of each student, PWD's, DPO staff/researcher to carefully read UNCRPD and each *acquis instrument* (or parts related to disability. To have a better understanding of the respective disability standard, its connection to UNCRPD and Sustainable Development Goals helped students/researchers develop a broader understanding of the respective standard and its applicability globally. Once the specific SDG(s) is/are defined, the student/researcher were expected to identify specific target(s) and indicator(s) of each SDG that is connected to the given *acquis instrument*.

The core of this assignment was to verify whether Kosovo legislation (laws, by-laws or other legal acts) meets the respective international disability standards. This particular task involved checking through specific disability laws, laws that contains provisions related to disability and administrative instructions and regulations on disability. When no provision has been found, this finding was noted with "standards missing". In cases where there are provisions which partially or indirectly address the specific standard, it was marked with "partially addressed". If the standard is fully codified in Kosovo legislation, it was duly noted (full standard).

For the purposes of this assignment, a number of data sources were utilized:

- The Academic Network of European Disability Experts (ANED), Annotated review of European Union law and policy with reference to disability, <https://www.disability-europe.net/theme/eu-law-and-policy>
- EU *Acquis Communautaire*, <https://eur-lex.europa.eu/homepage.html>
- Convention on the Rights of Persons with Disabilities (CRPD), <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
- Sustainable Development Goals, <https://sustainabledevelopment.un.org/?menu=1300>
- National Strategy on the Rights of the Persons with Disabilities in the Republic of Kosovo, [http://www.kryeministri-ks.net/repository/docs/STRATEGJIA\\_NACIONALE\\_PER\\_TE\\_DREJTAT\\_E\\_PERSONAVE\\_ME\\_AFTESI\\_TE...\\_Shq+Ser+Ang.pdf](http://www.kryeministri-ks.net/repository/docs/STRATEGJIA_NACIONALE_PER_TE_DREJTAT_E_PERSONAVE_ME_AFTESI_TE..._Shq+Ser+Ang.pdf)
- Official Gazette of the Republic of Kosovo, <https://gzk.rks-gov.net> (for laws and sub-legal acts)
- Web pages of line ministries, <https://www.rks-gov.net> (for sub legal acts)

- HandiKOS, Summary of legislation on the rights of persons with disabilities in Kosovo, [http://www.handi-kos.org/repository/docs/PERMLEDHJE\\_LEGJISLACIONI\\_MBI\\_TE\\_DREJTA\\_PERSONAVE\\_ME\\_AFTESI\\_TE\\_KUFIZUARA\\_628624.pdf](http://www.handi-kos.org/repository/docs/PERMLEDHJE_LEGJISLACIONI_MBI_TE_DREJTA_PERSONAVE_ME_AFTESI_TE_KUFIZUARA_628624.pdf)

The following table explains the matrix logic used for assessment of each international disability obligation (standard) as part of this study.

Category	Obligations	UNCRPDEU	EU Acquis	SDG	Kosovo legislation	Assessment
Groups of assessed standards	International standards (based on CRPD)	The connection of the specific disability issues/standard with the articles of the Convention on the Rights of Persons with Disabilities	Full name of the legal instrument and relevant remarks	The specific disability issue is linked to which SDG(s) and corresponding targets and indicators	The specific law(s), by-laws or other legal acts that address the respective disability issue/standard (name, provisions, link)	Missing standard Partially addressed Full standard

In total four teams of students/researchers under the supervision of head researchers carried out the assignment. The project partnered with the following University of Prishtina departments: Law, Sociology, Social Work, Political Science, and Anthropology. The engagement of students/researchers began in late July and lasted until the end of September. Initially, students went through an orientation session to get the full picture on the assignment, methodology and expectations. All students/researchers were closely monitored by the head researchers and project team.

### **3. Assessed standards (categories and obligations)**

The guiding international document/convention in defining obligations on disability for this study was the United Nation's Convention of the Rights of Persons with Disabilities (CRPD). The international obligations (standards) on disability for the needs of this study have been grouped into ten categories: 1. Right to life and Justice, 2. Independence, privacy, family and life in community, 3. Accessibility, 4. Education, 5. Freedom, protection from torture, integrity and mobility, 6. Equality, non-discrimination (women and children), 7. Health, 8. Employment and social care, 9. Public participation, 10. Statistics and international cooperation. Kosovo legislation was assessed based on the level of fulfillment of each disability obligation (standard) under the respective ten categories. The study used a three-level assessment methodology: full, partial and incomplete. The scope of this study was to check the level of inclusion of respective standards into Kosovo legislation, and not their actual implementation. The latter should be a follow up commitment of HandiKOS and other PwD organizations in Kosovo.

**1. Right to life and Justice**, category had the following obligations (standards) assessed out of which only 21.42% are fully translated into Kosovo legislation:

- 1.1. Right to dignified life – substandard related to the principle (a) in the article 3 of CRPD, requiring respect for inherent dignity, personal autonomy and independence of PwD.
- 1.2. Protection and safety of PwD in cases of risk, conflict, humanitarian crisis and natural disaster – substandard related to article 11 of CRPD requiring state parties to take all necessary measures for the protection and safety of PwD in cases of humanitarian crisis and natural disasters.
- 1.3. Legal capacity on an equal basis with others - substandard related to the article 12 of CRPD, requiring that state parties ensure rights for equal recognition before the law of PwD.
- 1.4. Ability to enter into legal action on an equal basis with others (e.g. marriage, bank account, property) – substandard related to principles 3, 4 and 5 of article 12 of CRPD requiring state parties to take all measures and support needs of PwD to exercise fully their legal capacity.
- 1.5. Effective protection from abuse with support of PwD in legal capacity - substandard related to the article 12 of CRPD.
- 1.6. Correction/reparation in case of denial of the right to legal capacity - substandard related to the article 12 of CRPD.
- 1.7. Mechanisms in support of PwD in exercising the right to legal capacity - substandard related to the article 12 of CRPD.
- 1.8. Direct participation in legal processes through sign language, Braille – substandard related to article 13 of CRPD, requiring state parties to ensure full access to judicial procedures to PwD's.
- 1.1. Easy physical access to all justice system facilities -substandard related to article 13 of CRPD, requiring state parties to ensure full access to judicial procedures to PwD's.

**2. Independence, privacy, family and life in community** grouped a number of standards, out of which only 27.27% are fully translated into Kosovo legislation:

- 2.1. Free choice of the housing location and people to live with – substandard related to principle (a) of article 19 of CRPD requiring state parties to recognize the equal right to PwD's to choose their place of residence and living in the community on equal basis with others.
- 2.2. Safeguards to prevent imposing housing or living arrangement -substandard related to principle (a) of article 19 of CRPD requiring among other things measures to be taken to prevent imposing living arrangements to PwD's.
- 2.3. Opportunity for independent life - substandard related to principles of article 19 of CRPD requiring state parties to ensure all necessary measures to enable PwD's to live independently.
- 2.4. Access to service inside house and community (personal assistance, income, inclusion in community) - substandard related to principles (b) and (c) of article 19 of CRPD requiring state parties to ensure supportive systems in community for PwD's to live independently.
- 2.5. Community services and facilities for general public offered equally to PwD (and reflect their needs) - substandard related to principles (b) and (c) of article 19 of CRPD requiring state parties to ensure supportive systems in community for PwD's to live independently.
- 2.6. Personal mobility programs that ensure decisive impact of PwD in their implementation - substandard related to principles of article 20 of CRPD requiring state parties to ensure supportive systems in community for PwD's to live independently.
- 1.7. Protection of privacy of personal, medical and rehabilitation information of PwD on an equal basis with others - substandard related to principles of article 22 of CRPD requiring state parties to take all measures to ensure protection of personal, health and other information of PwD.
- 2.8. PwD in marriage age can create family with the mutual consent of partners - substandard related to principles of article 23 of CRPD requiring state parties to take all measures for PwD's to marry in marriage age on the basis of free and full mutual consent, with this ensuring respect for home and family of PwD's.
- 2.9. The right to decide freely on the number and spacing of children - substandard related to principle (b) of article 23 of CRPD requiring state parties to take all measures for PwD's to exercise their full right on deciding the number and spacing of their children.
- 2.10. Adequate information on family planning and reproductive health - substandard related to principle (b) of article 23 of CRPD requiring state parties to take all measures for PwD's to have access to family planning education.

**3. Accessibility** is among the most important categories and standards, which for the purposes of this study included the following obligations (only 6.77% fully translated into Kosovo legislation):

- 3.1. Equal access on physical environment, transport, ICT and other facilities and services - substandard related generally to articles 3, 4 and in particular to all principles of article 9 of CRPD requiring state parties to take all necessary measures to ensure accessibility of built environment, goods, services and ICT for PwD's.
- 3.2. Minimal standards and guidelines of accessibility - substandard related to principle 2. (a) of article 9 of CRPD requiring state parties to take all appropriate measures to develop minimum standards and guidelines to provide barrier-free access to goods, services and public facilities for PwD's.
- 3.3. Private companies eliminate barriers and do not create new ones - substandard related to all principle 2. (b) of article 9 of CRPD requiring state parties to ensure private entities offering public services to be barrier-free. Mechanisms to use in cases of deny of access.
- 3.4. Training of relevant stakeholders on the accessibility of PwD - substandard related to all principle 2. (c) of article 9 of CRPD requiring state parties provide trainings of relevant stakeholders on accessibility issues.
- 3.5. Forms to ease communication through Braille and other guides (interpreters) - substandard related to all principle 2. (d), (e) and (f) of article 9 of CRPD requiring state parties to ensure accessibility through Braille language to ensure information as well as providing live assistance and similar when PwD's accessing the built environment components.
- 3.6. Access to information, systems, internet - substandard related to all principles 2. (f) 2. (g) and 2. (h) of article 9 of CRPD requiring state parties to promote access for PwD's to information and communication.
- 3.7. Accessibility requirements are integral to construction projects from the design phase - substandard related to principle 1. (f) of article 4 and principle 2. (a) of article 9 of CRPD to develop minimum standards and guidelines to provide barrier-free access to goods, services and public facilities for PwD's.
- 3.8. PwD organizations are consulted on the standards and norms of accessibility - Media services are accessible for PwD - substandard related to principle (d) of article 21 of CRPD requiring state parties to encourage mass media providers to make their services available in appropriate formats for PwD's.

**4. Education** is among the categories with moderate results. Approximately 42% of the following disability standards are translated into Kosovo legislation:

- 4.1. Right to inclusive education - substandard related to all principles of article 24 of CRPD requiring state parties to take all measures to ensure PwD's have full access to all levels of education within the general system, in equal manner with others.
- 4.2. Prevention of denial of the right to education on the basis of ability/disability -

- 4.3. School children with disabilities attend regular school classrooms - substandard related to principle 2. (a) of article 24 of CRPD requiring state parties to organize education for children with disabilities within the general education system.
- 4.4. Obligations of schools to improve accessibility for schoolchildren with disability - substandard related to principle 2. (c) of article 24 of CRPD requiring state parties to provide reasonable accommodation in educational premises for children with disabilities.
- 4.5. Prevention of discrimination of girls with disabilities in access to education
- 1.6. Individual support for schoolchildren and students - substandard related to principle 2. (e) of article 24 of CRPD requiring effective individual support to children with disabilities that will maximize their academic and social development,.
- 4.7. Employment of teachers (including those with disabilities) skilled in sign language and Braille - substandard related to principle 4 of article 24 of CRPD requiring state parties to organize employment of teachers, including teachers with disabilities to ensure appropriate education for children with disabilities within the general education system.
- 4.8. Training of teachers and other professionals for inclusive education - substandard related to principle 4 of article 24 of CRPD requiring state parties to organize training of teaching staff to ensure appropriate education for children with disabilities within the general education system.

**5. Freedom, protection from torture, integrity and mobility** grouped a number of standards, out of which over two thirds (68.42%) are fully translated into Kosovo legislation:

- 5.1. Liberty and security are exercised on an equal basis with others - substandard related to article 14 of CRPD requiring state parties to ensure right to liberty and security of PwD on equal basis with others.
- 5.2. Preventing third parties (including family members) from institutionalization of PwD on the basis of disability - substandard related to principle 1.(b) of article 14 of CRPD requiring state parties ensure that PwD's are not deprived of liberty based on disability.
- 5.3. Compensation for PwD deprived from freedom on the basis of disability
- 5.4. Reasonable accommodation for PwD deprived legally from freedom - substandard related to principle 2 of article 14 of CRPD requiring state parties ensure reasonable accommodation for PwD's that have been deprived from liberty based on their disability.
- 5.5. Prevention of torture and inhumane treatment - substandard related to article 15 of CRPD requiring state parties to ensure freedom from torture or inhumane treatment of PwD's.
- 5.6. PwD shall not be subjected to medical or scientific experimentation without their consent - substandard related to principle 1. Of article 15 of CRPD requiring state parties to ensure that PwD's shall not be subjected to medical and scientific experimentation without their consent.

- 5.7. Protection of PwD from exploitation, violence and abuse inside and outside house - substandard related to all principles of article 16 of CRPD requiring state parties to ensure PwD's are free from any form of violence and exploitation inside and outside home.
- 5.8. Gender and age sensitive protection for PwD and families/assistants - substandard related to principle 2 of article 16 of CRPD requiring state parties ensure age, gender and disability sensitive protection for PwD's and their families.
- 5.9. Effective monitoring of all facilities and programs that provide services to PwD from independent authorities - substandard related to principle 3 of article 16 of CRPD requiring state parties shall ensure monitoring of programs and facilities for PwD's by independent authorities.
- 5.10. Physical, cognitive and psychological rehabilitation and social reintegration of PwD that experienced abuse - substandard related to article 17 of CRPD requiring state parties ensure appropriate measures to provide rehabilitation and social integration of PwD's victims of abuse.
- 5.11. Respect to physical and mental integrity of PwD on an equal basis with others - substandard related to all principles of article 16 of CRPD requiring state parties ensure respect to physical and mental integrity of PwD's on equal basis with others.
- 5.12. Right to nationality and not being deprived from nationality on the basis of disability - substandard related to article 18 of UNCRPD requiring state parties ensure that PwD's have right to nationality and as such have liberty of movement between countries. And are not to be deprived of the right to nationality based on disability.

**6. Equality, non-discrimination (women and children)** is another very important category focusing on women and children with disabilities (most of the standards, 60% translated into Kosovo legislation):

- 6.1. Prohibition of all forms of discrimination against women and girls with disabilities - substandard related to principle 1 of article 6 of CRPD requiring state parties take all necessary measures to ensure women and girls with disabilities enjoy at fullest all human rights and fundamental freedoms.
- 6.2. Liberty, security and autonomy of women and girls with disabilities - substandard related to articles principle (g) of article 3 and article 14 of CRPD requiring state parties ensure liberty and security of women and girls with disability on equal basis with others.
- 6.3. Elimination of barriers to economic and personal development of women and girls with disabilities Guaranteed access to health services for women and girls with disabilities--substandard related to article 25 of CRPD requiring state parties ensure all women and girls with disabilities have access to health services on equal basis with others.
- 6.4. Inclusion of children with disabilities in development of disability policy
- 6.5. Children with disabilities are free of exploitation, violence and abuse - substandard related to principle 5 of article 16 of CRPD requiring state parties ensure child- focused

legislation and policies to ensure instances of all forms of violence and abuse against children with disabilities are identified and prosecuted.

- 6.6. Registration of children with disabilities right after birth substandard related to principle 2 of article 18 of CRPD requiring state parties ensure immediate registration after birth of all children with disabilities.
- 6.7. Right to education of children with disabilities - substandard related to principle of 2 (a) article 24 of CRPD requiring state parties ensure all children with disabilities are included into compulsory and free primary education and secondary education.
- 6.8. Right to health services for children with disabilities - substandard related to article 25 of CRPD requiring state parties ensure all children with disabilities have access to health services on equal basis with others.
- 6.9. Participation of children with disabilities in sports and recreational activities - substandard related to principle 5. (d) of article 30 of CRPD requiring state parties ensure children with disability enjoy play and recreation on equal basis with other children.

**7. Health** is among the categories with the highest number of international obligations (standards) translated into Kosovo legislation (two thirds, 66.66%):

- 7.1. Functional health facilities and service with programs and services adequate for treatment of PwD - substandard related to all principle of article 25 of CRPD requiring state parties ensure appropriate and accessible health services for PwD.
- 7.2. Health facilities and services accessible and non-discriminatory to underserved groups - substandard related to all principle of article 25 of CRPD requiring state parties ensure appropriate and accessible health services for PwD.
- 7.3. Health services for PwD are affordable - substandard related to principle (a) of article 25 of CRPD requiring state parties ensure affordable health services for PwD.
- 7.4. Health services for PwD are offered on ethical principles and in full respect to the culture of individual, minorities, peoples and communities, gender and other - substandard related to principle (d) of article 25 of CRPD requiring state parties ensure high ethical standards of health providers towards PwD's.
- 7.5. Health services for PwD are offered in adequate scientific and medical quality as well as relevant quantity - substandard related to principle (b) of article 25 of CRPD.
- 7.6. Development of rehabilitation programs for all disability groups - substandard related to all principle of article 26 of CRPD requiring state parties develop habilitation and rehabilitation programs for PwD's.
- 7.7. All PwD in need must have access to rehabilitation services - substandard related to all principle of article 26 of CRPD requiring state parties develop habilitation and rehabilitation programs for PwD's.

- 7.8. PwD and their families participate in development and organization of rehabilitation programs and services -- substandard related to all principle of article 26 of CRPD requiring state parties develop habilitation and rehabilitation programs for PwD's.
- 7.9. Rehabilitation services are offered in the local community where the PwD lives - substandard related to principle 1. (b) of article 26 of CRPD requiring state parties develop habilitation and rehabilitation programs as close as possible to the community of PwD.
- 7.10. Development and assessment of rehabilitation programs takes into consideration expertise offered by PwD organizations- substandard related to principle 2 of article 26 of CRPD requiring state parties develop habilitation and rehabilitation programs for PwD's.

**8. Employment and social care** was assessed through the following obligations (standards), out of which only a fraction above one thirds (38.88%) are translated into Kosovo legislation:

- 8.1. Right to earn a living income from a job that provides access for PwD – substandard related to principles of article 27, which requires state parties to recognize the right of PwD's to work and gain a living by work chosen freely.
- 8.2. Prohibition of discrimination in employment on the basis of disability – substandard related to principle 1 (a) of article 27 which requires state parties to prohibit discrimination on the basis of disability regarding employment, hiring and advancement, etc.
- 8.3. Equal opportunities in working conditions, pay, career and protection from harassment - substandard related to principle 1 (b) of article 27 requiring employers treat equally employees with disability with regards to payment, protection from discrimination and working conditions.
- 8.4. Effective access of PwD in programs of vocational education, employment opportunities and career development - substandard related to principle 1 (d) of article 27 requiring state parties ensure PwD's shall be included in vocational and technical trainings on equal basis with others.
- 8.5. Employment of PwD in public and private sector - substandard related to principles 1 (g) and (h) of article 27 requiring employers in public and private sector employ PwD's.
- 8.6. Protection of PwD from forced labour - substandard related to principle 2 of article 27 requiring state parties ensure that none including PwD's are not subjected to slavery and forced labour.
- 8.7. Guaranteeing adequate living standard for PwD and their families (food, cloths, housing) - substandard related to principle 1 of article 28 requiring state parties guarantee PwD's have adequate living standards on equal basis with others.

- 8.8. Equal access of PwD in drinkable water services – substandard related to principle 2 (a) of article 28, requiring state parties guarantee access to clean drinking water for PwD's.
- 8.9. Equal access of PwD, especially women and girls and elderly with disabilities, to programs of social care and poverty alleviation - substandard related to principle 2 (b) of article 28, requiring state parties guarantee access to social protection and poverty reduction programs to women, children and aging population with disabilities.
- 8.10. Financial support and other services for PwD and families in poverty - substandard related to principle 2 (c) of article 28, requiring state parties guarantee access to financial assistance, respite care and similar to PwD's living in poverty.
- 8.11. Access of PwD in social housing programs - substandard related to principle 2 (d) of article 28, requiring state parties guarantee PwD's access to housing programs on equal basis with others.
- 8.12. Equal access of PwD in retirement programs and benefits - substandard related to principle 2 (e) of article 28, requiring state parties guarantee access to retirement programs to PwD's on equal basis with others.

**9. Public participation** remains among top challenging categories of disability standards, where only 20% of the following obligations are translated into Kosovo legislation:

- 9.1. PwD are a part of political and public life on an equal basis with others (right to vote and to get elected) - substandard related to all principles of article 29, requiring state parties guarantee PwD's enjoy fully opportunities to participate in political life.
- 9.2. PwD have enabling environment for full and non-discriminatory participation in public affairs - substandard related to principle (b) of article 29, requiring state parties guarantee an environment ensuring PwD's enjoy opportunities to participate in public affairs on equal basis with others.
- 9.3. Access of PwD in cultural material - substandard related to principle 1 (a) of article 30, requiring state parties guarantee PwD's access to cultural material on equal basis with others.
- 9.4. Access of PwD in TV programs, movies, theatre, and other cultural activities - substandard related to principle 1 (b) of article 30, requiring state parties guarantee PwD's access to TV programs and other cultural activities on equal basis with others.
- 9.5. Access of PwD in cultural heritage institutions and monuments - substandard related to principle 1 (c) of article 30, requiring state parties guarantee PwD's access to intangible and tangible cultural heritage on equal basis with others.

**10. Statistics and international cooperation** is the weakest category among all ten assessed in this study. None of the following standards are part of Kosovo legislation:

- 10.1. Collection, analysis and publication of statistical data on the situation of PwD - substandard related to article 31, requiring state parties ensure collection of information, statistics and research data.

- 10.2. International development programs are accessible for PwD - substandard related to principle article 32, requiring state parties guarantee PwD's have access to international cooperation programs on equal basis with others.
- 10.3. Providing support for capacity development through exchange and information sharing, training and best practices - substandard related to principle 1 (b) of article 32, requiring state parties guarantee PwD's access to, and support capacity building programs of the same.
- 10.4. Facilitation of cooperation in research and access to scientific and technical knowledge - substandard related to principle 1 (c) of article 32, requiring state parties facilitate research and access to scientific cooperation for PwD's.

## 4. Main findings

Less than one third (30.72%) of the assessed international disability obligations (standards) are fully translated into Kosovo legislation. The remaining around 70% of the obligations belong to partially addressed (50.00%) and missing standard (19.28%) assessment categories. Accessibility remains the most challenging category, with only 6.77% of the standards fully included in the legislation. On the other hand, Public participation and Statistics and international cooperation have missing standard level at 60% and 100% respectively. Three highest scoring categories of this assessment are: Freedom, protection from torture, integrity and mobility (68.42% full standard), Health (66.66% full standard) and Equality, non-discrimination (women and children) (60% full standard). It should be duly noted that overall, most of the obligations (standards) are assessed as “Partially addressed” (50.00%). This means that half of the assessed standards, although part of Kosovo legislation, they fail to fully translate the respective standards, thus preventing PwD from fully enjoying and exercising the respective rights.

The following table elaborates the degree of compliance of Kosovo Legislation towards main international disability standards assessed in this research.

<b>Category</b>	<b>Full Standard</b>	<b>Partially Addressed</b>	<b>Missing Standard</b>
<i>Right to life and Justice</i>	21.42%	64.29%	14.28%
<i>Independence, privacy, family and life in community</i>	27.27%	54.54%	18.18%
<i>Accessibility</i>	6.77%	79.67%	13.55%
<i>Education</i>	41.66%	50%	8.33%
<i>Freedom, protection from torture, integrity and mobility</i>	68.42%	----	31.57%
<i>Equality, non-discrimination (women and children)</i>	60%	40%	----
<i>Health</i>	66.66%	8.33%	25%
<i>Employment and social care</i>	38.88%	44.45%	16.66%
<i>Public participation</i>	20%	20%	60%
<i>Statistics and international cooperation</i>	----	----	100%

## **Results on individual assessed categories**

### **4.1.Right to life and Justice**

The assessment of the **Right to life and Justice**

Category showed that only 21.42% of the obligations (standards) are fully translated into Kosovo legislation, while close to 80% remain partially addressed or are missing.

<b>Assessed standard</b>	<b>RIGHT TO LIFE AND JUSTICE</b>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (21.42 % compliance)</b>	<i>Right to dignified life</i>
	<i>Direct participation in legal processes through sign language, Braille</i>
<b>Partially addressed standards (64.29% partial compliance)</b>	<i>Protection and safety of PwD in cases of risk, conflict, humanitarian crisis and natural disaster</i>
	<i>Ability to enter into legal action on an equal basis with others (e.g. marriage, bank account, property)</i>
	<i>Effective protection from abuse with support of PwD in legal capacity</i>
	<i>Correction/reparation in case of denial of the right to legal capacity</i>
	<i>Mechanisms in support of PwD in exercising the right to legal capacity</i>
<b>Missing Standard (14.28% missing)</b>	<i>Legal capacity on an equal basis with others</i>
	<i>Easy physical access to all justice system facilities</i>

## 4.2. Independence, privacy, family and life in community

The assessment of the **Independence, privacy, family and life in community** category groups a number of obligations (standards) related to family and community life. Over half of the standards in the category are partially addressed in Kosovo legislation (54.54%), while 27.27% of them are fully codified.

<b>Assessed standard</b>	<i>INDEPENDENCE, PRIVACY, FAMILY AND LIFE IN COMMUNITY</i>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (27.27 % compliance)</b>	<i>Access to service inside house and community (personal assistance, income, inclusion in community)</i>
	<i>Community services and facilities for general public offered equally to PwD (and reflect their needs)</i>
<b>Partially addressed standards (54.54 % partial compliance)</b>	<i>Safeguards to prevent imposing housing or living arrangement (the legislation/specific law is incomplete since it does not make specific mention to PwD and it does not list criteria specified by the UNCRPD)</i>
	<i>Opportunity for independent life</i>
	<i>Protection of privacy of personal, medical and rehabilitation information of PwD on an equal basis with others (no specific mention of privacy protection of PwD)</i>
	<i>PwD in marriage age can create family with the mutual consent of partners (no specific mention of the right of PwD to create family)</i>
	<i>The right to decide freely on the number of separation of children (no specific mention of the right of two PwD to freely decide on the number of separation of children)</i>
	<i>Adequate information on family planning and reproductive health (law on family focuses on marriage, duties and responsibilities of partners, and it does not include planning, care and reproductive health of PwD)</i>
<b>Missing Standard (18.19 % missing)</b>	<i>Free choice of the housing location and people to live with</i>
	<i>Personal mobility programs that ensure decisive impact of PwD in their implementation</i>

### 4.3. Accessibility

**Accessibility** is among the greatest challenges faced by the persons with disabilities, which also scores low at the legal assessment. Only 6.77% of the obligations under this category are assessed as “full standards”, while most of them (around 80%) are partially addressed.

<b>Assessed standard</b>	<b>ACCESSIBILITY</b>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (6.77 % compliance)</b>	<i>Accessibility requirements are integral to construction projects from the design phase</i>
<b>Partially addressed standards (79.67% partial compliance)</b>	<i>Equal access on physical environment, transport, ICT and other facilities and services (the legislation does not specifically grant access in rural and natural areas)</i>
	<i>Minimal standards and guidelines of accessibility (additional services are not mentioned, e.g. audio equipment for visually impaired, it makes reference to only one group and sign language)</i>
	<i>Private companies eliminate barriers and do not create new ones (limited number of rights are mentioned, such as movement in the premises, making no reference to other crucial services)</i>
	<i>Mechanisms to use in cases of deny of access (the only legal mean in place is the complaint)</i>
	<i>Training of relevant stakeholders on the accessibility of PwD (no mention of training for professionals and their behavior towards PwD, e.g. health professionals’ ability to use sign language)</i>
	<i>Forms to ease communication through Braille and other guides (interpreters) (no mention of the right to use Brail in private institutions)</i>
	<i>Access to information, systems, internet (no specific mention to internet services, only telephone)</i>
	<i>Media services are accessible for PwD (not all categories of disability are mentioned)</i>
	<i>PwD organizations are consulted on the standards and norms of accessibility</i>
<b>Missing Standard (13.55% missing)</b>	

#### 4.4. Education

The **Education** category has the lowest percentage of Missing Standard assessment (with only 8.33%) among all ten categories.

<b>Assessed standard</b>	<b>EDUCATION</b>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (41.66% compliance)</b>	<i>Right to inclusive education</i>
	<i>Prevention of denial of the right to education on the basis of ability/disability</i>
	<i>School children with disabilities attend regular school classrooms</i>
	<i>Obligations of schools to improve accessibility for schoolchildren with disability</i>
	<i>Prevention of discrimination of girls with disabilities in access to education</i>
<b>Partially addressed standards (50% partial compliance)</b>	<i>Prevention of discrimination of girls with disabilities in access to education (ne specific mention of protection of girls with disabilities from discrimination in education)</i>
	<i>Individual support for schoolchildren and students (not all persona needs are mentioned)</i>
	<i>Employment of teachers (including those with disabilities) skilled in sign language and Braille (no mention of PwD as eligible to get employed)</i>
	<i>Training of teachers and other professionals for inclusive education (no specific mention of skills that need to be obtained from the trainings)</i>
<b>Missing Standard (8.33 % missing)</b>	<i>Prevention of discrimination of girls with disabilities in access to education</i>

#### 4.5. Freedom, protection from torture, integrity and mobility

**Freedom, protection from torture, integrity and mobility** is the highest scoring category among all in this study, with most of the obligations (68.42%) labelled as “Full standard”.

<b>Assessed standard</b>	<i>FREEDOM, PROTECTION FROM TORTURE, INTEGRITY AND MOBILITY</i>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (68.42 % compliance)</b>	<i>Liberty and security are exercised on an equal basis with others</i>
	<i>Prevention of torture and inhumane treatment</i>
	<i>PwD shall not be subjected to medical or scientific experimentation without their consent</i>
	<i>Protection of PwD from exploitation, violence and abuse inside and outside house</i>
	<i>Respect to physical and mental integrity of PwD on an equal basis with others</i>
	<i>Right to nationality and not being deprived from nationality on the basis of disability</i>
<b>Missing Standard (31.58% missing)</b>	<i>Preventing third parties (including family members) from institutionalization of PwD on the basis of disability</i>
	<i>Compensation for PwD deprived from freedom on the basis of disability</i>
	<i>Reasonable accommodation for PwD deprived legally from freedom</i>
	<i>Gender and age sensitive protection for PwD and families/assistants</i>
	<i>Effective monitoring of all facilities and programs that provide services to PwD from independent authorities</i>
	<i>Physical, cognitive and psychological rehabilitation and social reintegration of PwD that experienced abuse</i>

#### 4.6. Equality, non-discrimination (women and children)

**Equality, non-discrimination (women and children)** as one of the important categories includes obligations related directly to women and children with disabilities. Overall, the category scores a moderate result with 60% of obligations fully integrated into Kosovo legislation, whereas 40% remain partially fulfilled.

<b>Assessed standard</b>	<b>EQUALITY, NON-DISCRIMINATION (WOMEN AND CHILDREN)</b>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (60% compliance)</b>	<i>Liberty, security and autonomy of women and girls with disabilities</i>
	<i>Inclusion of children with disabilities in development of disability policy</i>
	<i>Children with disabilities are free of exploitation, violence and abuse</i>
	<i>Right to education of children with disabilities</i>
	<i>Right to health services for children with disabilities.</i>
	<i>Registration of children with disabilities right after birth</i>
<b>Partially addressed standards (40% partial compliance)</b>	<i>Prohibition of all forms of discrimination against women and girls with disabilities (no specific mention)</i>
	<i>Elimination of barriers to economic and personal development of women and girls with disabilities (no specific mention of economic empowerment of women and girls with disabilities)</i>
	<i>Guaranteed access to health services for women and girls with disabilities (no mention of additional services, e.g. identification and monitoring of cases, health information system)</i>
	<i>Participation of children with disabilities in sports and recreational activities (no detailed listing of cultural-individual characteristics as well as the function of recreational facilities and spaces)</i>

## 4.7. Health

The obligations listed under **Health** category are assessed positively, scoring the second highest among ten categories with 66.66% labeled as “Full standard”. The remaining one third is partially addressed (8.33%) and missing standard (25%).

<b>Assessed standard</b>	<b>HEALTH</b>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (66.66 % compliance)</b>	<i>Functional health facilities and service with programs and services adequate for treatment of PwD</i>
	<i>Health facilities and services accessible and non-discriminatory to underserved groups</i>
	<i>Health services for PwD are affordable</i>
	<i>Health services for PwD are offered on ethical principles and in full respect to the culture of individual, minorities, peoples and communities, gender and other</i>
	<i>All PwD in need must have access to rehabilitation services</i>
	<i>PwD and their families participate in development and organization of rehabilitation programs and services</i>
<b>Partially addressed standards(8.33% partial compliance)</b>	<i>Health services for PwD are offered in adequate scientific and medical quality as well as relevant quantity (missing specifics regarding relevant quantity that needs to be offered)</i>
<b>Missing Standard (25 % missing)</b>	<i>Development of rehabilitation programs for all disability groups</i>
	<i>Rehabilitation services are offered in the local community where the PwD lives</i>
	<i>Development and assessment of rehabilitation programs takes into consideration expertise offered by PwD organizations</i>

#### 4.8. Employment and social care

**Employment and social care** is among categories with moderate performance, with only 38.88% of international obligations (standards) fully integrated in Kosovo legislation.

<b>Assessed standard</b>	<b>EMPLOYMENT AND SOCIAL CARE</b>
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (38.88 % compliance)</b>	<i>Right to earn a living income from a job that provides access for PwD</i>
	<i>Prohibition of discrimination in employment on the basis of disability</i>
	<i>Effective access of PwD in programs of vocational education, employment opportunities and career development</i>
	<i>Employment of PwD in public and private sector</i>
	<i>Protection of PwD from forced labour</i>
	<i>Guaranteeing adequate living standard for PwD and their families (food, cloths, housing)</i>
<b>Partially addressed standards (44.45% partial compliance)</b>	<i>Equal opportunities in working conditions, pay, career and protection from harassment (legislation focuses narrowly on harassment in employment)</i>
	<i>Equal access of PwD in drinkable water services (no specific mention of the right of PwD for drinkable water)</i>
	<i>Equal access of PwD, especially women and girls and elderly with disabilities, to programs of social care and poverty alleviation (no specific mention of women and elderly)</i>
	<i>Financial support and other services for PwD and families in poverty (no specific mention of PwD)</i>
	<i>Access of PwD in social housing programs (not all categories of disability are mentioned)</i>
	<i>Equal access of PwD in retirement programs and benefits</i>
<b>Missing Standard (16.66% missing)</b>	<i>Equal access of PwD, especially women and girls and elderly with disabilities, to programs of social care and poverty alleviation</i>

## 4.9. Public Participation

In the Public Participation category, 60% of the standards are missing. This is one of the two categories with the lowest scoring. In the category of Public Participation, the following standards have been fully or partially integrated into Kosovo legislation.

Assessed standard	PUBLIC PARTICIPATION
<b>Assessment</b>	<i>Assessed sub-standards</i>
<b>Full standard (40 % compliance)</b>	PwD are a part of political and public life on an equal basis with others (right to vote and to get elected)
	Access of PwD in cultural material (the legislation in force provides access of PwD in cultural material only in restricted conditions)
<b>Missing Standard (60% missing)</b>	PwD have enabling environment for full and non-discriminatory participation in public affairs
	Access of PwD in TV programs, movies, theatre, and other cultural activities
	Access of PwD in cultural heritage institutions and monuments

#### 4.10. Statistics and International Cooperation

In Statistics and International Cooperation category all the assessed standards are missing in Kosovo legislation:

Assessed standard	STATISTICS AND INTERNATIONAL COOPERATION
Assessment	Assessed sub-standards
Missing Standard (100 % missing)	Collection, analysis and publication of statistical data on the situation of PwD
	International development programs are accessible for PwD
	Providing support for capacity development through exchange and information sharing, training and best practices
	Facilitation of cooperation in research and access to scientific and technical knowledge

As seen above, in the last two categories, **Public Participation** and **Statistics and international cooperation**, 60% of the standards are missing, respectively 100%. These remain two categories with the lowest scoring as part of the assessment.

## **5. Conclusion and Recommendations**

HANDIKOS, Kosovo Association of Deaf, Kosovo Association of Blind, Disability Partnership Finland, Threshold, Kosovo Disability Forum and Office for Good Governance-Prime Minister's Office are initiating the process of systematic assessment of the state of disability legislation in Kosovo in the light of international standards (UN and EU) inviting state institutions into a structured and long-term dialogue that aims to shape disability policy based on research and evidence. Therefore, the following recommendations of this report target the main governing and legislative institutions urging them to take steps towards integrating the international disability standards as prescribed in CRPD, EU *acquis communautaire* and other important documents.

**Recommendation R1:** This report urges Kosovo's new Parliament and the new Government to establish a national system of assessment of disability standards. The system would assess both the legislation as well as the implementation and serve as an accelerator of policy development and service delivery processes. Civil society should be an integral part of the entire process, since this is one of the key international standards on disability. At the same time, civil society organizations are encouraged to produce the shadow report, as an objective mirroring to state assessment.

**Recommendation R2:** Kosovo institutions should address all relevant areas of disability rights and services, since considerable legal gaps remain. In this regard, all ten categories of disability standards assessed in this report should be priority areas of state institutions. However, some areas call for urgency of intervention due to alarmingly low assessment scores. These include accessibility, public participation, statistics, right to life and justice, independence, privacy, family and life in community and employment and social care. The missing standards as part of the respective categories, shown in details in the previous section, are an emergency call for state institutions.

**Recommendation R3:** Around 70% of international standards are either missing or partially translated and integrated into Kosovo legislation. Kosovo institutions should improve the existing disability legislation according to international standards, thus enabling persons with disabilities to fully enjoy and exercise the respective rights and services. It should be noted that, even where the legislation includes the international standards, according to numerous assessment reports, their implementation is often lacking (although assessment of implementation was beyond the scope of this study).

**Recommendation R4:** The assessment of disability standards (rights and services) in Kosovo should look at the implementation, in addition to translation of the respective standards into the national legislation. This constitutes a major and complex step that necessitates the involvement of all relevant parties. Therefore, state institutions in cooperation with disability organizations, specialized research institutes, and with the additional support of the international donor community should by 2020 advance the methodology and widen the scope toward a comprehensive assessment of disability standards (both legislation and implementation). The National Disability Council is considered as the best placed mechanism to resume this mandate. While the Office of Good Governance - Prime Minister's Office as one of key government mechanisms responsible to coordinate and monitor the implementation of the disability strategy, together with Disabled People's Organizations (DPO's) will function as the secretariat of the National Disability Council, and will establish a system for monitoring the implementation of legislation, policies and strategies for people with disabilities based on data and statistics.

**Recommendation R5:** Kosovo Parliament made an important step towards integrating SDGs (Sustainable Development Goals) into the national developmental agenda of the country. Disability is referenced in various parts of the SDGs and specifically in parts related to education, growth and employment, inequality, accessibility of human settlements, as well as data collection and monitoring of the SDGs. All future assessment reports should also evaluate the progress against SDG indicators.

**Recommendation R6:** One of the ways forward for installing a systemic instrument that would translate international disability standards into Kosovo legislation and practice is the ratification of UNCRPD by the National Parliament. In this way, institutions would have a consolidated framework to guide their policy development processes, as well as assessment of legislation and its implementation (based on the instruments that the Convention proposes).

Last but not least, this report and the upcoming ones in the coming years should be utilized for policy development and delivery processes. The main purpose of this report is to highlight gaps in legislation and guide state institutions in properly planning, designing and delivering public policies on the right of persons with disabilities.



