



Policy Paper with Normative Suggestions

**Normative suggestions for MONTENEGRO 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
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 – Montenegro – 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.

MONTENEGRO

Montenegro has regionally the most solid legal basis and has made significant progress in promoting the rights and inclusion of individuals with disabilities, including SwD and SwLD, in higher education. Key instruments governing this area include the Law on Higher Education, the Law on Protection and Exercise of the Rights of Persons with Disabilities, and the National Strategy for the Rights of Persons with Disabilities. These legal documents form the cornerstone of Montenegro's efforts to ensure equal access to higher education for all, regardless of disability. However, there remains a gap between legal provisions and their practical implementation, resulting in barriers to access and participation for SwD and SwLD.

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

The Montenegrin legal system lacks a unified and comprehensive definition for individuals with disabilities.⁵ Instead, various regulations in different domains employ divergent definitions, with some utilizing disparaging language (such as "invalid," "mental disorder," "powerless persons," and "physical defects") and adopting a medical perspective on disability. Alike Albania and Kosovo, there is a need to include intellectual and learning disabilities in the unified definition, as per the definition on the Law on Education of Children with Special needs stipulates:⁶

- children with special needs are children with: physical, mental, and sensory disability; behavioral disorders; serious chronic diseases; emotional disorders; combined disorders; children ill for a long time, and other children who encounter difficulties in learning who need education by the educational program with adjusted tuition and additional professional help, or by a special curriculum.

However, unlike the aforementioned countries, Montenegro's Law on High education, does indeed provide more protection and inclusivity to SwD and SwLD because of specific provisions.⁷ Not only does it give a definition on disability, but it also specifically prohibits discrimination, stipulates affirmative action for enrollment of SwD, foresees the need of elimination of physical barriers in HEIs, sees the need for personalized arranged assessments and offers free education for SwD. This provides a solid framework for implementation, which is the area in need of more effort to achieve improvement.

Changing Montenegro's legal definition of disability to match EU and UNCRPD standards would involve revising existing laws and regulations. This will require amendments to Montenegro's Law on Protection and Exercise of the Rights of Persons with Disabilities and potentially other relevant legislation. It is important to engage with disability advocacy organizations, legal experts, and relevant stakeholders during the revision process to ensure that the new definition reflects the principles of inclusion, non-discrimination, and human rights as outlined by the EU and UNCRPD.

⁵ United Nations, *UN Common Country Analysis, Montenegro 2021* p. 44.

⁶ *Law on Education of Children with Special Educational Needs* ("Official Gazette of the Republic of Montenegro" No. 80/2004, "Official Gazette of Montenegro" Nos. 45/2010 and 47/2017).

⁷ *The Law on Higher Education* (Official Gazette of Montenegro, 044/14 of 21 October 2014, 052/14 of 16 December 2014, 047/15 of 18 August 2015, 040/16 of 30 June 2016, 042/17 of 30 June 2017).

During the academic year 2020–2021, the count of students with disabilities and/or learning difficulties in higher education stood at 128, which was less than half the figure for high school students with disabilities and/or learning difficulties (279 students).⁸ It's worth noting that one of the prerequisites for licensing higher education institutions is the provision of adequate conditions and unrestricted access for individuals with disabilities.⁹ However, the Ministry of Education, Science, Culture, and Sport has not supplied any data regarding the accessibility or lack thereof in these HEI.

The Government introduced the Inclusive Education Strategy 2019–2025, which continues to pursue the implementation of the measures included in the 2014–2018 Inclusive Education Strategy. Although the objective and three primary strategic objectives may seem consistent with the CRPD, it's clear that substantial efforts are required to establish a framework that promotes inclusive education.¹⁰ There are notable deficiencies within the Inclusive Education Strategy. For instance, there's a lack of clarity in the strategy concerning what constitutes "reasonable accommodation." Consequently, schools might not fully understand their responsibility to provide such accommodations. Additionally, the concept of "accessibility" is recommended to be integrated into school development plans rather than being regarded as a fundamental obligation that schools must promptly address.

When it comes to physical barriers in HEIs, Montenegro's legal framework emphasizes the importance of physical accessibility. HEIs are legally obligated to provide accessible facilities, such as ramps, elevators, and accessible restrooms.¹¹ While there have been improvements in this regard, there remain challenges, especially in older educational buildings that may not yet meet modern accessibility standards. Retrofitting these structures remains a significant challenge due to budgetary constraints. The existing policies also address transportation for SwD and SwLD. Special transportation services are provided to ensure that students can access campuses. However, there are concerns about the reliability and consistency of these services, particularly in remote areas.

Regarding policy on inclusive education, Montenegro's legal framework encourages HEIs to adopt inclusive teaching methods and curricula and there are policies in place that promote the design of courses and materials that are accessible to all. Nonetheless, there is a gap in ensuring consistent implementation across all programs and faculties. Faculty members may lack training and support in employing inclusive teaching methods effectively.

Montenegro's policies acknowledge the importance of reasonable accommodations for SwD and SwLD. Students have the right to request accommodations, such as extra time during exams, note-taking support, or assistive technologies. However, the implementation of these accommodations can be inconsistent, leading to disparities in the experiences of SwD and SwLD and faculty members may lack awareness of how to provide these accommodations effectively. Policies also promote the availability of support services, including academic counseling and mentoring. While some institutions offer these services, there is room for improvement in terms of their availability, visibility, and effectiveness. More robust support structures could enhance the academic and social experiences of SwD and SwLD.

⁸ The Association of Disabled Youth of Montenegro (UMHCG), *2020 Narrative Report*, p.3, available at: <http://umhcg.com/o-nama/godisnji-izvjestaji/>

⁹ Ibid n.7, Articles 23, para. 1.3.

¹⁰ *Montenegro 2019 - 2025 Inclusive Education Strategy*, available at: <https://www.unicef.org/montenegro/media/7876/file/MNE-media-MNEpublication312.pdf>.

¹¹ Ibid n.7.

In the area of institutional management, Montenegro's legal framework establishes the responsibilities of HEIs in ensuring accessibility and inclusion. Institutions are required to designate disability coordinators or support units and these units are tasked with overseeing the implementation of policies related to SwD and SwLD. However, the effectiveness of these units can vary, with some institutions exhibiting better management and coordination than others. There are initiatives aimed at raising awareness among institutional staff and students regarding the rights and needs of SwD and SwLD.¹² Nevertheless, there remains a need for more comprehensive and ongoing training to foster a culture of inclusion within higher education institutions. Faculty and administrative staff may not always be adequately prepared to address the unique challenges faced by SwD and SwLD.

Despite the existence of policies addressing physical accessibility, inclusive education, and institutional management, Montenegro faces several challenges. Firstly, limited financial resources hinder the complete implementation of physical accessibility measures, including retrofitting older buildings and improving transportation services. Secondly, the lack of comprehensive training for educators in inclusive teaching methods and accommodations can result in inconsistent support for SwD and SwLD.. Also, there are still significant awareness gaps among both students and educators regarding the rights and needs of SwD and SwLD, which can lead to stigma and exclusion. Moreover, some institutions struggle with the effective coordination of disability support units, resulting in inconsistent services and accommodations. SwD and SwLD in rural areas may face greater challenges in accessing higher education due to limited transportation options and fewer accessible facilities.

¹² Ibid n.10.

2. Conclusions

Montenegro's ratification of the UNCRPD and its aspiration to join the European Union requires an alignment of its legal framework and policies with EU standards as well as a commitment to UNCRPD's principles and provisions. To that end, there are certain steps to be taken in order to achieve a removal of barriers on SwD and SwLD's inclusiveness in Higher Education.

Montenegro should adopt precise, internationally recognized definitions of disability and learning disabilities, consistent with those in the EU Disability Strategy and the European Disability Card. These definitions should encompass a broad spectrum of disabilities to ensure comprehensive coverage. Furthermore, it should develop and enforce specific accessibility standards tailored to HEIs. These standards should address physical infrastructure, classroom technology, digital learning platforms, and all aspects of campus life. This may include requirements for accessible pathways, sensory-friendly facilities, captioning for videos, and adaptable exam formats. Also, HEIs should provide all information pertaining to its programs, including websites, course materials, and administrative documents in accessible formats. This entails adherence to international web accessibility standards, such as Web Content Accessibility Guidelines.

There is also a need to establish clear guidelines and procedures for providing reasonable accommodations to SwD and SwLD. These should include an individualized approach, allowing students to request accommodations that best suit their needs. Educators and institutions should be equipped to assess and provide accommodations promptly.

In order to have efficient training of faculty staff, HEIs should mandate comprehensive disability awareness and inclusive teaching training for educators. This training should encompass not only understanding disabilities but also teaching techniques that foster an inclusive learning environment. Also, regular refresher courses and ongoing support for faculty members should be integrated.

It is recommended that a systematic data collection and reporting mechanism is implemented to monitor the enrollment, retention, and academic success rates of SwD and SwLD. This data should be disaggregated to identify disparities and inform policy adjustments as necessary.

In order to foster the active participation of SwD and SwLD in the development and evaluation of policies and practices affecting them, HEIs should establish mechanisms for involving student representatives from these groups in decision-making processes at all levels of higher education governance. This ensures that the lived experiences and needs of these students are at the forefront of policy development.

Enhancing legal provisions and policies is just the initial step, but successful implementation is crucial. Therefore, specific measures need to be taken to ensure effective implementation. Firstly, a monitoring body needs to be established, which would be responsible for overseeing and enforcing disability rights in higher education. This body should have the authority to investigate complaints, conduct audits, and recommend sanctions for non-compliance. A fully-fledged nationwide awareness campaign will promote understanding, acceptance, and respect for SwD and SwLD. Such campaigns should target not only the general public but also educators, students, and employers to foster a culture of inclusion.

In terms of budget, the increase of financial support to HEI will facilitate the provision of appropriate accommodations and support services. This may involve providing grants or incentives to institutions that demonstrate a commitment to accessibility and inclusion. Implementation of peer mentoring and support programs within HEI is also recommended. These programs connect SwD and SwLD with peers who can provide guidance, share experiences, and offer emotional support. This can greatly enhance the overall student experience and success rates.

Below are specific amendments and recommendations to the Law on High Education on Montenegro that would make Higher Education more inclusive and accessible:

- A **new article** could be introduced to mandate HEI to adhere to specific accessibility and inclusivity standards. These standards should cover physical infrastructure, digital learning platforms, classroom technology, and all aspects of campus life, ensuring equal access for SwD and SwLD.
- **Article 23** on Requirements for Founding and Carrying out Activities could be amended to explicitly require HEIs to provide reasonable accommodations for SwD and SwLD, including but not limited to accessible facilities, assistive technology, and individualized support services.
- To ensure online learning platforms and resources, a **new article** that stipulates that the latter are accessible to all students, including SwD and SwLD would be recommended. This includes the requirement for captions, transcripts, and alternative formats for digital materials.
- The establishment of a dedicated Disability Services Office or Accessibility Unit within each HEI could be stipulated by a **new article**. The Disability Office or Accessibility Unit would be responsible for coordinating support services, reasonable accommodations, and assisting SwD and SwLD in navigating their academic journey.
- Faculty Training could be stipulated in a **separate mandatory provision**, which would include comprehensive training programs on disability awareness and inclusive teaching for educators working in higher education. This training should cover topics such as disability comprehension, teaching methods that promote an inclusive learning atmosphere, and continuous support. Additionally, it should enforce periodic refresher courses and offer professional development opportunities for faculty members.
- The addition of a **new article** that mandates HEIs to establish organized procedures for gathering and reporting data systematically would ensure implementation of data collection policies. This data should track the enrollment, persistence, and academic achievements of students with disabilities and/or learning difficulties and specific learning disabilities. Ensure that the data is broken down to uncover any inequalities and to guide potential policy modifications
- Affirmative Action prescribed by **Article 10**, Item 9, could be enhanced by explicitly including affirmative action measures aimed at creating conditions for achieving equality and protecting the rights of SwD and SwLD in education.

- The implementation of policies removing physical barriers could be stipulated in a **new Article**, which would require HEIs to conduct regular accessibility audits to identify physical and digital barriers. On that end, a second provision could be added to appoint a Disability Liaison Office or Accessibility Unit to be responsible for coordinating accommodations, raising awareness, and addressing disability-related issues on campus.
- **Article 18** could also be amended to include a separate provision that requires HEIs to periodically review and update their curricula to ensure they are inclusive and meet the diverse needs of all students.

These amendments and recommendations aim to create a more inclusive and accessible higher education environment in Montenegro, ensuring that SwD and SwLD have equal opportunities to pursue their education and succeed academically. It is essential to engage relevant stakeholders, including representatives from disability advocacy groups, when implementing these changes to ensure their effectiveness.

FURTHER RECOMMENDATIONS

Montenegro 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, Montenegro 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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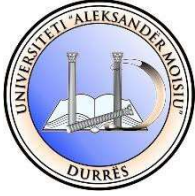
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