



Policy Paper with Normative Suggestions

Normative suggestions for KOSOVO regarding the needs of Students with Disabilities and/or Students with Learning Difficulties

List of Acronyms

CRPD	Convention on the Rights of Persons with Disabilities
DCM	Decision of the Council of Ministers
EU	European Union
HEI	Higher Education Institution(s)
ICT	Information and Communications Technologies
KAA	Kosovo Accreditation Agency
MESTI	The Ministry of Education, Science and Technology (Kosovo)
NAPPWD	National Action Plan for the Rights of Persons with Disabilities in the Republic of Kosovo 2021-2023
SWD	Students with disabilities and/or learning difficulties
SWLD	Students with Learning Difficulties
UN	United Nations

INTRODUCTION

Access to university is a right for all people; however, access to higher education for people with disabilities and/or learning difficulties is still a challenge. The scientific literature shows that there is a wide range of definitions around access and participation of students with disabilities and/or learning difficulties in higher education.¹ Thus, according to the World Health Organization, barriers to inclusion are all those physical, social, and attitudinal factors that prevent or limit the full realization of individuals.² Other authors classify barriers in three areas: organizational, attitudinal, and knowledge barriers.³ Organizational barriers encompass the configuration of institutions, class arrangements, teaching methodologies, and module management, all of which should prioritize inclusivity and accessibility for students with disabilities and/or learning difficulties (SwD) and those with learning difficulties (SwLD). Attitudinal barriers pertain to the attitudes and beliefs held by educators regarding the provision of educational services for students with disabilities and/or learning difficulties. These attitudes extend to areas like curricular adaptations, interactions with students, and involvement in institutional and community activities. Lastly, knowledge barriers impede the social and educational inclusion of SwD and SwLD within educational settings.

There are three aspects to be addressed as facilitators: *environmental modifications, changes in policies, and institutional resources*. Environmental modifications refer to changes in infrastructure and its adaptations to the needs of SwD. But, perhaps, the most important facilitator in need of rapid modification is the change in policy and institutional resources.

The change in policy needs to address the education of the population regarding disabilities and/or learning difficulties, and make curricular adaptations to include and facilitate the accessibility of the marginalized group. These changes affect the increase of SwD and SwLD's participation, both in the sense of belonging and perception of emotional well-being resulting from an established social and academic self-esteem; but also, the increase of their taking part in the formal and informal bodies and structures of educational participation.⁴

The facilitation of these barriers constitutes one of the ways of approaching the inclusion (and exclusion) of people with disabilities in higher education. In the Balkan country analyzed in this policy paper – Kosovo – the abovementioned effects need to come in terms of updated legislation regarding accessibility, newly created bodies to overview the implementation of such legislation, and improved institutional management to accommodate the needs of SwD and SwLD.

¹ Fernández-Batanero et al., *Access and participation of students with disabilities: The Challenge for Higher Education*, 2022.

² World Health Organization, *The World Health Report, 2001: Mental health: New understanding, new hope*, 2002.

³ Darrow, *Barriers to effective inclusion and strategies to overcome them*, 2008 p. 29–31.

⁴ Ibid, n.l.

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Kosovo's legal framework on persons with disabilities is arguably closer to the European Union (EU) directives regarding the protection it offers to marginalized groups. As evidence thereof, the Law on Protection against Discrimination deems that the failure of reasonable adaptation / accommodation for persons with disabilities is discrimination on the grounds set out in its article 1. Furthermore, Kosovo also has a solid legal basis for inclusive Higher Education, evidenced by specific law on persons with disabilities including blind, paraplegic and tetraplegic persons. However, the problem lies in the effective implementation of these laws, as the specific legislation is not fully able to remove the barriers of inclusivity for SwD and SwLD in Higher Education. The problem lies in the lack of policy framework, accessible infrastructure for SwD, effective trainings for academic staff, which leads to the decrease of the number of middle-school SwD and SwLD that enroll in Higher Education.

1. Analysis of Kosovo's Policy and Legislative Framework on SwD and SwLD

Similar to Albania's legal framework, Kosovo also has arguably a weak definition of disability. As stipulated in the Labour Law,⁵ the definition of disability only mentions physical, sensory or mental impairment. This explicit limitation of disability might be basis for an exclusion of psychological disabilities, such as Autism or Down Syndrome.⁶ Therefore, the definition as per the UN CPRD would be more inclusive towards all the types of disability:

- Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.⁷

Furthermore, the Law on High Education does not specifically mention the marginalized group and only superficially mentions inclusivity for marginalized groups. There is a need to amend the Law on High Education with specific provisions regarding disabilities, and to list the several types of disabilities, such as intellectual disabilities and learning disabilities. The definition is suggested to read as follows:

- Intellectual disabilities: an intellectual disability begins before adulthood and usually consists in the difficulty or "reduced ability to understand new or complex information and to learn and apply new skills (impaired intelligence)".⁸ It also includes a limitation in the skills needed to live in the community/ society (communication, social related skills, etc.).
- Learning disabilities: they include the various kind of conditions (dyslexia, dyscalculia, dysgraphia...) "that interfere with an individual's ability to learn and so result in impaired functioning in language, reasoning, or academic skills". People with learning disabilities can have difficulty reading, writing, reasoning, especially when taught in a conventional way.⁹

⁵ Law No.03/L -212 on Labour, Official Gazette of Republic of Kosovo, 1 November 2010.

⁶ Sheeren, "Disabled Community Takes a Stand in Kosovo", Balkan Insight on 10.01.2018

⁷ Ibid no.9

⁸ WHO's definition: <https://iris.who.int/bitstream/handle/10665/352430/WHOEMMNH221E-eng.pdf?sequence=1>.

⁹ Learning Disability Definition & Meaning, (Merriam-Webster) <https://www.merriam-webster.com/dictionary/learning%20disability>.

If the legal definition is unified against all acts of Law, the policy drafting and structure would be much more efficient towards inclusivity and accessibility for SwD and SwLD in High Education.

Regarding physical barriers, accessibility, universal usage and universal design for persons with disabilities is not addressed in the legislative framework regarding access of persons with disabilities in public spaces.¹⁰ Consequently, these needs are not addressed specifically in terms of the framework for education. A study on the accessibility of primary and lower secondary school buildings found a host of issues, including ramps with non-standard slopes, a lack of handrails, the absence of accessible toilets, and a lack of elevators. Such issues are believed to have contributed to school infrastructure being unwelcoming to children with disabilities.¹¹ The legal framework on accessibility in HEI is nonexistent.

Therefore, there is an urgent need for the elimination of physical barriers to be included in the accreditation system of HEIs, which will make them comply with the requirement of providing “equal access” and “equal opportunities” to all students without discrimination. The Kosovo Accreditation Agency (KAA) and its Accreditation Manual mention the need of HEIs to provide appropriate provisions so that facilities and learning resources be available for students and staff with physical disabilities or other special needs (such as visual or hearing impairments).¹² However, in practice, barriers in public infrastructure is listed as the second main barrier in inclusivity of SwD in HEI.¹³ Hence, if HEIs are obligated to provide physical accessibility for SwD as part of the accreditation process, this would accelerate the implementation of the objective. To facilitate this process, The Ministry of Education, Science and Technology (MESTI) could establish a working group of architects that will remodel the universities’ infrastructure in a concrete timeframe to adapt to the accreditation requirements.

This measure is also in line with the National Action Plan for the Rights of Persons with Disabilities in the Republic of Kosovo 2013-2023 (NAPPWD)’s objective to provide access to facilities for persons with disabilities.¹⁴

¹⁰ World Bank., *Kosovo Country Profile - Disability Inclusion* (English). Washington, D.C:World Bank Group, p.7, <https://documents1.worldbank.org/curated/en/0994446001262338576/pdf/IDU0c94b5e380a97e043fe0ae7004c952e7e18e6.pdf>.

¹¹ Basha, *Report on the Accessibility of Primary and Lower Secondary School Buildings for Children with Disabilities in Kosovo*, UNICEF, 2020, < <https://handi-kos.org/wp-content/uploads/2004/03/REPORT-ON-THE-ACCESSIBILITY-OF-PRIMARY-AND-LOWER-SECONDARY-SCHOOL-BUILDINGS-FOR-CHILDREN-WITH-DISABILITIES-IN-KOSOVO.pdf>>.

¹² Kosovo Accreditation Agency, *Accreditation Manual*, 2022, < <https://akreditimi.rks-gov.net/wp-content/uploads/2020/10/KAA-Accreditation-Manual-Updated-2022.pdf>>.

¹³ Ibid n. 13, p.5.

¹⁴ *National Strategy on the Rights of People with Disabilities in the Republic of Kosovo 2013-2023*, Office of the Prime Minister/Office for Good Governance, https://childhub.org/sites/default/files/library/attachments/national_strategy_on_the_rights_of_persons_with_disabilities_in_the_republic_of_kosovo_2013-2023_2.pdf.

Although the NAPPWD sets up specific objectives to increase the accessibility and inclusivity of persons with disabilities in Education, the main problem is the lack of implementation of this strategy, and especially, the lack of concrete policy drafting regarding Higher Education.

According to the 2022 Progress Report on the NAPPWD,¹⁵ although the budget has been set for the drafting of 3 educational guidelines for the approach and work with children with disabilities and raising the capacity of educators to implement the guidelines regarding the identification and early education of children with disabilities, their implementation has not been completed. Many of the strategies for creating, strengthening and improving the services of inter-sectoral mechanisms and other support mechanisms for the inclusive school have already been implemented, such as hiring support teachers and assistants; provision of Braille, orientation and mobility services for blind children in regular, training staff to accommodate the needs of SwD. Unfortunately, these strategies only refer to primary and secondary education, and do not address HEIs. Therefore, there is a need to draft and implement similar strategies with a specific focus on Higher Education.

When it comes to educational policy, the first step is drafting curricula and programmes that would only be accredited if they are to be inclusive for all SwD and SwLD. Such policy would require the implementation of university materials in the form of e-recordings, Braille writing and sign language. Secondly, university staff should be trained accordingly to facilitate enrollment and the process of teaching-learning of SwD and SwLD. Thirdly, every HEI should have a Center for Disability comprised by health professionals and assistants that would provide specific support according to the needs of the students. Personalized arranged assessments should be established for the SwD and SwLD, so that they can get a chance to be evaluated equally to the other student counterparts.

There is also an urgent need for more efficient institutional management when it comes to HEIs. Clearly, there should be a budget increase or better allocation of budget of HEI in order to ensure an inclusive higher education system. A part of the budget needs to be assigned to the creation of Resource Centers or Accessibility Units, which would facilitate the implementation of the inclusive modules and the training of the academic and administrative staff.

Regarding the accessibility for academic staff with disabilities in HEIs, there is a need for a stronger emphasis on the implementation of existing disability-related legislation. HEIs should develop and implement accessibility standards for their physical infrastructure, ensuring that academic buildings, offices, and lecture halls are fully accessible. Recruitment policies should actively promote diversity, with specific efforts to identify and hire academic staff with disabilities. During recruitment processes, reasonable accommodations should be provided to ensure equal access for candidates with disabilities. Moreover, HEIs should consider the establishment of support services, such as personal assistants or interpreters, to assist academic staff with disabilities in their teaching and research roles. Regular training and awareness programs can help create a more inclusive and understanding university environment.

¹⁵ *Action Plan for the Rights of Persons with Disabilities in the Republic of Kosovo 2021–2023*, 2022 Progress Report, <https://kryeministri.rks-gov.net/wp-content/uploads/2023/07/Progress-Report-2022-on-the-implementation-of-the-APRPD.pdf>.

2. Conclusions

Compared to Albania, Kosovo has made much more progress on drafting more inclusive legislation for persons with disabilities, as well as creating and implementing educational policies specific to the needs of persons with disabilities. However, such policies mostly regard primary and secondary education, rather than Higher Education. Nevertheless, having some implemented strategies in place for early identification of disabilities and also facilitating the teaching-learning inclusive process in primary and secondary education, facilitates the creation and implementation of inclusive strategies in tertiary education. Although Higher Education policies need to be more specific when addressing programs and curriculums as well as needing a bigger budget when it comes to specialized training of academic staff, many of the strategies remain the same in a broader sense.

Regarding legislation on disability, it is recommended that the legal definition is unified against all acts of law, and to include the several types of disability, including learning and intellectual. Moreover, there should be specific mention of SwD and SwLD on the Law for Higher Education, which means there is a need of amendment of the Law, or the creation of a new Law on Accessibility for Persons with Disabilities, that would specifically mention accessibility in tertiary education.

Regarding physical accessibility, although the Ministry of Infrastructure issued an Administrative Directive No.33/2007 "On technical conditions for disabled persons' accessibility to construction buildings", its implementation is still undergoing, due to lack of response by the local authorities.¹⁶ A similar directive should be issued for HEIs, but most importantly, there is a need for enforcement of such administrative acts. Therefore, a reviewing body should be created to facilitate and help the implementation, and fines should be introduced if the institutions fail to implement such measures within the time-plan prescribed in the act. Moreover, physical accessibility for disabled persons should be assessed as part of the accreditation process, thereby serving as an incentive for HEIs to implement policies on transforming their infrastructure to accommodate the needs of students with disabilities and/or learning difficulties.

MESTI should revise accreditation criteria for HEIs to prioritize the development of inclusive curricula and programs. This should include requirements to ensure that all courses are accessible to students with disabilities and/or learning difficulties. HEIs should invest in creating accessible learning materials, including e-recordings, Braille resources, and sign language materials. Moreover, they should adopt flexible instructional methods, such as online courses and multimedia resources, to cater to diverse learning needs, and faculty should be trained to effectively utilize these methods.

It is essential to establish comprehensive training programs for university faculty and staff. This training should encompass awareness of different disabilities, effective teaching strategies for students with disabilities and/or learning difficulties and SwLD, and the proper use of assistive technologies. Additionally, regular workshops and seminars should be organized, to sensitize faculty and staff to the challenges faced by students with disabilities and/or learning difficulties, fostering a more inclusive and empathetic educational environment.

¹⁶ Ibid n.18.

Each HEI should create dedicated Disability Centers staffed by trained professionals, including counselors, special educators, and assistive technology experts. These centers should provide essential support services to students with disabilities and/or learning difficulties, offering individualized support plans, academic accommodations, assistive technology assessments, and access to counseling services in accessible formats.

To ensure fairness, HEIs should implement personalized assessment methods that consider the specific needs and abilities of students with disabilities and/or learning difficulties and SwLD. A clear process for requesting and implementing reasonable accommodations during assessments, such as extended time or alternative assessment methods, should be established.

The Government should allocate additional budget resources or optimize the allocation of existing funds within HEIs to support inclusivity efforts. A portion of this budget should be dedicated to the creation and operation of Resource Centers, which will coordinate and oversee inclusivity initiatives. Additionally, a monitoring and reporting system should be introduced to track progress and effectiveness, with government support playing a pivotal role in funding, policy guidance, and collaboration with disability advocacy organizations.

Comprehensive policies specific to higher education should be developed to focus on inclusivity and accessibility for students with disabilities and/or learning difficulties and SwLD. These policies should align with international standards and best practices. An implementation plan, detailing timelines, responsibilities, and performance indicators, should accompany these policies, ensuring regular review and updates to adapt to changing needs.

To ensure the above, the Law on High Education in Kosovo may include the following amendments and recommendations:

- **Article 3** on Definition can be amended to explicitly define disability. This definition should be in accordance with internationally recognized standards, including CRPD and the EU definitions. It should encompass a wide range of disabilities, including intellectual and learning disabilities, to provide clarity and coherence in disability-related policies.
- A **new Article** on Accessibility Standards can be introduced to mandate the development and enforcement of specific accessibility standards tailored to HEI in Kosovo. These standards should comprehensively address physical infrastructure, classroom technology, digital learning platforms, and all aspects of campus life, guaranteeing equal access for SwD and SwLD.
- **Article 6** can be expanded and enhanced by including clear guidelines and procedures for providing reasonable accommodations to SwD and SwLD. It should ensure that these guidelines allow for an individualized approach to accommodate students' specific needs and mandate that faculty and staff receive training on assessing and promptly providing accommodations, ensuring consistent support for all SwD and SwLD.

- An **additional Article** can be added to include a requirement for comprehensive disability awareness and inclusive teaching training for educators in HEIs in Kosovo. This training should encompass understanding disabilities, teaching techniques that foster an inclusive learning environment, and ongoing support. It also suggests mandating regular refresher courses and professional development opportunities for faculty members.
- **Another Article on data collection** can be introduced, that would obligate HEIs in Kosovo to implement systematic data collection and reporting mechanisms to monitor the enrollment, retention, and academic success rates of SwD and SwLD. The amendment should require institutions to disaggregate data to identify disparities and inform policy adjustments as necessary.
- Regarding financial support, an amendment to **Article 12** would provide provisions for grants or incentives to institutions demonstrating a commitment to accessibility and inclusion for SwD and SwLD.
- A **new article** requiring HEIs in Kosovo to implement peer mentoring and support programs would be advised. These programs aim to connect SwD and SwLD with peers who can provide guidance, share experiences, and offer emotional support.
- **Article 15** needs to be amended to integrate accessibility and inclusion considerations into existing quality assurance mechanisms for higher education in Kosovo. This will ensure that the KAA's accreditation and evaluation processes assess institutions' commitment to accessibility and the outcomes achieved in this regard.
- Monitoring and enforcement can be ensured by introducing a **new article** that establishes independent and empowered bodies responsible for overseeing and enforcing disability rights in higher education in Kosovo. These bodies should have the authority to investigate complaints, conduct audits, and recommend sanctions for non-compliance.

By incorporating these specific and contextually relevant amendments into Kosovo's Law on Higher Education, Kosovo can take significant steps toward providing equal access and opportunities for SwD and SwLD in higher education. These amendments align with international standards and human rights principles, contributing to a more inclusive and accessible higher education environment for all students.

FURTHER RECOMMENDATIONS

Kosovo has made significant strides in promoting inclusivity and accessibility in higher education for SwD and SwLD. However, there remain important gaps in its legal framework and policy implementation. This chapter presents overarching conclusions and recommendations for the country, emphasizing key areas for improvement.

Legal Definitions of Disability:

Precise and internationally recognized definitions of disability that align with EU and UNCRPD standards should be adopted. These definitions should encompass a broad spectrum of disabilities, including intellectual and learning disabilities. Definitions should be consistent across all relevant legislation to ensure clarity and coherence in disability-related policies.

Accessibility Standards:

Specific accessibility standards tailored to higher education institutions should be developed and enforced through legislation or government decisions. These standards should address physical infrastructure, classroom technology, digital learning platforms, and all aspects of campus life, ensuring equal access for SwD and SwLD.

Reasonable Accommodations:

Clear guidelines and procedures should be established for providing reasonable accommodations to SwD and SwLD. These guidelines should allow for an individualized approach to accommodate students' specific needs. Faculty and staff should be trained to assess and provide accommodations promptly, ensuring consistent support for all SwD and SwLD.

Faculty Training:

Mandate comprehensive disability awareness and inclusive teaching training for educators in higher education. This training should encompass understanding disabilities, teaching techniques that foster an inclusive learning environment, and ongoing support. Regular refresher courses and professional development opportunities should be provided for faculty members.

Data Collection and Reporting:

Implement systematic data collection and reporting mechanisms to monitor the enrollment, retention, and academic success rates of SwD and SwLD in higher education. Disaggregate data to identify disparities and inform policy adjustments as necessary.

Awareness Campaigns:

Develop and implement nationwide awareness campaigns to promote understanding, acceptance, and respect for SwD and SwLD. These campaigns should target the general public, educators, students, and employers.

Financial Support:

Increase financial support to higher education institutions to facilitate the provision of appropriate accommodations and support services. Consider providing grants or incentives to institutions demonstrating a commitment to accessibility and inclusion.

Peer Support Programs:

Implement peer mentoring and support programs within higher education institutions to connect SwD and SwLD with peers who can provide guidance, share experiences, and offer emotional support.

Quality Assurance:

Integrate accessibility and inclusion considerations into existing quality assurance mechanisms for higher education. Ensure that accreditation and evaluation processes assess institutions' commitment to accessibility and the outcomes achieved in this regard.

Monitoring and Enforcement:

Establish independent and empowered bodies responsible for overseeing and enforcing disability rights in higher education. These bodies should have the authority to investigate complaints, conduct audits, and recommend sanctions for non-compliance.

International Alignment:

Each country should continue its commitment to aligning policies with the UNCRPD, engaging in capacity-building efforts to foster a culture of inclusion, and advocating for changes in legislation and policy that promote the rights and needs of SwD and SwLD in higher education.

By addressing these key areas of improvement, Kosovo can further advance its efforts to provide equal access and opportunities for SwD and SwLD in higher education, in line with international standards and human rights principles.

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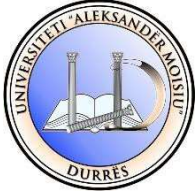
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(IE)



EPOKA University
(ALB)



Albanian Disability Right
Foundation (ADRF)



University of Pristina
(KS)



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and Paralyzed Children
in Kosovo (HANDYKOS)



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