

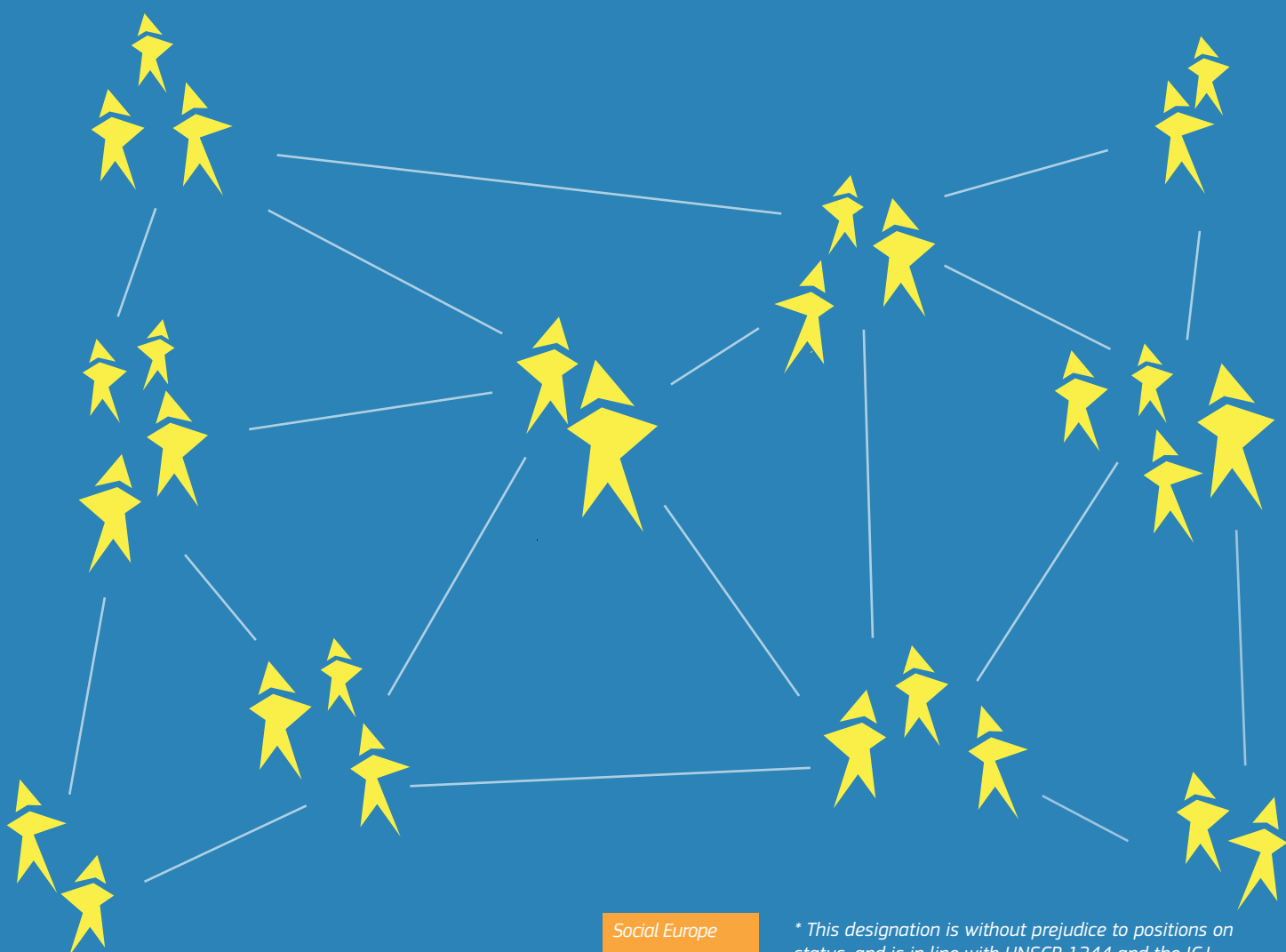


EUROPEAN SOCIAL POLICY NETWORK (ESPN)

Social protection for people with disabilities

Kosovo*

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Social Europe

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

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European Social Policy Network (ESPN)

ESPN Thematic Report on Social protection for people with disabilities

Kosovo

2022

Artan Mustafa and Amir Haxhikadrija

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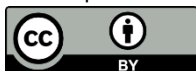
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Summary

This report analyses some important cash and in-kind social protection provisions available to adults with disabilities (i.e. aged 18 or above) in Kosovo. There are other important provisions available to them in other areas not covered in this report. In line with Article 1 of the UN Convention on the Rights of Persons with Disabilities, “people with disabilities” should be understood as “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”.

Kosovo’s approach towards people with disabilities, through its disability-specific cash benefits and broader programmes – such as the universal *Pensioni bazik* (basic pension) for old age, and the *Skema e ndihmës sociale* (social assistance scheme) – prioritises protecting them against poverty rather than promoting their social inclusion. Cash benefits are tied to an extreme (food) poverty threshold, and in essence target people who are not able to work; they even penalise work, since benefits are cancelled against labour market earnings. The benefits are reliable, financed by general taxation, and implemented by state authorities; but their redistributive power may be reduced by the unfavourable structure of existing services – there is no direct support for housing, and public universal healthcare services are not well developed or efficient.

The main programmes, and the poverty protection approach, were inherited from the UN Mission in Kosovo. Following independence, however, several new programmes targeted at specific, narrow groups (e.g. blind people, and people with paraplegia/tetraplegia) have emerged. In addition, different benefit levels and assessment procedures have been introduced for military and civilian war invalids (1998-1999). They are all oriented towards inclusion. These dichotomies have created a context where the country does not have a uniform approach to disability in terms of assessment, eligibility, entitlements, and benefits.

Although the legislation requires a wide range of provision, the government delivers little support in the form of assistive technology designed to ensure independent living for people with disabilities. Government-funded support is limited to the provision of prostheses for lower extremities for civilian and war invalids (limited to a prescribed range of items) and the provision of a €75 allowance for incontinence products for category 1 paraplegics and tetraplegics. In the absence of government-funded programmes, local and international NGOs are trying to fill the gap by offering their services. However, they depend largely on donor funding and are unable to provide continuous services. Currently, only two categories of adults with disabilities in Kosovo are eligible for personal assistance – category 1 paraplegics/tetraplegics and category 1 blind people.

These inadequacies are noted by all stakeholders; the government is therefore working closely with the associations of people with disabilities to improve the current situation. The Kosovo government has declared 2022 to be the “Year of People with Disabilities” and is currently focused on finalising a comprehensive new law on the evaluation, status recognition, benefits and services for people with disabilities (a unified law for all types of disabilities). The new law will encourage employment by continuing to provide compensation to those who find a job, and by incentivising employers who employ people with disabilities. It is also intended to link the compensation for different types of disability with the minimum wage, and to improve the housing situation by awarding 20 additional points to households who have a member with a disability.

As the current left-wing government has pledged to engage in reforms of the social protection sector, it should be encouraged to push forward with a uniform approach to disability (as opposed to increasing categorisation). People with disabilities could also benefit from an approach that focuses programmes on social inclusion and improved solidarity within general social protection institutions. When it comes to services such as healthcare, Kosovo should seek to ensure that public universal services deliver good quality in practice.

1 Access to disability-specific income support

Section 1 maps and assesses access to **disability-specific** cash benefits/pensions, whether contributory or non-contributory.

Kosovo's disability-specific cash benefits are all national, financed from general taxation, and managed by the Ministry of Finance, Labour and Transfers (MFLT). In the third quarter of 2021 (Q3 2021), these benefits covered in total 30,096 individuals (KAS, 2021a), which was around 1.67% of the country's population (2020 population estimates) (KAS, 2021b). Eurostat statistics on disability for 2022 show a substantially higher percentage of people with disabilities in Europe, which suggests that stringent definitions in Kosovo may create the impression that disability levels are lower than they really are, leaving many people who need support without benefits coverage.

The specific benefits that cover most people with disabilities – the *Pensioni i paaftësisë së përhershme* (permanent disability pension) and the *Pensionet invalidore të punës* (work disability pension) (Sections 1.1.1 and 1.1.5) – are targeted at cases of permanent disability, understood as full, permanent work incapacity. The benefits are tied to a national extreme (food) poverty threshold and thus have protection against poverty as their main aim. On the other hand, they are cancelled against employment-rated income. As such, the disability programmes disincentivise labour market participation and are not oriented to promoting social inclusion.

However, the approach is not fully consistent. Some smaller disability-specific cash programmes (Sections 1.1.2, 1.1.3 and 1.1.4) target narrower specific groups (blind people, people with paraplegia/tetraplegia, and people with disabilities acquired in war) and at the same time have different disability assessment frameworks and eligibility criteria. These programmes also provide higher levels of benefits, allow people to earn other income, and may give rise to additional in-kind rights. Such an approach is both a result of power imbalances, but also a result of a public policy logic that tries to maintain very low expenditure commitments – and when compromises are made, tries to limit rights as much as possible through categorisation.

1.1 Disability-specific benefits/pensions available to working-age people

1.1.1 *Pensioni i paaftësisë së përhershme* (Permanent disability pension)

a) Eligibility conditions

Disability-related qualifying criteria: Permanent disability.

Age: Beneficiaries should be aged 18-65.

Nationality and/or residency: Beneficiaries should be both citizens of, and residing in, Kosovo.

Waiting period: 60 days.

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The pension is income-tested in practice, in the sense that it is automatically cancelled against any labour market earnings; in addition, beneficiaries may not receive other social transfers.

Other: None.

Gaps and obstacles: The main gap that derives from the legislation in force – namely, the Law on Pension Schemes Financed by the State (2014) and the Administrative Order on Application and Evaluation for the Permanent Disability Pension (2015) – is that it does not define explicitly what “permanent disability” is. In the absence of a clear definition, institutions responsible for implementation seem to apply the definition

under the old law launched during the UN Mission in Kosovo (UNMIK), which defined individuals with permanent disability as “*totally and permanently disabled and incapable of any form of occupational activity*” (OGRK, 2008). In practice this seems to be obstructing more comprehensive access to the pension. In addition, penalising labour market earnings (again, not mentioned in the legislation but enforced in practice), may be another major gap and an obstacle to social inclusion.

b) Disability assessment framework

Type of assessment: Medical assessment of disability.

Responsible authorities: Health institutions and the MFLT.

Method: The applicant should provide evidence (certificate or a report) of permanent disability confirmed by a secondary or tertiary health institution (specialised clinic or hospital).

Supporting evidence: None.

Assessor: Doctors at the medical committee, Department of Pensions – MFLT.

Decision-maker: Department of Pensions – MFLT.

Critical analysis: According to the World Bank (2019: 55), the assessment that leads to qualification for the pension is not that rigorous. There is also a discrepancy between the concept “permanent disability” and the fact that the legislation requires that beneficiaries are re-evaluated every one, three or five years – this means that in fact disability is not treated as *permanent*. In addition, the legislation does not specify how people are selected for the different re-evaluation frequencies. This increases the amount of discretion in the hands of assessors and decision-makers. The assessment framework does not mention the concept of inclusion.

c) Benefit entitlements

Level of the benefit: The pension amounts to €100 per month (last update: February 2022). The pension is flat-rate, set by government decisions, and is in principle tied to the national food (extreme) poverty line, which is equivalent to the cost of 2,100 calories of food intake per day (according to the food-selection habits of the second and fourth population decile in official surveys).

Duration of the benefit: Subject to re-evaluation every one, three or five years (categories not defined – see above).

Interactions with other income or other income-related benefits: Legally, none since 2014; but in practice the pension is cancelled against labour market earnings, and beneficiaries may not receive other social transfer payments.

Challenges: The monthly payment amounts about 24% of the national average wage (KAS, 2020). The number of beneficiaries of the scheme is quite consistent over time – it was 19,746 in 2008 and 19,023 in 2021 (KAS, 2021a). This shows that, although the 2014 law does not define “permanent disability”, the authorities in practice apply the old definition, which treats disability as a permanent, full loss of work capacity. This practice leads to poor coverage – the pension covers about 1.05% of Kosovo’s population. Judging by 2021 Eurostat statistics for other countries in Europe, the prevalence of disability would be much higher with less stringent definitions or interpretations.

1.1.2 Kompensimi për personat e verbër (Compensation for blind people)

a) Eligibility conditions

Disability-related qualifying criteria: There are two main categories, namely: (1) people who cannot distinguish light from darkness, with visual acuity of 0.02 or less; and (2) people who have partial loss of vision, with visual acuity of over 0.02 and up to 0.05.

Age: None (i.e. there are no age requirements for accessing this compensation).

Nationality and/or residency: Beneficiaries should be both citizens of, and residing in, Kosovo.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The compensation is income-tested in relation to other non-contributory transfer payments: beneficiaries may not receive another tax-financed, non-contributory social transfer payment.

Other: None.

Gaps and obstacles: A gap in the legislation regulating the scheme (OGRK, 2012) is that it does not stipulate a clear formula for how the level of compensation is set (what the compensation is related to – e.g. consumption needs/costs, or labour market earnings) and how it is adjusted. When the law was introduced (2012), it contained a direct figure (amount) of the benefit, which has subsequently been increased by government decision.

b) Disability assessment framework

Type of assessment: Assessments involving several different approaches (medically based, functional capacity, and care or support needs).

Responsible authorities: Department of Pensions at MFLT, ophthalmology clinic at the University Clinical Centre of Kosovo (UCCK), a medical committee at the MFLT, and the Association of Blind People of Kosovo (ABPK).

Method: The applicant should provide evidence of blindness issued by the UCCK (ophthalmology clinic), and the full application is then evaluated by the ministry's medical committee.

Supporting evidence: None.

Assessor: The MFLT medical committee is made up of three expert doctors, one representative from the ABPK, and one specialist from the ministry.

Decision-maker: Department of Pensions – MFLT.

Critical analysis: The law on blind people and the related sub-legislation (OGRK 2012, 2013, 2018) provides for a good mix of actors who are involved in the evaluation of applications. Particularly welcome is the inclusion of one representative from the ABPK. In addition, the legislation points several times to the term "inclusion". Categorisation (see the qualifying criteria above) is also done with the purpose of determining rights to a custodian (see Section 3 below) for people with very serious blindness. One weak aspect of the programme is its specific regulation of blindness, instead of blindness being addressed through unified legislation on disability. As will be shown below, Kosovo applies specific categorisations of disability under several other programmes.

c) Benefit entitlements

Level of the benefit: The compensation amounts to €125 per month (last update: February 2022).

Duration of the benefit: Subject to re-evaluation every five years.

Interactions with other income or other income-related benefits: Beneficiaries cannot receive another state-funded non-contributory social transfer payment; other earnings-related income is allowed.

Challenges: The compensation amounts to 30% of the average wage (KAS, 2020). In Q3 2021, there were 1,816 beneficiaries of the programme (KAS, 2021a). The ABPK reports about 5,000 members, which means that the scheme may be covering about 36% of them (Spanca, 2018); the rest may not be covered due to non-qualification (not meeting the two main qualification criteria), failure to apply, or defects in the assessment process. Compensation is not affected by labour market earnings (the latter are also not taxed), which could incentivise employment; but inclusion is marginal, with only a handful of blind people employed (Spanca, 2018).

**1.1.3 Kompensimi për personat paraplegjikë dhe tetraplegjikë
(Compensation for people with paraplegia and tetraplegia)****a) Eligibility conditions**

Disability-related qualifying criteria: (1) full, permanent incontinence and loss of sensitivity of extremities; or (2) partial, permanent incontinence and loss of sensitivity of extremities.

Age: None (i.e. there are no age requirements for accessing this compensation).

Nationality and/or residency: Beneficiaries should be both citizens of, and residing in, Kosovo.

Waiting period: 30 days.

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The compensation is income-tested in relation to other non-contributory transfer payments: beneficiaries may not receive another tax-financed, non-contributory social transfer payment.

Other: None.

Gaps and obstacles: There is a similar gap to the one in the previous scheme – namely, the absence of a clear formula on how the compensation is set and how it is adjusted.

b) Disability assessment framework

Type of assessment: Assessments involving several different approaches (medically based, functional capacity, and care or support needs).

Responsible authorities: Department of Pensions at the MFLT, the UCCK, and a medical committee at the MFLT.

Method: The applicant should provide a medical report and an opinion by the UCCK (neurology clinic). The full application is then evaluated by the MFLT medical committee; the committee also carries out a direct examination.

Supporting evidence: None.

Assessor: The MFLT medical committee is made up of three expert doctors, one licensed social worker, and one representative from third-sector providers or associations.

Decision-maker: Department of Pensions – MFLT.

Critical analysis: The procedures are well defined, and application information is accessible online. The assessment framework involves a good mix of expertise. In

particular, the fact that the framework involves a social worker and a third-sector (or other) specialist on service-provision, and the fact that labour market earnings are not penalised, suggest that the scheme is oriented towards inclusion, which is a term mentioned in the framework (OGRK, 2016, 2017). However, the COVID-19 pandemic may have negatively affected the assessment process, for example through the cancellation of direct examinations by the MFLT medical committee, leading to compensation being denied and a rise in the number of complaints (Gashi and Ramadani, 2021).

c) Benefit entitlements

Level of the benefit: The compensation amounts to €375 per month for beneficiaries in the first category (including for their care); and to €150 per month for those in the second category.

Duration of the benefit: A re-evaluation is carried out every five years.

Interactions with other income or other income-related benefits: Beneficiaries cannot benefit from another state-paid non-contributory social transfer payment; other earnings-related income is allowed.

Challenges: The compensation ranges from 36% to 90% of the average wage (KAS, 2020), depending on the category. There were 2,693 beneficiaries of the scheme in Q3 2021 (KAS, 2021a), which means that about 67% of people reported as having paraplegia/tetraplegia by service-providers on the ground may be covered (Mustafa, 2017). Incomplete coverage may be due to differences in the understanding of paraplegia/tetraplegia between the MFLT medical committee and community associations.

1.1.4 *Kompensimet për invalidët e luftës së Ushtrisë Çlirimtare të Kosovës dhe invalidët civilë të luftës (Compensation for Kosovo Liberation Army war invalids and civilian war invalids)*

a) Eligibility conditions

Disability-related qualifying criteria: War invalids should have more than 10% invalidity (bodily damage), and civilian invalids more than 40%. Invalidity is measured as a percentage of bodily damage, and is taken to mean percentage of work incapacity.

Age: None (i.e. there are no age requirements for accessing this compensation).

Nationality and/or residency: None¹.

Waiting period: 30 days.

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The compensation is income-tested in relation to other non-contributory transfer payments (i.e. beneficiaries may not receive another tax-financed, non-contributory social transfer payment) (although this is not actually in the text of the law, it is implemented in practice, since the National Audit Office of Kosovo does not report double payments for these categories as it does for some other ones).

Other: None.

Gaps and obstacles: The compensation creates inequalities within the scheme. During the UNMIK, both categories, war invalids who were former members of the Kosovo Liberation Army (KLA) and civilian war invalids, had to have a 40% level of disability to qualify for the benefit (UNMIK, 2001). Since 2011, whereas the criteria for civilian war invalids has remained unchanged, any military veteran with more than 10% disability qualifies for the compensation. The change came via the agency of local party

¹ These conditions apply to EU and non-EU nationals as well as to people with refugee status.

politics. Parties backed by military veterans, which dominated political contests for about a decade after independence, eased the eligibility conditions for military veterans with disabilities, as well as adding more benefits for former KLA members (see OGRK 2011, 2015b).

b) Disability assessment framework

Type of assessment: Assessments involving several different approaches (medically based, functional capacity, and care or support needs).

Responsible authorities: The MFLT department for the families of martyrs and war invalids, the government verification commission (on the status of KLA invalids), and the MFLT medical committee.

Method: The applicant should first provide evidence of invalidity due to war. The full application is then evaluated by the MFLT medical committee.

Supporting evidence: None.

Assessor: For KLA invalids – the government commission on the verification of invalidity (consisting of former KLA superiors, not doctors); for civilian invalids – doctors in health institutions, and municipal officials. The MFLT medical committee (doctors) in practice does not have a key assessment role in the programme.

Decision-maker: The MFLT department for the families of martyrs and war invalids.

Critical analysis: The scheme is also characterised by inequality within the assessment framework. Whereas civilian war invalids have to provide evidence of their war-related disability through municipalities, the state created an ad hoc government commission to verify the status of military war invalids, co-ordinated by a veterans' office within the Office of the Prime Minister. In practice, when the government commission recognises someone as having the status of invalid, that normally leads to the compensation being paid. There has been extensive criticism of the fact that the numbers of invalids and other categories of KLA-related groups have been inflated (e.g. Kalaja and Molliqaj, 2015).

c) Benefit entitlements

Level of the benefit: Depending on the level of invalidity, the monthly compensation for KLA war invalids ranges from €225 to €448 per month; for civilian war invalids the compensation ranges from €120 to €152 per month.

Duration of the benefit: Permanent.

Interactions with other income or other income-related benefits: Beneficiaries may not receive another tax-financed, non-contributory social transfer payment; other earnings-related income is allowed.

Challenges: The scheme issues high levels of compensation compared with other disability programmes; benefits for KLA war invalids can even exceed the average wage. The compensation is not affected by any other contributory social transfer payment or labour market income. In addition, in contrast to benefits in other programmes, here compensation is permanent. The status of KLA war invalid also grants access to various in-kind rights and privileges, such as in the education and tax systems. In Q3 2021, there were 4,702 KLA war invalids who benefited from the compensation, and 1,790 civilian war invalids (KAS, 2021a).

1.1.5 Pensionet invalidore të punës (Work disability pension)

a) Eligibility conditions

Disability-related qualifying criteria: Permanent disability (full, permanent work incapacity of those who have been in the labour market/employment relation).

Age: Beneficiaries should be aged 18-65.

Nationality and/or residency: Beneficiaries should be both citizens of, and residing in, Kosovo.

Waiting period: 60 days.

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The pension is income-tested.

Other: None.

Gaps and obstacles: The most relevant gap is the definition of disability as “the emergence of full incapacity at work” (OGRK, 2014). As a result, in practice, the administration applies the same criteria of evaluation and implementation as in the scheme for permanent disability (Section 1.1.1 above). These rigorous criteria make access to the scheme extremely difficult.

b) Disability assessment framework

Type of assessment: Medical assessment of disability.

Responsible authorities: Health institutions and the MFLT.

Method: There is no specific regulation – the system follows the procedure under the permanent disability programme (see Section 1.1.1). In addition, the applicant should provide a document showing prior employment (e.g. income tax records from the Kosovo tax administration).

Supporting evidence: None.

Assessor: Doctors at the medical committee, Department of Pensions – MFLT.

Decision-maker: Department of Pensions – MFLT.

Critical analysis: The framework is the same as for the general permanent disability scheme, with the only difference that here applicants should prove prior employment. This harsh framework and the low level of the pension (see below) create a severe financial penalty for disability, and may serve as a disincentive to enter the (formal) labour market.

c) Benefit entitlements

Level of the benefit: The pension amounts to €100 per month (last update: February 2022). The benefit is flat-rate, set by government decisions, and is in principle tied to the national food (extreme) poverty line.

Duration of the benefit: In practice, subject to re-evaluation every one, three or five years (categories not defined).

Interactions with other income or other income-related benefits: The pension is cancelled against labour market earnings and other non-contributory transfer payments.

Challenges: The monthly payment amounts to 24% of the national average wage (KAS, 2020), which means that employees who acquire disabilities see a substantial decline in their income. Additionally, due to very harsh eligibility criteria, access to the scheme is extremely restricted: in Q3 2021, there were only 72 beneficiaries (KAS, 2021a). This is in general one of the weakest points of Kosovo’s social protection system, which leaves employees with serious injuries (but not fully qualified as someone with permanent disabilities) without any support for the period commencing after a maximum 90 days (for occupational illness) during which they are covered by employers.

1.2 Disability-specific old-age pension schemes

The disability schemes in Sections 1.1.2, 1.1.3 and 1.1.4 are continued in old age (over 65). There are no other disability-specific old-age pension schemes.

1.3 Income support aimed at covering disability-related labour and housing expenses

1.3.1 Healthcare

There are no specific cash public programmes aimed at covering disability-related healthcare expenses in the country. Kosovo runs a basic public healthcare system, which in practice operates according to the National Health Service (NHS) model – in that it is universally accessible and financed predominantly by general taxation and marginally by co-payments. It also finances, through general taxation, a basic list of essential medicines that can be obtained free at the point of use. For beneficiaries of all disability programmes above (Sections 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5) co-payments are waived when they access services.

However, private expenditure is extensive in Kosovo and the list of essential medicines is poorly managed. This implies that, particularly in terms of ensuring access to medicine, Kosovo's current system is not strongly redistributive towards people with disabilities, who may be expected to consume more to cope with medical needs. This major gap may to a certain degree be eased by the activities of international donors and third-sector providers.

1.3.2 Housing

There are no cash benefits in place aimed at covering disability-related housing expenses.

2 Access to some key general social protection cash benefits

The general social protection benefits, such as the *Pensioni bazik* (basic pension) for old age (Section 2.1.1) and the *Skema e ndihmës sociale* (social assistance scheme) (Section 2.3.1), may increase the coverage of people with disabilities by social transfers. These programmes are, like disability-specific benefits (Section 1), primarily oriented to protecting people against poverty; this suggests that disability-specific benefits simply transpose the larger principles of Kosovo's welfare regime, which prioritises poverty relief and prevention. No general social protection programme provides additional benefits for people with disabilities.

2.1 Old-age benefits

2.1.1 *Pensioni bazik* (Basic pension)

a) Eligibility conditions

Each resident citizen, on reaching 65, qualifies for the basic pension. There are no specific eligibility criteria for people with disabilities (who may also come from programmes in Section 1.1.1 and Section 1.1.5 on reaching old age). Beneficiaries of other specific programmes (compensation for blind people, people with paraplegia/tetraplegia, and military and civilian invalids) cannot receive the basic pension.

b) Additional amount/compensation included and adequacy issues

There is no additional amount for people with disabilities. The basic pension is universal, flat-rate, and tied to the national food (extreme) poverty line. In Q3 2021, the monthly pension was €100 and there were 141,099 beneficiaries, or about 7.85% of the country's population (KAS, 2021b). The fact that there is no pension addition for people

with disabilities reduces the adequacy of the benefit in meeting the extra costs related to disability.

c) Gaps/obstacles

Although the universal nature of the basic pension may mean its adequacy is limited, it is, on the other hand, very likely to ensure that people with various disabilities, who normally do not qualify as people with "permanent disabilities", have easier access to a pension in old age; it also may remove any potential related stigma.

2.1.2 *Pensioni kontributdhënës* (Contributory pension)

a) Eligibility conditions

On reaching 65, former employees who contributed for at least 15 years under the pay-as-you-go system prior to 1999 have a right to a general tax-paid pension. There are no specific eligibility criteria for people with disabilities.

b) Additional amount/compensation included and adequacy issues

There is no additional amount for people with disabilities. The scheme provides the best pension benefits – ranging from €182 per month (pensioners with lower education) to €265 per month (with higher education status). In Q3 2021, there were 43,636 individuals in the scheme (KAS, 2021a). As in the case of the basic pension, the fact that there is no additional amount for people with disabilities may reduce the adequacy of the *Pensioni kontributdhënës* (contributory pension) in meeting the extra costs related to disability.

c) Gaps/obstacles

There are no gaps or obstacles, beyond the issue of adequacy.

2.1.3 *Kursimet pensionale të obliguara* (Mandatory pension savings)

a) Eligibility conditions

Owners of saving accounts can withdraw their funds from the mandatory savings pillar only after reaching 65. However, employees can withdraw the funds prematurely in cases of full work disability.

b) Additional amount/compensation included and adequacy issues

No additional funds are involved, but workers acquiring permanent disability become eligible for the permanent work disability pension (Section 1.1.5).

c) Gaps/obstacles

As in the previous two cases (Sections 2.1.1 and 2.1.2), the absence of additional payments for people with disabilities may be an obstacle, as it reduces the adequacy of the benefit in meeting extra, disability-related costs. Additionally, this absence/gap may serve as a disincentive to work or enter the formal labour market.

2.2 Unemployment benefits

Kosovo does not have an unemployment benefit programme in place.

2.3 Guaranteed minimum income schemes and other social assistance benefits

2.3.1 *Skema e ndihmës sociale* (Social assistance scheme)

a) Eligibility conditions

The social assistance scheme is available to two categories: (1) families with fully dependent members (including people over 18 with serious and permanent disabilities that impede them from working); and (2) single mothers with at least one child under 5. Both categories still face a property and income test.

b) Additional amount/compensation included and adequacy issues

There is no addition to disability benefits, but if a dependent person receives another disability social transfer, they are not included in the equivalence scale/benefit.

c) Gaps/obstacles

The World Bank (2019:55) suggests that disability verification is often characterised by fraud and that many families who entered the scheme through category (2) transfer to category (1) "on grounds of disability" when the youngest child reaches 5. However, according to the bank, poverty is most prevalent among people in low-productivity jobs and people with disability (World Bank, 2018: 10). In Q1 2021, there were 103,303 people on social assistance benefits; of them 55% were in category (1) (MLSW, 2021).

3 Provision of assistive technology and personal assistance

3.1 Assistive technology

Government-funded programmes that provide assistive technology to people with disabilities in Kosovo are either underdeveloped or completely absent. Apart from the provision of prostheses for lower extremities (at the UCCK), the government does not presently offer any assistive technology programme. In the absence of government-funded programmes, local and international NGOs are trying to fill the gap, by offering their services and assistance. However, as they depend largely on donor funding, they are unable to provide their services uninterruptedly and to the quality desired (e.g. many of them offer used equipment).

3.1.1 Mobility support

Article 13.3 of Law No 05/L-067 on the Status and the Rights of People with Paraplegia and Tetraplegia states that "*the list and types of auxiliary equipment that will be provided for free to paraplegics and tetraplegics, serving their mobility, prevention and assistance shall be defined by a secondary legislation*". To date, no such secondary legislation has been prepared or adopted; the list of equipment that needs to be provided for free in this category is therefore completely absent.

The only government-funded institution that provides assistance to civilian or war invalids in Kosovo is the clinical orthotics and prosthetics service (COPS) of the UCCK. Services are limited to the provision of prostheses for lower extremities, because the COPS currently lacks the staff and expertise to address the needs of patients with upper extremity problems (Geci, 2022). Patients who require assistance from the COPS undergo a medical and functional assessment (including a detailed assessment by psychiatrists), and if they are entitled, the COPS will deliver the prosthesis to the patient within three weeks. The prosthesis is fully funded by the state budget – no participation (cost-sharing) is required from the user. Between 90 and 120 prostheses are delivered by the COPS each year (Geci, 2022). All residents of the country are eligible for the service, subject to the availability of funds and prosthetic materials. The budgeting for the COPS is done historically, based on

the number of services delivered in the previous year, and is subject to approval from the Kosovo Hospital and University Clinical Services².

Overall, the service remains underdeveloped and understaffed and operates with old equipment and technology. The COPS received substantial support from international donors following the end of the conflict in 1999, primarily due to the fact that many civilians and former fighters required assistance with prostheses. The technology and the equipment used for the production of prostheses was donated in 2002, and hence could now be considered outdated (KOHA, 2019). A more modern ortho-prosthetic technology was donated by Lux Development to the Centre of Excellence in Ferizaj to support the ortho-prosthetic study programme. However, after the graduation of two generations of ortho-prosthetic students, the programme was closed and there is now an ongoing discussion between the UCCK, the Ministry of Education, Science and Technology (MEST) and the donor to transfer this equipment to the COPS (*ibid.*).

The rest of the mobility support for people with disabilities is provided by local and international NGOs, in particular HANDIKOS, a leading local organisation addressing the needs of paraplegic and tetraplegic people in Kosovo. With 13 branches and 14 rehabilitation centres in almost every large city in Kosovo, they are able to provide beneficiaries with wheelchairs, crutches, walkers, orthopaedic beds and mattresses, canes and other supporting devices. HANDIKOS offers mostly second-hand devices, donated by international organisations, including hospitals or rehabilitation centres. In many cases, the devices are identified by members of the Kosovo diaspora network who work or collaborate with these organisations. Diaspora associations then collect funds from their members to ship the devices to Kosovo (HANDIKOS, 2022).

The assistance from HANDIKOS is not limited to paraplegics and tetraplegics, as all residents are eligible for these devices. The only requirement is that potential users should attend in person at one of their offices, where they will be assessed by the professional staff of the organisation. Following the assessment, staff in the HANDIKOS workshop (mostly people with disabilities) perform specific modifications to the devices in order to adjust them for the new users. HANDIKOS assisted nearly 2,000 people in Kosovo between 2018 and 2021. They provided 500 wheelchairs and 800 other supportive devices in 2021 alone (HANDIKOS, 2022).

The key challenge for HANDIKOS remains the sustainability of services, considering that the organisation depends heavily on donor funding and donor contributions. Lack of sustainable funding also affects the staff – the organisation is unable to employ essential staff in their workshops in rehabilitation centres, thus also affecting the quality of services provided. HANDIKOS seeks to employ more people with disabilities in their workshops, but are unable to generate adequate funding. Occasionally, they receive grants from the MFLT as well as from municipalities, but these funds are neither sufficient nor sustainable, as they are limited in time and scope.

3.1.2 Support for people with sensory impairments

According to Article 10.3 of Law No 04/L-092 for Blind People, typhlo-technology (typhlo-technical and typhlo-didactical tools)³ should be made available to blind people in Kosovo through the MEST, the MFLT and the ABPK. Article 11 of the same law calls for the provision of information for blind people in braille, and through the digital library.

Regrettably, none of these legal provisions is implemented in practice. The only time the government provides the support needed by blind people is when they are employed in public administration. In that situation, the employer provides the required equipment and

² Since January 2015, these services have been a government budgetary organisation, receiving budget allocations directly from the MFLT and disbursing funds to regional hospitals and the UCCK.

³ Auxiliary instruments, aids or technological adaptations created or adapted specifically to enable the correct use of technology by people who are blind or who have visual impairments, contributing to their personal autonomy and full social, labour market and educational integration.

support at the request of the employee. There are no government-funded programmes that provide typhlotechnology to unemployed blind people, who constitute the largest share of the blind population in Kosovo.

In the absence of government programmes, the support mainly comes through the ABPK, which is also dependent on funding from local and international donors. The association provides white canes, computers, textbooks in braille and other assistive technology for blind people. The support is, however, conditional on membership of the association.

According to ABPK leaders, the lack of voice synthesis (speech synthesisers) in local languages is the most pressing problem for blind people in Kosovo. The MEST is in charge of developing voice synthesis in Albanian, but so far it has been unable to deliver it, thus preventing many blind people who do not speak English or other foreign languages using donated laptops.

3.1.3 Other support

The action plan for implementing the national strategy on the rights of people with disabilities for 2013-2023 envisaged the provision of assistive equipment for people with disabilities. In the absence of other programmes, the action plan focused on the provision of incontinence products for paraplegics and tetraplegics. Until 2017, this support was provided by the Ministry of Health based on requests from municipalities. From 2018, when the Law No 05/L-067 on the Status and the Rights of People with Paraplegia and Tetraplegia was implemented, a cash allowance (€75 per month) for incontinence products was included in the compensation plan for category 1 paraplegics/tetraplegics. It is unclear how this allowance was calculated and why it was set as a flat rate, considering that different beneficiaries have different needs. The fixed amount also remains unchanged when the market prices of such products increase; hence it is understandable that most beneficiaries remain dissatisfied with the allowance (KDF, 2020).

3.2 Personal assistance

Only two categories of adults with disabilities are currently eligible for personal assistance – category 1 paraplegics/tetraplegics, and category 1 blind people. Personal assistance was not provided prior to 2013. It became available to blind people after the adoption of Law No 04/L-092 for Blind People in 2013 and was expanded in 2018 to include paraplegics and tetraplegics after the adoption of Law No 05/L-067 on the Status and the Rights of People with Paraplegia and Tetraplegia.

As described earlier, category 1 paraplegics/tetraplegics receive €375 a month, of which €150 is allocated for personal assistants (custodians), €150 for the beneficiary, and €75 for incontinence products. Beneficiaries are entitled to have a personal custodian based on the assessment conducted by the evaluation committee. They can choose their custodian, but are required to sign a contract with them, duly certified by a notary. Custodians are exempted from taxes for registration of their vehicle if the vehicle serves the beneficiary. An interview with HANDIKOS revealed that the amount allocated for custodians is not sufficient, especially for beneficiaries who need assistance 24 hours a day (HANDIKOS, 2020).

Similarly, category 1 blind people are also entitled to a custodian. They receive €250 a month, of which €125 is for the beneficiary and €125 for the custodian. Beneficiaries can choose their custodian, but need to register them with the competent authorities. They are required to inform the authorities immediately if they decide to replace their custodian. The ABPK complained about the low level of the allowance, as it does not correspond to the real needs of this category of beneficiaries, who require 24-hour assistance. It also requested that an allowance be extended to category 2 blind people who also require custodian support for their daily activities (ABPK, 2022).

4 National debates, reforms and recommendations

4.1 National debates

As documented earlier, the current social protection programmes targeted at people with disabilities in Kosovo are characterised by both inequity and inadequacy of provision. Provision in Kosovo varies by impairment/disability type (i.e. certain disability-specific cash programmes – such as programmes for blind people, people with paraplegia/tetraplegia, and those with war-related impairments/disabilities – provide better benefits and have different eligibility and assessment criteria, which do not apply to people with other categories of disabilities). Similarly, civilian or war invalids can benefit from assistive technology (prostheses), which is fully covered by the state budget, while other categories (e.g. blind people) receive no assistive technology despite this being required by law. Associations representing people with disabilities (e.g. HANDIKOS, ABPK) are dissatisfied with these inequalities and are continually calling on the government to develop more inclusive policies. The debate is also focused on the inadequacy of provision. Overall, the amount of the compensation provided to most categories of people with disabilities is deemed inadequate, in part due to the lack of support programmes that provide assistive technology and personal assistance. The situation is also worsened by the fact that many beneficiaries are unemployed and belong to low-income households (Bytyçi, 2019).

On 3 December 2020 – the International Day of People with Disabilities – the Kosovo parliament held a session dedicated to the situation of people with disabilities in Kosovo. The parliament adopted a resolution that called for: 1) improvement of the legal framework that guarantees the protection and promotion of the rights of people with disabilities in Kosovo; 2) the inclusion of the UN Convention on the Rights of Persons with Disabilities (CRPD) in Article 22 of the constitution of Kosovo, in an attempt to bring disability policy in Kosovo in line with the UN CRPD principles; and 3) 2022 to be declared the “Year of People with Disabilities”.

Following the resolution of parliament, the current government declared 2022 to be the “Year of People with Disabilities”. The Office on Good Governance (in the Office of the Prime Minister) worked with organisations of people with disabilities in Kosovo, such as HANDIKOS, the ABPK, the Association of Deaf People, and Down Syndrome Kosovar, to prepare a calendar of activities for 2022. Activities are grouped into seven main categories: 1) health (focusing on drafting an administrative order that will define the list of assistive technology provided free by the government, and the provision of sign language in all relevant public institutions); 2) education (focusing on vocal synthesis in Albanian and strengthening braille learning in selected schools); 3) employment (focusing on the enforcement of the existing legislation – Kosovo has instituted a quota system to promote the employment of people with disabilities requiring each employer to employ one person with disability for every 50 employees); 4) access (focusing on the provision of ramps, sign language and audio signage in most public institutions); 5) social welfare (focusing on the draft law on the evaluation, status recognition, benefits and services for people with disabilities); 6) sports and culture; and 7) law and security.

The calendar of activities reflects the key challenges identified by organisations of people with disabilities in Kosovo that need to be addressed with high priority by the government. Many of these activities derive from the national strategy for 2013-2023 on the rights of people with disabilities, and besides improving the situation of people with disabilities are also aimed at increasing awareness among the general population about the challenges faced by people with disabilities.

Drafting and adopting the new law on evaluation, status recognition, benefits and services for people with disabilities during 2022 is the main objective of all stakeholders and is currently dominating the national debate. The law is expected to address many of the priority challenges listed above and is described in detail in the next section.

4.2 Recent reforms and reforms currently in the pipeline

The implementation of Law No 05/L-067 on the Status and the Rights of People with Paraplegia and Tetraplegia has been the main reform concerning people with disabilities in Kosovo since 2017. The law, as described, permitted certain advances in terms of social protection for paraplegics and tetraplegics, including the allowances for the provision of custodians and incontinence products. In addition, the law promoted inclusion by considering that employment, self-employment or any other form of employment did not exclude beneficiaries from receiving the compensation.

However, the law targets only one category of people with disabilities and creates inequalities with other categories. The government is now moving in the direction of a uniform approach towards disability (as opposed to increasing categorisation) by drafting a new law on the evaluation, status recognition, benefits and services for people with disabilities, popularly known among people with disabilities as the "Inclusive Law".

The draft law, sponsored by the MFLT and prepared in close co-ordination with organisations representing people with disabilities, covers all types of disabilities, which will be determined through a bio-psycho-social evaluation model, based on the international classification of functioning, disability and health. The evaluation commission will consist of professionals from the fields of social work, health, employment, law and education, and may include other experts as needed. People with disabilities will be placed into four different categories, from light disability (category 1) to complete disability (category 4). Compensation will be tied to the minimum wage – beneficiaries in category 4 will receive 100% of the minimum wage, while those in category 1 will receive 50% of the minimum wage. The allowance for incontinence and decubitus products, for those eligible, is set at 50% of the compensation amount received by the beneficiary. People with disabilities who find employment will not be removed from the compensation scheme automatically. Instead, their compensation will be scaled down based on a formula that will be designed through a secondary legislation. In addition, employers who employ people with disabilities, and self-employed people with disabilities, will be incentivised through tax exemptions that will be regulated under secondary legislation.

The new draft law envisages a central role for centres for social work (CSWs), which will prepare individual plans for each beneficiary tailored to their individual needs. It also envisages closer co-ordination between CSWs and licensed civil society organisations, which will be called on to provide specialised services that are not offered by CSWs or other public institutions. People with disabilities who need 24-hour assistance will be entitled to more than one custodian. Custodians can be chosen by beneficiaries or CSWs, which will maintain a register of qualified custodians. In both cases, custodians are required to complete accredited training before signing a contract (certified by a notary).

Assistive technology will include: mobility support (again, the list is expected to be determined through secondary legislation); typhlotechnology, braille and computer software for all blind people; and the installation of tablets that provide sign language in all public institutions.

People with disabilities will also have priority in accessing social housing. According to the draft law, households with a member with disabilities, who are eligible for social housing, will receive an additional 20 points on top of points awarded through the evaluation process. In addition, the lower floors of the social housing buildings must be adjusted to accommodate people with disabilities.

The new draft law is very comprehensive, and if adopted will certainly advance the position of all people with disabilities and promote their inclusion. It will also provide a uniform approach towards disability and will avoid inequalities among different types of disabilities. The consultation process should also be praised, as it involved representatives of different organisations of people with disabilities from the outset. The draft law will soon be shared for consultations and comments before it is processed in parliament. Financing the implementation of this law may be challenging, but the current government has pledged

to engage in social protection sector reforms and the adoption of this law is one of the most significant steps in this reform.

4.3 Good practice and recommendations on how to tackle gaps and obstacles

4.3.1 Good practice

- The narrowly targeted disability-specific cash programmes (Sections 1.1.2, 1.1.3 and 1.1.4) involve two kinds of good practice that may be exported to other programmes. First, they involve less strict disability qualification criteria (as opposed to full and permanent disability under other programmes). Second, they allow rather than penalise earnings-related income, which may serve as a social inclusion incentive.
- Some major general programmes – such as the basic pension for old age and the basic public health service – are universal and not subject to criteria such as means or income tests, earnings, and contributions. As such, they may cover people with disabilities without the usual mistakes of the targeted, means-tested programmes and without potential stigmatisation.
- The instruments for implementation are well defined, financing is assured, and public data (such as on the number of beneficiaries, and the budget allocated and spent) are well and regularly reported in public, official websites and databases.
- The costs of disability are gradually being recognised by Kosovo institutions, as demonstrated by the provision of free prostheses for civilian and war invalids, the provision of allowances for incontinence products, and the provision of personal assistants for people with certain categories of impairments/disabilities. However, this recognition needs to be matched by adequate levels of provision and should be extended to other categories of people with disabilities.

4.3.2 Recommendations

- Kosovo is in the process of reconsidering its social assistance scheme, the main poverty protection programme, with the purpose of removing its categorical eligibility criteria and removing criteria that penalise any work-related income. These principles should be transferred to the disability-specific programmes as well, which in turn would improve the social inclusion of people in poverty, and help them avoid poverty traps.
- The government is on a good track and should be backed by all relevant parties to establish a consistent approach regarding the understanding of disability – by avoiding disability categorisations and assessment inequalities, and by introducing well defined and easily adjustable benefit formulas.
- As the current left-wing government has pledged to expand and reform the social protection sector, it will be important for it to work towards strengthening solidarity with people with disabilities in its major current and future programmes, such as pensions, sickness and unemployment protection. This could be done by removing/reducing contribution obligations, making higher payments to help reflect the costs of disability, and promoting social inclusion.
- Kosovo should seek to improve the availability of free, easily accessible medicine by a simple and transparent mechanism. This would fill the main gap in the current public healthcare system. It should also maintain the system within the national health service model and improve its efficiency. No major achievement would result by simply turning the national health service model into a social health insurance model as recent non-implemented legislation measures intended to do. With the current employment rate at about 30%, a health insurance model would risk leaving large parts of the population without coverage and would not provide sustainable financing.

- Drafting of the new “Inclusive Law” is a great step forward. However, the government should be more vigorous in preparing other regulatory mechanisms, including specific regulations and by-laws, to ensure adequate implementation of the law. The lack of these regulatory mechanisms in the past has resulted in weak implementation of policies directed at improving social protection for people with disabilities.
- Kosovo should strengthen data-collection mechanisms, ensuring that comprehensive, reliable and disaggregated data on disability and people with disabilities are collected, in line with Article 31 (statistics and data collection) of the UN CRPD.

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