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**INCLUSIVE EDUCATION OF CHILDREN WITH
DISABILITIES AND MINORITY CHILDREN IN
KOSOVO WITHIN A HUMAN RIGHTS FRAMEWORK**

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Abstract

This thesis examines the philosophy and practice of inclusive education with regards to minority children and children with disabilities in Kosovo. It analyses to what extent inclusion of these marginalised groups has been achieved in a country, which time and again in history fell into conflict due to ethnic animosity and exclusion. It also studies methods and approaches to inclusion of the two groups within the Kosovar context, i.e. the Kosovo-specific inclusion. Essentially, it also compares the two infrastructures required for inclusion of disabled children and minority children.

The thesis, while academically drawing on the areas of political science, law and education, also attempts to bring the account closer to reality on the ground through numerous interviews with key actors dealing with inclusive education, children's rights, disability, minorities and human rights in Kosovo. Moreover, an effort was made to firmly place the thesis within the right to education and, what has emerged in the inclusion discourse, the 'right to inclusive education'.

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Abbreviations and acronyms

APREME Advancing Participation and Representation of Ethnic Minority Groups in Education

BSF Balkan Sunflowers

CFS Child Friendly School

CIDA Canadian Agency for International Development

CRC Convention on the Rights of the Child

CRPD Convention on the Rights of Persons with Disabilities

EFA Education For All

EU SIMRAES European Union Support for the Implementation of the Roma, Ashkali and Egyptian Strategy

FCNM Framework Convention for the Protection of National Minorities

FSDEK Finnish Support to the Development of Education in Kosovo

GTZ Deutsche Gesellschaft Für Technische Zusammenarbeit

IBE International Bureau of Education

IEP Individual Educational Plan

ICESCR International Covenant on Economic, Social and Cultural Rights

KDEP Kosovo Education Development Programme

KEC Kosovo Education Centre

KFOS Kosovo Foundation for Open Society

MEST Ministry of Education Science and Technology

MED Municipal Education Directorate

NATO North Atlantic Treaty Organisation

NGOs Non-Governmental Organisations

OECD Organisation for Economic Co-operation and Development

OSCE Organisation for Security and Cooperation in Europe

SC	Save the Children
SEN	Special Education Needs
SFRY	Social Federal Republic of Yugoslavia
SS/RC	special school/resource centre
TESFA	Toward Effective School For All
TTRB	Teacher Training Review Board
UDHR	United Nations Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
UNMIK	United Nations Interim Administration Mission in Kosovo
UNHCR	United Nations High Commissioner for Refugees
UP	University of Prishtina
VET	Vocational Education and Training

Introduction

Minority groups have been a feature of the Kosovar society throughout centuries due to the alternate Ottoman and Serbian rule over the territory as well as subsequent Yugoslav authority. Kosovo, however, remained overwhelmingly Albanian and yet for decades had been part of a largely Slavic Social Federal Republic of Yugoslavia (SFRY).¹ In these circumstances the issue of ethnic tensions inevitably comes to the forefront. After the 1999 conflict, it became apparent, for the Kosovars and the international community alike, that ethnic groups needed to reconcile and make attempts at peaceful co-existence.

Education was envisaged as a vehicle of this social transformation and in this particular context the practice of *inclusion* came to be seen as the most relevant. Inclusive education not only aims at embracing *all* children into the educational system, but strives for educating *all* children *together*. Essentially, it is an approach which departs from segregation (separate schools) and mere physical integration (separate classes in the same school) and aims at developing a system truly responsive to diversity and accommodating needs of all children.² Consequently, inclusion does not solely relate to minority children but also to all other marginalised groups.

Apart from minority children, this thesis focuses also on inclusion of children with disabilities. The latter group has received a lot of attention from the international educational experts working in Kosovo. Paradoxically, thanks to the conflict-generated interest, for the past twelve years Kosovo has been developing an inclusive education approach with regards to disabled children. It is thought-provoking to observe how a country which is in urgent need of ethnic educational inclusion due to its turbulent past, with the help of western beliefs and expertise, has become also sensitive and committed to fighting exclusion of other marginalised groups such as disabled children.

Against this backdrop, the thesis sets out the following research question: *to what extent has the inclusion of minority children and disabled children been achieved*

¹ For more details on the history and politics of Kosovo please refer to section II.1 *History, politics, conflict and education in Kosovo ó background*.

² For definition of inclusive education and more information with regards to this issue, please refer to section I.1 *Special and inclusive education. Theory and practices* and Annex 2.

in Kosovo? What foundations have been laid to effectuate the aim of implementing inclusion and how is this process progressing? The thesis also aims to discover what is the infrastructure that both inclusions require for their implementation and how do these measures compare with each other? In order to answer the above questions, the thesis is structured in the following manner. In Part I, theoretical foundations for inclusive education as well as the human rights framework are laid out. Part II provides an overview of Kosovar politics and history, however, it is mainly devoted to statistical data, national legal framework as well as education of minority and disabled children in Kosovo. Part III deals specifically with attempts at inclusive education of these groups within the Kosovar context.

With the view of gaining an insight into the Kosovar inclusive education of minority and disabled children numerous interviews were conducted with international and local organisations, non-governmental organisations (NGOs), university officials, institutions, Ministry of Education Science and Technology (MEST) as well as schools.³ The interviews are cited throughout the thesis to bring the account closer to reality on the ground. Final conclusions are drawn on the basis of academic theory, international reports from the field as well as observations and interviews carried out in Kosovo.

³ Please refer to Annex 1 for details regarding the interviews.

Part I Theory and norms

I.1 Special and inclusive education. Theory and practices

Approaches to inclusion

In the global inclusion discourse there emerged two main frameworks with a view of embracing all marginalised children into education. The first one comes from the United Nations Educational, Scientific and Cultural Organization (UNESCO) 1994 Salamanca Statement⁴ promoting inclusive education, which has become a widely endorsed concept with regards to education of children with disabilities and other marginalised young people. The document asserts that: “The fundamental principle of the inclusive school is that all children should learn *together*, wherever possible, regardless of any difficulties or differences they may have.”⁵ The above quote does not limit inclusion to children with physical or mental disabilities, although this is the focus of the Statement. In fact, inclusion of all children promoted by the document pertains also to “disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups.”⁶

A different, yet related and complimentary, idea emerged at the 2000 World Education Forum in Dakar, Senegal, where the Dakar Framework For Action adopted a World Declaration on Education For All.⁷ The Framework sets out, within the Education For All (EFA) concept, goals aiming at bringing into education *all* children that have been excluded due to cultural beliefs, gender stereotyping, poverty, inaccessibility, disability, ethnic background, etc. Therefore, the EFA ideology pertains

⁴UNESCO, The Salamanca Statement and Framework for Action in Special Needs Education, 1994, available at http://www.unesco.org/education/pdf/SALAMA_E.PDF, accessed on 30/05/2012.

⁵ Ibidem, p. 11. Italics added.

⁶ Supra footnote 4, p. 6.

⁷ World Education Forum Dakar, Senegal, “Dakar Framework For Action”, 2000, available at <http://unesdoc.unesco.org/images/0012/001211/121147e.pdf>, accessed on 30/05/2012.

to a general notion of providing education to as many marginalised children as possible, without insisting on a specific mode of delivering it. Nonetheless, it does identify inclusive education as defined by UNESCO, as one of its strategies to bring children into education. The underlying concept of EFA then is that *all* children should be given an opportunity to learn, whereas the idea behind inclusive education is that all children are enabled to learn *together*.⁸

What follows from the above discourse is that the concept of inclusion has a multifaceted dimension. This two-fold capacity can be applied in a different manner depending on the country context as well as the nature of the marginalised groups. This thesis is focusing on the country case of Kosovo, and groups in question are minority children as well as children with special needs. As will be elaborated in Part III, in the Kosovar context, EFA and UNESCO meanings of inclusion apply equally to both minority children and children with disabilities. Prior to the Salamanca and Dakar concepts of inclusion, however, the education of children with disabilities has adopted over decades various approaches in an attempt to accommodate students' needs. Primary concepts are outlined chronologically in the following sections.

Segregation

By far the oldest and the most traditional practice is *segregation* which dates back to more than a century ago in the western European societies⁹ and has been widely applied in the west until the 1960s.¹⁰ This approach laid foundations for what is today known as *special education* and is based on spatial and social separation of disabled children from their peers by placing them in special schools. Certainly, segregation fulfills the EFA goal of access to education for *all*, however it is acutely contradictory to the philosophy of Salamanca Statement's education of all children *together*. This approach employs a medical model of disability, whereby impairment is believed to be inherent and individual to the child and caused by deficits and internal functional

⁸ Peters, 2003, p. 1.

⁹ Copeland, 2000, p. 11.

¹⁰ Holst in Matero and Kadriu (eds), p. 29.

limitations.¹¹ According to the medical understanding of disability, a child is diagnosed, categorised as belonging to a certain medical condition group (e.g. ADHD, autism, mild intellectual disability, etc.) and referred to a special educational arrangement.¹² Effectively, the diagnosis and subsequent placement in a special school determine child's educational path and the type of support to be provided. Therefore, the needs of children are addressed on the basis of the medical condition he/she was ascribed to.

This approach came under criticism in the 1960s, on the grounds that categorization according to disorder does not contribute to the understanding of how to meet *individual* special needs. In fact, children classified as having the same impairment most likely will have very different requirements for educational support. Hence, categorisation does not lend itself to aiding teachers and the entire special education infrastructure to attend to specific education needs of medically diagnosed children, whose disability is seen solely from a medical perspective. Additionally, medical diagnosis has been disapproved on the basis of stigmatizing children and attaching a fixed label of 'being different'¹³

There is an array of stigma definitions, however, one that is formulated in the most explicit way is by Goffman: 'attribute that is deeply discrediting' and reduces the bearer 'from a whole and usual person to a tainted, discounted one.'¹⁴ Stigma is a concept which has been widely theorized within academic literature which in turn has led to its characterisation as a socially constructed phenomenon¹⁵ shaped by cultural influences.¹⁶ Yang et al's article gives examples of stigma created within the Chinese and American cultures¹⁷ and equally this process can be identified in other parts of the world, such as 'for the purpose of this thesis' in Kosovo.

¹¹ Wendelborg and Tøssebro, 2011, p. 499; Culham and Nind, 2003, p. 68; Kerzner Lipsky and Gartner in Daniels and Garner (eds), 1999, p. 18.

¹² Supra footnote 10, pp. 29-30.

¹³ Supra footnote 10, p. 30.

¹⁴ Goffman in Link and Phelan, 2001, p. 364.

¹⁵ Yang, Kleinman, Link, Phelan, Lee, Good, 2007, p. 1525.

¹⁶ Ibidem, p. 1528.

¹⁷ Supra footnote 15, pp. 1529-1530.

Normalisation

The ideology of normalisation advances that persons with disabilities should lead as 'normal' lives as possible, i.e. daily routines which would be similar to those of non-disabled citizens. The idea behind this concept was for disabled people to have the same rights and duties as other members of society.¹⁸ As much as the values of equality and individual freedom have been appreciated in this approach, the criticism comes on the grounds that it attempts to fit disabled people into universally accepted norms, creating a form of 'tyranny of the normal'. The central question of the critique asks what the 'normal life' actually is and if so many non-disabled people are, in fact, unhappy with their lives, how can we justify imposing those norms on persons with disabilities?¹⁹ Normalisation has also been challenged on the basis that by stressing equality and conformity with the general norms it denies the right to be different.²⁰ This, in turn, leads us to one of the fundamental dilemmas in the field of disability, namely the dilemma of difference.

The dilemma of difference appears in numerous areas; primarily and most basically at the level of identification, i.e.: should children with disabilities be identified as having disabilities for educational purposes? With regards to curriculum, the consideration is whether it should be tailored to the needs of disabled children or rather universal for all learners. Moreover, perhaps most importantly for the upcoming discussion on integration and inclusion, the dilemma of difference pertains also to location, i.e. to what extent children with the most severe disabilities will learn in ordinary settings.²¹ Although, normalisation promotes lifestyles similar to those of non-disabled people, it does not attach special significance to education of disabled children in regular settings. Thus, it is an approach which validates both an EFA framework as well as inclusion into regular schooling, prioritising rather the aforementioned issues of equality and human rights.²²

¹⁸ Holst in Daniels and Garner (eds), 1999, p. 180

¹⁹ Ibidem, p. 181.

²⁰ Culham and Nind, 2003, p. 71.

²¹ Norwich, 2008, pp. 1-2.

²² Supra footnote 20, p. 67.

Special Needs Education

In the 1970s a new approach was put forward in the *Warnock Report* which gave rise to the concept of Special Education Needs (SEN). SEN does not constitute a separate ideology in special education per se, however, it offers an alternative to the medical model of disability applied in segregation. The SEN approach has been widely used especially in integration and mainstreaming, which will be elaborated in the next section. The following quote points to the departure from the special education approach:

“It is thus impossible to establish precise criteria for defining what constitutes handicap. Yet the idea is deeply ingrained in educational thinking that there are two types of children, the handicapped and the non-handicapped. Traditionally the former have generally been thought to require special education, and the latter ordinary education. But the complexities of individual needs are far greater than this dichotomy implies. Moreover, to describe someone as handicapped conveys nothing of the type of educational help, and hence of provision that is required. We wish to see a more positive approach, and we have adopted the concept of SPECIAL EDUCATIONAL NEED, seen not in terms of a particular disability which a child may be judged to have, but in relation to everything about him, his abilities as well as his disabilities - indeed all the factors which have a bearing on his educational progress.”²³

Special Needs Education (SNE), therefore, has adopted an individualised approach with an appreciation that special education is not only dealing with disorders, impairments and disabilities but with a myriad of other factors, which facilitate or obstruct learning. Thus, SNE embraces also, as specified in the Salamanca Statement,²⁴ children from ethnic minorities, gifted children, working children and those living in the streets.²⁵ Based on the individual needs emphasis, the SNE approach introduces an Individual Educational Plan (IEP)²⁶ which gears curriculum to children’s special requirements. Additionally, IEP calls for individualised teaching and flexible classroom support, such as assistant teachers, relevant resources, etc.²⁷ SNE cannot be strictly categorised as an

²³ Warnock Report, 1978, chapter 3, section 6.

²⁴ Supra footnote 4.

²⁵ Supra footnote 10, p. 31.

²⁶ IEP is one of the key terms in inclusive education. For a glossary of inclusive education terms please refer to Annex 2.

²⁷ Supra footnote 10, p. 31.

EFA framework or inclusion into regular schooling since it entails both of these approaches depending on the nature of educational needs. Hence, its flexibility in assessing needs is also applied to the choice of setting selected for children's education. Two preceding paradigms, i.e. mainstreaming and integration, draw heavily on the SNE practices.

Integration and Mainstreaming

Integration aims at placing disabled children in regular schools to give them a chance of interaction with non-disabled peers. The underlying idea behind integration has been the concept of 'normal society' and the criticism challenged precisely this aspect. Integrating into regular settings came to be seen as deeply rooted in administrative practice rather than motivated by respect for individual needs and rights.²⁸ Additional criticism pointed to the paradox of isolation that disabled children might experience in integrated contexts. This can be observed especially at the very basic stages of integration.

The first phase called physical integration involves disabled and non-disabled children studying in separate classes, however, on the same premises. At this basic stage integration is limited to mere presence of both groups on the same grounds, passing each other in the hallways and other limited forms of interaction. It is precisely at this stage that disabled children might experience rejection and loneliness since 'being formally integrated into a school or the local environment did not necessarily mean that the individual was part of a social fellowship that went beyond those with similar disabilities.'²⁹ The next two phases are social and functional integration. Social integration pertains to a situation within an educational setting where disabled and non-disabled children engage in simple social activities outside of classroom such as common play-time, meals in the school canteen, etc. The last and at the same time the

²⁸ Supra footnote 18, p. 181.

²⁹ Gustavsson, 1997 quoted by Holst in Daniels and Garner (eds), 1999, p. 180.

most advanced stage involves functional co-operation among children in projects, workshops, organisation of plays, sport activities, etc.³⁰

The concept of mainstreaming shares with integration the idea of placing special needs children in regular settings. There are, however, differences in the ways placement is perceived in the two approaches. Although there is a multitude of definitions of mainstreaming, most authors agree on using the term when referring to disabled children, who are in special education setting, nonetheless have an opportunity of spending a portion of their time in regular schools.³¹ Issues arising with regards to this approach are responsiveness of peers in mainstreamed settings and also the extent to which mainstream environments are stimulating and enriching for both disabled children and the non-disabled ones.³²

Inclusion

Although integration and inclusion both promote embracing disabled children into regular schooling, these two concepts have very different approaches towards implementation of this goal. Integration, as outlined above, is an ideology where children, while being exposed to interaction with non-disabled peers, essentially need to adapt to the system themselves or alternatively allow it to assimilate them without the actual educational system adjusting to accommodate their requirements. In contrast, inclusion has a systemic meaning which entails restructuring operational modes of regular schools to tailor educational settings to the needs of *all* children.³³ Clearly then, inclusive education embodies inclusion as defined in the Salamanca Statement, where the EFA aim of access to education is tacitly assumed as already achieved. Tony Booth skilfully outlines the components of inclusion in this comprehensive statement:

“Increasing participation for all implies not only that everyone is entitled to participate in their local educational settings, but that education systems and settings are developed

³⁰ Kabashi in Matero, Kadriu (eds.), p. 71.

³¹ Kaufman, Gottlieb, Agard, Kukic, 1975 in Meisel, (ed), 1986, p.15; Lipsky, Gartner, 1989 in Jenkins, 1997, p. 8.

³² Guralnick in Meisel (ed), 1986, p. 21.

³³ Supra footnote 21, p. 19.

to be responsive to diversity in ways that value equally all children, young people and their families and the adults who work with them. A principle of equality of value that every life and every death is of equal value is central to inclusion, and implies a further principle prioritizing the common school for all. It is not sufficient that our systems and settings are simply responsive to diversity, since they frequently respond to diversity in ways that create a hierarchy of value amongst children within and between schools according to attainment, disability, religion, class and wealth. [í] But most importantly for me, inclusion is about putting particular values into action.ö³⁴

Booth, therefore, makes a vital point that it is not enough for the system to conform. The conformation has to be also conducted in a relevant manner, which takes into account the following values: equality, rights, participation, community, respect for diversity, sustainability, non-violence, trust, compassion, honesty, courage, joy, love, hope/optimism, and beauty.³⁵ Inclusion, then, in crude terms, combines the rights-based approach of normalisation as well as embracement of children into regular schooling promoted by integration in addition to its own, inherent concept of appropriate, value adjustment of the system. By no means, however, can inclusion be reduced to such simplified terms. In fact, inclusion is surrounded by a myriad of dilemmas not excluding the aforementioned dilemma of difference, which is reflected in a contradiction faced by liberal democracies that are effectively ambushed between an intention to treat all learners as essentially the same and an equal and opposite intention to treat them as different.ö³⁶ There is, however, a general trend within special education literature to emphasise the positive value of difference. Flem et al. asserts that difference within inclusive education should be accepted, embraced and cherished.³⁷ Culham and Nind stop short of evaluating difference as either good or bad choosing to view it rather in terms of an aid to improve education system.³⁸ If difference is a regular feature of inclusion, then the question arising is how far does the acceptance of difference go? This in turn leads to the issue of degrees of inclusion, i.e. should democratic societies commit themselves to a so called 'full inclusion' which means that even children with severe disabilities are educated in regular classes? Consequently, if 'full inclusion' is practised, how should schools strike a balance between individual needs and needs of

³⁴ Booth, 2011, p. 304.

³⁵ Ibidem, p. 309.

³⁶ Dyson, 2001 cited in Norwich, 2008, p. 27.

³⁷ Flem et al., 2004, p. 96.

³⁸ Supra footnote 20, p. 73.

majority? And in attempt to find this balance, to what extent is inclusion turning into exclusion? Equally, if children with severe disabilities are included into regular schools, how far is this kind of inclusion about their participation rather than inclusive practices being imposed on them?³⁹ Opinions regarding full inclusion as opposed to partial inclusion are divided. Some academics, who are deeply against any form of educational segregation, advocate for abolition of all special education arrangements.⁴⁰ Others find the solution in restructuring regular schools and gradual closure of special schools.⁴¹ Jesper Holst offers a very balanced view by stating that, while it is important to ensure that schools are increasingly inclusive, at the same time, it is equally crucial to cater for individual needs of those who require it. In other words, children's educational needs should not be ignored for the sake of promoting inclusive values at any cost.⁴²

Other dilemmas concern functional nature of inclusion, i.e. which factors effectively render schools inclusive?⁴³ Literature mentions numerous aspects that contribute to educational inclusion. According to Roger Slee, curriculum and pedagogy lie at the very centre of successful inclusive schools.⁴⁴ In the context of inclusive education the desired ideal is to develop a regular but flexible curriculum followed by all children. This universal curriculum can subsequently be adjusted to children's special needs by means of IEPs.⁴⁵ The quality of teaching as well as teaching methods are also emphasised as vital components of inclusion. Rouse and Florian point out that productive inclusive teaching is time-efficient, generates positive atmosphere and makes use of a range of relevant resources that apply to all children.⁴⁶ Another critical factor within inclusive schooling is building an inclusive community of teachers, parents and students themselves to provide a safe forum for all to express their opinions, allow for shared decision-making and engage students as school citizens whose views are valued.⁴⁷

³⁹ Supra footnote 21, pp. 19-21.

⁴⁰ Forrest, 1988 referenced in Rouse and Florian, 1996, p. 79.

⁴¹ Rouse and Florian, 1996, p. 79.

⁴² Supra footnote 10, p. 41.

⁴³ Dyson in Daniels and Garner, (eds), 1999, p. 38.

⁴⁴ Slee in Daniels and Garner, (eds), 1999, p. 199.

⁴⁵ Supra footnote 10, p. 42.

⁴⁶ Supra footnote 41, p. 76.

⁴⁷ Carrington and Robinson, 2006, p. 326; Ainscow and Miles, 2008, p. 29; supra footnote 41, p. 72.

In addition to the above discourse, it should be stressed that inclusion is a philosophy, which essentially cannot be defined in an unequivocal manner.⁴⁸ It is a term that has acquired multiple definitions⁴⁹ and has been characterised as an unending process, which can be aspired to but never fully reached.⁵⁰ In the same vein, schools should not be determinately labelled as inclusive or non-inclusive since inclusion is a continual process.⁵¹ Due to its somewhat intangible and elusive nature, inclusion is a challenging concept in terms of implementation.⁵² In fact, while attaining some degree of inclusion is a final objective, frequently in practise only a form of integration or mainstreaming is achieved.

Although, as stated above, inclusion is challenging to define and implement, it is nonetheless a very far-reaching and expansive concept. There is a general consensus in the literature that inclusion does not only concern disability but it also encompasses ethnicity, gender, poverty, etc.⁵³ It is especially relevant for this thesis as it pertains to educational inclusion of disabled children as well as minority children. In general terms, all the approaches outlined above in relation to inclusion of disabled children, can be equally applied to minority children. Segregation of African-Americans in the United States before the Civil Rights movement⁵⁴ is alone an example of how the first approach (segregation) relates to minorities. Normalisation of disabled children corresponds to assimilation of minority children in educational settings, who are essentially urged to lead lives very similar to those of the citizens of their host country.⁵⁵

Inclusion of ethnic groups within schools is best reflected in the practice of interculturalism. Inter-cultural education has much in common with inclusion since both of these approaches embrace and accept difference and make use of inclusive, flexible curricula, which are tailored to the needs of all children and additionally adjusted to

⁴⁸ Clark, 1999, p. 47.

⁴⁹ Daniels and Garner, 1999, p. 5; Supra footnote 43, 1999, p. 36.

⁵⁰ Booth and Ainscow, 2002, pp. 2-3.

⁵¹ Supra footnote 48, p. 47.

⁵² Daniels and Garner in Daniels and Garner, 1999, p. 9.

⁵³ Supra footnote 20, p. 66; supra footnote 48, p. 48.

⁵⁴ Supra footnote 20, p. 67.

⁵⁵ Kesidou in: Terzis (ed), 2004, p. 103.

meet special requirements of disabled and minority children.⁵⁶ Moreover, since the two concepts deal with difference and the other, they both emphasize the importance of respect, empathy and tolerance.⁵⁷ It emerges, then, that regardless of whether a child is disabled, has special needs or comes from a minority background, the process of embracing him/her into regular education, essentially follows the same process and involves similar values. Inter-culturalism is effectively a form of inclusion in the sense of Salamanca Statement, however related to ethnic minorities.

I.2 Ethnicity and disability within education in the human rights framework

Inclusive education, whether in a form of inter-cultural, inclusive, welcoming⁵⁸ or child friendly⁵⁹ schools, is firmly embedded within the human right to education.⁶⁰ The right to education is extensively provided for in numerous international and regional human rights documents.⁶¹ Education came to be officially recognised as a human right since the adoption of the United Nations Universal Declaration of Human Rights⁶² (UDHR) in 1948.⁶³ Article 26 of the UDHR not only provides for education to be equally accessible to all but also for education directed to the full development of human personality and to the strengthening of respect for human rights and fundamental

⁵⁶ Supra footnote 55, p. 103.

⁵⁷ Supra footnote 55, p. 101.

⁵⁸ A welcoming school is a UNESCO developed concept, which denotes an essentially inclusive school that responds to diversity of special needs. For more information on welcoming schools please refer to UNESCO, Students with disabilities in regular schools, welcoming schools, 1999, available at <http://unesdoc.unesco.org/images/0011/001184/118455eo.pdf>, accessed on 01/07/2012.

⁵⁹ Child Friendly Schools ó UNICEF supported schools that are effective (child-centred, interactive learning), healthy, protective (inclusion of all children, including children with special needs), and with an active involvement of parents and communities. For more information please refer to UNICEF, Child Friendly School Initiative Project, Kosovo, available at http://www.unicef.org/evaldatabase/index_29512.html, accessed on 01/07/2012.

⁶⁰ UNESCO, Guidelines for Inclusion: Ensuring Access to Education for All, 2005, available at <http://unesdoc.unesco.org/images/0014/001402/140224e.pdf>, p. 12, consulted on 30/06/2012.

⁶¹ For an extensive list of international and regional human rights documents pertaining to education please refer to Annex 3.

⁶² United Nations, Universal Declaration of Human Rights, 1948 (1948), article 26.

⁶³ UNICEF, A Human Rights Based Approach to Education For All, 2007, available at http://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf, p. 7, consulted on 30/06/2012.

freedoms.⁶⁴ Therefore, the very first document instituting the right to education, already calls for a form of universal access to education (nowadays EFA approach) as well as schooling that aims at providing the most relevant forms of education with human rights at its centre. The latter is today identified with the concept of inclusion as defined in the Salamanca Statement. The Statement draws on the rights pertaining to education enshrined in the aforementioned UDHR as well as in the United Nations Standard Rules on Equalisation of Opportunities for Persons with Disabilities.⁶⁵ Building upon this legal framework, Salamanca Statement formulated five principles concerning education. Namely, the right to education for every child (1); uniqueness of each child (2); educational systems that take into account diversity (3); access to regular schools for special needs children (4); regular, inclusive schools as the most effective way of combating discrimination and building an inclusive society (5).⁶⁶ Salamanca Statement, then, draws on the right to education to develop it into the right to inclusive education. In fact, what is considered to be the starting point for inclusion is that it is an unconditional right.⁶⁷ This effectively means that inclusive education is a matter of human rights rather than achievement or academic abilities.⁶⁸

As discussed in the I.1 *Special and inclusive education. Theory and practices* section, the principles and the Salamanca Statement in general, apply not only to disabled children but to all marginalised groups including minority children. Apart from the two documents upon which the Statement bases its human rights framework for inclusion, a range of other texts refer to the concept. One of the most significant of them is the Convention on the Rights of the Child⁶⁹ (CRC, 1989) which provides for education available for all (article 28) and more specifically stipulates, in line with UDHR, that education should be directed to the development of the child's personality, talents and mental and physical abilities (article 29 1.a). Additionally, it refers to education's role in the development of respect for human rights and fundamental freedoms (article 29 1.b). The International Covenant on Economic, Social and

⁶⁴ Supra footnote 62.

⁶⁵ Supra footnote 43, p. 37.

⁶⁶ Supra footnote 4, par. 2.

⁶⁷ Supra footnote 20, p. 74.

⁶⁸ Lipsky Kerzner and Gartner in Daniels and Garner (eds), 1999, p. 20.

⁶⁹ United Nations, Convention on the Rights of the Child, 1989 (1990), articles 28 and 29.

Cultural Rights⁷⁰ (ICESCR) in its comprehensive article 13 lays out provisions corresponding to the CRC's article 29. Moreover, ICESCR refers directly to minority children when stipulating that "education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace" (article 13.1). Inclusion is also endorsed in a myriad of disability and minority-specific documents. The United Nations Convention on the Rights of Persons with Disabilities⁷¹ (CRPD) in article 24 explicitly refers to inclusive education. Paragraph 2, section b of this article contains provisions for persons with disabilities to "access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live."

With regards to ethnic minorities, Council of Europe's Framework Convention for the Protection of National Minorities⁷² provides for the promotion of "mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media." (art 6.1) The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities⁷³ is yet another example of a human rights instrument entirely committed to minority rights, including education. Article 4.4 of the document obliges states to take appropriate measures in the area of education to enable ethnic minorities to learn their native language, history, traditions and culture.

Existence of numerous human rights provisions stipulating the right to inclusive education for minorities and disabled children, evidently does not guarantee their implementation. The General Comment No. 13 on the right to education (article 13 of ICESCR) elucidates this issue especially in the section *State parties' obligations and*

⁷⁰ United Nations, International Covenant on Economic, Social and Cultural Rights, 1966 (1976), article 13.

⁷¹ United Nations, Convention on the Rights of Persons with Disabilities, adopted in 2006, open for signatures in 2007, art. 24.

⁷² Council of Europe, Framework Convention for the Protection of National Minorities, open to signature 1995, art. 6.1.

⁷³ United Nations, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, art. 4.4.

violations.⁷⁴ It is highlighted that in the human rights context the governments have an obligation to respect, protect and fulfil.⁷⁵ The Comment makes it explicit in paragraph 43 that "State parties have immediate obligations in relation to the right to education, such as the "guarantee" that the right "will be exercised without discrimination of any kind" (art. 2.2) and the obligation "to take steps" (art. 2.1) towards the full realization of article 13.

Kosovo, which is a central focus of this thesis, is not bound by the ICESCR and consequently by the General Comment No. 13, since the document is not granted direct applicability in the Kosovar Constitution.⁷⁶ Article 22 of the Constitution endorses, however, amongst others, the following international documents: Universal Declaration of Human Rights; European Convention for the Protection of Human Rights and Fundamental Freedoms⁷⁷ and its Protocols; International Covenant on Civil and Political Rights (ICCPR)⁷⁸ and its Protocols; Council of Europe Framework Convention for the Protection of National Minorities; Convention on the Elimination of All Forms of Racial Discrimination⁷⁹; Convention on the Elimination of All Forms of Discrimination Against Women⁸⁰; Convention on the Rights of the Child. All of these documents contain provisions that relate to the topic in question. Moreover, habitually the Kosovar Constitution contains an article pertaining to education, which in general terms caters for the access to education as well as equal opportunities for all given their specific abilities and needs.⁸¹ This provision, although concise, does not exclude the right to inclusive education. In fact, Kosovar laws on education of minorities and disabled children which are discussed in detail in sections II. 2.2 and II .3.2 of this thesis, are very comprehensive and allow for a high degree of inclusion. The Ministry of Education, Science and Technology (MEST) has also released numerous strategies

⁷⁴ General Comment No. 13 to the ICESCR right to education, 1999.

⁷⁵ UNESCO, Right to education, scope and implementation, available at http://portal.unesco.org/education/en/file_download.php/c144c1a8d6a75ae8dc55ac385f58102erighteduc.pdf, p. 2, accessed on 03/07/2012.

⁷⁶ Constitution of the Republic of Kosovo, adopted 7 April 2008, entered into force 15 June 2008, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=130&Itemid=54, article 22, accessed on 20/05/2012.

⁷⁷ Supra footnote 72.

⁷⁸ United Nations, International Covenant on Civil and Political Rights, 1966 (1976).

⁷⁹ United Nations, Convention on the Elimination of All Forms of Racial Discrimination, 1965 (1969).

⁸⁰ United Nations, Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

⁸¹ Supra footnote 76, article 47.

pertaining to inclusion of minorities and disabled children into education. Additionally, the main mission of the Finnish Support to the Development of Education in Kosovo (FSDEK) was to lay foundations for a truly inclusive educational system in Kosovo. Their policies and implementation methods are also analysed in the III.2 *Inclusion of children with disabilities* section. The legal basis for inclusion in Kosovo, therefore, is expansive and comprehensive. However, implementation of the laws in a post-conflict, resource-lacking country is not a straightforward task. Next to financial matters, there are also issues of developing the right attitudes and actual confidence in the philosophy of inclusion.

It should also be stressed at this point that provisions on minorities and disability with regards to education need to strike a delicate balance between conflicting rights. It is a dilemma framed by Isaiah Berlin as a ‘collision of positive values’⁸² meaning that desirable and just rights can come into conflict with each other. In case of minorities, this conflict can occur between, on the one hand, the efforts of human rights texts to ensure integration with majority population, and on the other hand, to promote minorities’ own cultural and linguistic heritage. With regards to disabled children, the conflict consists in the right to be educated in regular schools versus the right to have children’s special needs met in the best manner possible. In other words, the concern is to find the right balance between inclusion and optimal accommodation of individual needs.⁸³ The possible solution to these dilemmas is precisely what inclusive education philosophy is striving to achieve. Namely, inclusive schools, which do not only satisfy the right to participation in regular education, but also adequately fulfil needs of *all* children, disabled and non-disabled alike. Inter-cultural schools, on the other hand, aim to achieve similar goals with respect to minority children, i.e. realise their right to learn with majority peers and at the same time, by means of appropriate curriculum and textbook adjustment, teaching methods and training, to uphold their right to maintain their ethnic identity.

⁸² Supra footnote 21, p. 21.

⁸³ Ibidem, p. 20.

Part II

Minority and disabled children in the Kosovar education system

II.1 History, politics, conflict and education in Kosovo ó background

For centuries Kosovo has been alternately part of the Slavic states and the Ottoman Empire. Since the Serbian defeat in the Kosovo Polje battle in 1389 the region had been under Ottoman rule for 500 years until the 19th century. The treaty of London of 1913 put the Kosovar fate back into the Serbian hands. With the rise of the Communist Yugoslavia in 1943, Kosovo was accorded a status of an "autonomous province" of Serbia within the Yugoslav confederation.⁸⁴

Although, Kosovo Albanians have never acquired a Slavic identity, the Pan-Slavic kingdom of Yugoslavia ó or at least what it was envisaged to be ó provided for a form of inter-nation unity of peoples living within it. After all, despite numerous weaknesses and downfalls, Yugoslavia meant common curricula, multi-ethnic schools, uninhibited travel in all the member states as well as education.⁸⁵ In the post-world war II Yugoslav period, education in Kosovo was managed independently of Serbia with the Ministry of Education, Science and Culture of Kosovo as the main policy-maker in the area. The Kosovar authorities were unconstrained to implement what they saw as the most suitable educational regulations and approve their own curricula. Both Albanian and Serbian were languages of instruction at all levels of education functioning as "parallel mediums of education."⁸⁶ These policies reflected minority protection legislation of the Yugoslav constitution of 1974.⁸⁷ In fact, the Yugoslav policy of granting autonomy to Vojvodina and Kosovo, and later codifying the rights of nationalities and elevating the provinces to the decision-making members of the

⁸⁴ Bartlett et al., 2004, p. 486.

⁸⁵ UNICEF, "Quality Education For All in Kosovo", 2005, available at http://www.see-educoop.net/education_in/pdf/Unicef-QualityEducationforAllinKosovofinal.pdf, p. 25, accessed 25/05/2012.

⁸⁶ UNICEF, Justice Denied: The State of Education of Children with Special Needs in Post-Conflict Kosovo, 2009, available at http://www.unicef.org/kosovo/Eng_-_Justice.pdf, p. 76, accessed on 21/05/2011.

⁸⁷ Ibidem, p. 76.

Yugoslav Federation in the 1974 Constitution, was perceived by some Kosovo Albanians as an invitation to a gradual process of gaining full independence. Therefore, arguably the all-nation embracing and minority-tolerant Yugoslav Constitution might have indirectly contributed to the independence movements in the provinces.⁸⁸ Kosovars were guaranteed by the constitution a self-rule in education and consequently they embraced their national literature and history in school curricula. However, the underlying aim of the drafters of the federal constitution was to enhance, through study of certain Albanian personalities, the sense of unity with the socialist Yugoslavia. As aforementioned, the self-rule permissiveness of the Yugoslav Constitution left Albanians with feelings of ambivalence and a strong taste for independence. The Albanian protests of spring 1981 at the University of Prishtina (UP) were only the beginning of a series of demonstrations that consequently led to a period of tighter central control by the communist authorities.⁸⁹ These tensions around educational issues preceded the abolition of the province's autonomy.

As Yugoslavia began to lose grip on its republics, the Serbian leader Slobodan Milošević revoked the autonomy of Vojvodina and Kosovo in 1989, which proved a key moment in a series of events leading to demands of independence from other republics, the wars in Slovenia, Croatia, Bosnia-Herzegovina, and eventually in Kosovo.⁹⁰ The abolition of Kosovar autonomy was paralleled with an introduction of anti-Albanian politics that aimed at 'serbianising' the educational system in Kosovo. As a result of this policy most Albanian civil servants, including teachers, were dismissed from their posts, legislation on education, science and culture was quashed, Albanian classes were prohibited and Albanian curricula and textbooks were replaced with Serbian ones. Landsman and Maloku-Bersyna in the 2009 United Nations International Children's Emergency Fund (UNICEF) report quote statistics which indicate that approximately 14,500 primary and 4,000 secondary school teachers and

⁸⁸ Dimitrijević in Din-ein and Mala, 1992, p. 431.

⁸⁹ Kostovicova in Waller et al., 2001, p. 12.

⁹⁰ The Independent International Commission on Kosovo in UNESCO, *Parallel Worlds, Rebuilding The Education System in Kosovo*, 2004, available at <http://www.unesco.org/iiep/PDF/pubs/kosovo.pdf>, p. 31, consulted on 28/05/2012.

862 Albanian university teachers were made redundant as a consequence of the Milošević reforms.⁹¹

Kosovo Albanians responded by establishing education, health care and other systems parallel to the official Serbian ones.⁹² In practice, this meant that beginning with the 1991-1992 school year students headed for alternative educational venues such as attics, basements, shops and classrooms in private houses⁹³ The 'parallel worlds' albeit in an altered form and circumstances, continue existing to this day. The paramount difference is that after the 1999 conflict the roles shifted and the Serbs who emerged defeated from the conflict, this time round had to switch from mainstream educational system to parallel structures, as was previously the case with Albanians before the North Atlantic Treaty Organisation's (NATO) intervention.⁹⁴ The changes in the community status (minority v. majority) and subsequent switch from mainstream schooling to parallel structures demonstrate how political power influences education in Kosovo. Since the interwar period the political control in the area has been interchangeably between the Serbian and Kosovar hands and the ethnic group in power would deny education to the other group.⁹⁵ Former first director of the United Nations Interim Administration Mission in Kosovo (UNMIK) Department of Education summarized the situation by stating: 'the bifurcation of the education system [] reflects ethnic and political schisms [] that are deeply rooted and will not disappear on the establishment of a single political authority or administrative or legal structure.'⁹⁶ Daxner's words reveal the underlying cause of the conflict in Kosovo, namely the split along ethnic lines, which has been profound enough for the two communities to go separate on some of the most important social issues such as education. As he points out, these ethnic differences could not be reconciled under the UNMIK administration instituted since the conflict and in operation until 2002. In fact, UNMIK could have arguably claimed the potential of the most impartial authority capable of allying the two communities. Still, it has not succeeded despite the fact that a

⁹¹ Supra footnote 86, p. 76.

⁹² Supra footnote 90, p. 32; Wendling, 2009, p. 17.

⁹³ Supra footnote 89, 11.

⁹⁴ Supra footnote 90, p. 30.

⁹⁵ Supra footnote 89, p. 11.

⁹⁶ Daxner, 2000, p. 6.

considerable chunk of UNMIK's civilian budget in 1999-2000 was assigned to education.⁹⁷ In the same vein, The Provisional Self-Government of Kosovo⁹⁸, and post-independence, the Kosovar Government, have not managed to bridge the political and national differences.

Needless to say, the parallel educational system further deepened the ethnic cleavages amongst young people as schools had been sites of interaction and mingling of the two ethnicities. In fact, before the establishment of the parallel system, students were a vehicle of inter-ethnic communication and bridging of prejudices. However, naturally tensions arose when Albanian students heading to their provisional schooling venues passed on the way the former schools where once they were entitled to study.⁹⁹

Following the NATO's intervention in 1999 not only were the roles swapped under the parallel system with the Kosovars' return to the government schools, but more profoundly the whole educational system needed repair in policy and constructional terms. As one of the UNICEF's reports mentions, the educational system in Kosovo was almost utterly destroyed during the 1999 bombing, however, that is not to suggest that it had been in a good shape before the conflict. In fact, the post 1999 period was to some extent a time of reconstruction but also in a great measure, of creating a new, nationwide concept of education including special and inclusive education.¹⁰⁰ A multitude of stakeholders was involved in establishing the new system and in special education the main actor appointed had been the Finnish Foreign Affairs Ministry with the Finnish Support to the Development of Education in Kosovo (FSDEK).

In way of reconstruction, schools needed to be built, infrastructure had to be provided and professional body of teachers trained.¹⁰¹ "There was also a need to refresh the policy and practices of the system after years of New Communism and post-Communist ideology and practices."¹⁰² All across the educational system a lot of effort

⁹⁷ Bartlett et al., 2004, p. 486.

⁹⁸ After the 1999 war, Kosovo has been under changing administrations. First it was administered by UNMIK. Subsequently, in 2002, as a result of regulation UNMIK/REG/2001/9, many executive powers were transferred from UNMIK to the Provisional Institutions of Self-Government. Since the declaration of independence in 2008, the power has been resting with the independent Kosovar Government.

⁹⁹ Supra footnote 89, p. 14.

¹⁰⁰ Supra footnote 86, p. 17.

¹⁰¹ Supra footnote 97, p. 486.

¹⁰² Supra footnote 97, p. 486.

was required to make it functional again, and just in the especial education sector alone many problems were identified past 1999, such as limited choice of courses, outdated teacher-training curricula, pupils' diagnosis and classification just to mention a few.¹⁰³

In this picture of Serbo-Albanian power struggle, there is another element that constitutes an important part of Kosovar reality, namely: the minority communities. These groups found themselves largely caught in between the two claimants of the Kosovar state, i.e. Albanians and Serbs, especially during and after the 1999 conflict.¹⁰⁴ The conflict significantly added to the ethnic tensions since both Albanians and Serbs were suspicious of the minorities' potential collaboration with the enemy.¹⁰⁵ Minorities in Kosovo are relatively numerous and they include Serbs, Bosniaks, Roma, Turks, Ashkali, Egyptians, Gorani and Croats. In Kosovar legal documents there is a trend of referring to 'minorities' and 'majorities' as to 'communities' – a term originating from the Rambouillet Accord¹⁰⁶ and was further endorsed by the Constitutional Framework for Provisional Self-Government and its legislation. The logic behind this terminology was to maintain a neutral position towards Kosovo's final status.¹⁰⁷ In this thesis the terms will be used interchangeably. Additionally, on the point of terminology, it has been appreciated that abbreviating the name of Roma, Ashkali and Egyptian Communities to RAE Community/ies is highly undesirable by members of these communities.¹⁰⁸

¹⁰³ Organisation for Economic Co-operation and Development (OECD), Education Policies for Students at Risk and those with Disabilities in South Eastern Europe, 2006, available at http://www.oecd.org/document/34/0,3343,en_2649_39263231_36507298_1_1_1_1,00.html, p. 174, accessed on 26/05/2012.

¹⁰⁴ Peri and Demirovski, 2007, p. 85; Interview with Mr Muhamet Arifi, director of Balkan Sunflowers, Prishtina, 04/05/2012.

¹⁰⁵ Ibidem, p. 85. Kosovo Serbs managed to win the support of Roma representatives. Consequently, the prejudice against Roma grew even stronger amongst Albanians. Arguably, the worst aspect of this plight was that cooperation with Serbs did not render Roma any more accepted or integrated in the Serbian community. Albanians, on the other hand, began to perceive all the Roma as accomplices of the Serbs.

¹⁰⁶ Rambouillet Accord also known as the Interim Agreement for Peace and Self-Government in Kosovo of 23 February 1999, was the first attempt of the international community to implement autonomy and self-government of Kosovo within the FRY.

¹⁰⁷ Lantschner, 2008, p. 452.

¹⁰⁸ Interview with Mr Muhamet Arifi, director of Balkan Sunflowers, Prishtina, 04/05/2012.

II.2 Minority children

II.2.1 Minorities in numbers - statistics

In general terms, Kosovar census statistics and especially those regarding minorities are inaccurate. The 1991 census was boycotted by Albanians and results of the most recent, 2011 census, have not been fully published yet. With regards to Roma specifically, however, the data indicates that before the 1999 conflict Kosovo featured the highest concentration of this community in Serbia as well as in the entire former Yugoslavia, amounting to 150,000.¹⁰⁹ In contrast, the boycotted 1991 Yugoslav census indicated that Kosovo was home to mere 34,126 Roma, which constituted 2% of total Kosovo population. At the same time, the Albanian demographers, within the same census, estimated the number of *all* minorities to be at 2%.¹¹⁰

Demographic census continuously constituted a political struggle tool between Albanians and Serbs. The two communities decreased the number of minorities to the numerical advantage of their own nations. As a result, frequently the official statistics on minorities claim lower numbers than there are in reality. This phenomenon cannot be, however, solely attributed to the falsification of results, in some cases Roma do not take part in the census or they pass themselves off as other nationalities, e.g. Albanians.¹¹¹ Although it is challenging to find reliable data on the size of each minority group in Kosovo¹¹² there is sufficient information to demonstrate the fluctuation of Serb and Albanian populations. Since World War II Albanians have been a significant majority and Serbs the most sizable minority. The 1971 census showed a further increase of the Albanian population that reached at the time 73.4% while Serbs

¹⁰⁹ Supra footnote 104, p. 84. This number is an estimation of Roma Congress Party from Belgrade, International Romani Union (Berlin) and other Romani organisations.

¹¹⁰ Ibidem, p. 84.

¹¹¹ Supra footnote 104, p. 84. Romani population in Kosovo can declare themselves as belonging to a different nationality since frequently they speak Albanian (or Serbian), hold Albanian last names and are Muslims, like most Albanians.

¹¹² Kosovo Agency of Statistics affiliated with the Republic of Kosovo Office of the Prime Minister provides only very general statistics on the size of communities. It states that 90% of the population is Albanian, 7% are Serbs and all the other communities constitute the remaining 3%. Kosovo Agency of Statistics, Ministry of Science, Education and Technology, Review on Statistics of Education in Kosovo 2004/05, available at http://www.masht.gov.net/advCms/documents/Review_on_Statistics_of_Education_in_Kosovo.pdf, p. 5, 2004, accessed on 16.05.2012.

represented 18.4% of the population. According to the Statistical Office of Kosovo in 2006 Albanians made up 92% of the population and Serbs only 5.3%. In line with the same source, Turkish community comprises 0.4% of the population and Roma amount to 1.1%. Other communities constitute 1.2% of the Kosovar population.¹¹³ As a consequence of the immigration waves, around 1999 the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations High Commissioner for Refugees (UNHCR) estimated the number of Kosovo Roma at as low as 30,000 around 1999.¹¹⁴

II.2.2 Legal framework

The minority legal protection framework in Kosovo, which has been in continual development since UNMIK administration, earned a label of one of the most comprehensive and advanced in Europe.¹¹⁵ The 2002 Constitutional Framework for Provisional Self-Government¹¹⁶ (Constitutional Framework) in article 3.2¹¹⁷ provided for Kosovo's compliance with the European Charter for Regional or Minority Languages¹¹⁸ and the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM).¹¹⁹ In 2004 UNMIK and the Council of Europe signed an agreement stipulating implementation of the FCNM, while the Constitutional Framework elevated it to a status of a self-standing and directly applicable law by provisions of the aforementioned article 3.2.¹²⁰ The Constitutional Framework also

¹¹³ Supra footnote 107, p. 453.

¹¹⁴ UNCHR/OSCE, Assessment of the Situation of Ethnic Minorities in Kosovo (Period covering November 1999 through to January 2000), Pristina, 11 February 2000, available at <http://www.osce.org/kosovo/13307>, accessed on 15/05/2012.

¹¹⁵ Supra footnote 107, p. 545. The same opinion is expressed by Georgina Stevens on the Anti-Discrimination Law, which, to a large extent, concerns minorities. Stevens, 'Filling the Vacuum: Ensuring Protection and Legal Remedies for Minorities in Kosovo', 2009, p. 13.

¹¹⁶ Constitutional Framework for Provisional Self-Government, issued on the basis of regulation UNMIK/REG/2001/9, adopted 15 May 2001, available at http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf, accessed on 19/05/2012.

¹¹⁷ Ibidem, article 3.2.

¹¹⁸ Council of Europe, European Charter for Regional or Minority Languages, 1992.

¹¹⁹ Supra footnote 72.

¹²⁰ Bokuli, 2005, p. 3.

provided for an expansive collection of minority rights in chapter 4. Among others, the Constitutional Framework specified the right to use their language and alphabets freely (Art. 4.4(a)), the right to receive education in their own language (Art. 4.4 (b)), the right to establish educational institutions, in particular for schooling in their own language and alphabet and in Community culture and history (Art. 4.4 (j)).¹²¹ Several of these rights made their way through the legislative process and became minority-related laws such as the Anti-Discrimination Law adopted in 2004 and the Law on the Use of Languages of 2006. The Anti-Discrimination Law prohibits both direct and indirect discrimination based, inter alia, on ethnic origin and nationality. It is applicable in case of violation of rights including employment, education, access to housing, etc.¹²² The law encompasses several progressive aspects such as provision for non-discriminatory nature of positive measures¹²³ on condition that they comply with international human rights; and removal of the burden of proof.¹²⁴ Although the law has been a legislative success, in practice it leaves a lot of room of improvement. The most salient barrier for minorities to invoke this law is lack of awareness of its existence and fear of repercussions in case they decide to resort to the law.¹²⁵

From the normative point of view, the Law on the Use of Languages, which renders Serbian and Albanian official languages of Kosovo, is accommodating towards minorities. It provides for, inter alia, minority languages to become languages in official use, if the community population in a given area represents at least 3%.¹²⁶ In the same vein, community languages can be elevated to official status if the population exceeds 5%.¹²⁷ In turn, this grants minorities a whole range of language rights, inter alia, in the

¹²¹ Supra footnote 116, pp. 8-9.

¹²² Law on Anti-Discrimination, Law No. 2004/3, signed 19 February 2004, Gazeta Zyrtare e Kosoves (2007) No.10, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&lang=en&id=77, accessed on 20/05/2012.

¹²³ Ibidem, Article 6.

¹²⁴ Ibidem, Article 8 states: "When persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment."

¹²⁵ Stevens, 2009, p. 13-16.

¹²⁶ Law on the Use of Languages, Law No. 02/L-37, Article 1.2, signed 27 July 2006, Gazeta Zyrtare e Kosoves (2007) No. 10, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=56&Itemid=28&lang=en, accessed on 20/05/2012.

¹²⁷ Ibidem, Article 2(3).

area of education, e.g. the right to choose official language of instruction for their children.¹²⁸ With regards to the situation on the ground, however, OSCE reports that there is neither an appropriate monitoring system in place nor sufficient human and financial resources to fully implement the law.¹²⁹

Another law from the Constitutional Framework period (pre-independence), which considerably pertains to minorities and their right to education is the Law on Primary and Secondary Education in Kosovo.¹³⁰ The law recognizes the right of minority communities to receive primary and secondary education in Kosovo traditional community languages in the municipalities where those communities live.¹³¹ However, again theory lacks implementation as, for instance, Roma students can attend classes of Romani culture and history in their language only in several Serbian schools.¹³²

After the declaration of independence, the new Constitution of Kosovo¹³³ incorporated Annex II of the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari Plan)¹³⁴ into its Chapter III. The Chapter contains an array of rights pertaining directly to minority education, e.g. the right to receive public education in one of the official languages of the Republic of Kosovo.¹³⁵ In terms of minority protection, the Constitution lays down in Article 22¹³⁶ that the Framework Convention¹³⁷ and the Language Charter¹³⁸ be directly applicable in Kosovo and take

¹²⁸ Supra footnote 126, Article 19 (2).

¹²⁹ OSCE Mission in Kosovo, Communities Rights Assessment Report, 2009, available at <http://www.osce.org/kosovo/40779>, p. 28, accessed on 20/05/2012.

¹³⁰ Law on Primary and Secondary Education in Kosovo, UNMIK Regulation No. 2002/19, available at http://www.see-educoop.net/education_in/pdf/law_prim_sec_educ-yug-kos-enl-t04.pdf, accessed on 20/05/2012.

¹³¹ Ibidem, Article 20.1.

¹³² OSCE Mission in Kosovo, Kosovo non-majority communities within the primary and secondary educational systems, 2009, available at <http://www.osce.org/kosovo/36978>, consulted 20/05/2012.

¹³³ Constitution of the Republic of Kosovo, adopted 7 April 2008, entered into force 15 June 2008, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=130&Itemid=54, consulted 20/05/2012.

¹³⁴ United Nations, Comprehensive Proposal for the Kosovo Status Settlement, S/2007/168/Add.I, 26 March 2007, available at <http://www.unosek.org/docref/report-english.pdf>, accessed on 20/05-2012. Martti Ahtisaari is a Finnish politician who as a Special Envoy of the UN Secretary General, led the Kosovo Status Process Negotiations, which resulted in the Proposal cited above.

¹³⁵ Supra footnote 133, Article 59 (2).

¹³⁶ Supra footnote 133, Article 22.

¹³⁷ Supra footnote 72.

¹³⁸ Supra footnote 118.

precedence over national legislation in case of clash of the two frameworks.¹³⁹ Additionally, the new Constitution of Kosovo period saw adoption of two minority-relevant laws, namely: Law on the Promotion and Protection of the Rights of Communities and their Members in Kosovo (Law on Communities)¹⁴⁰ and Law on Education in the Municipalities of the Republic of Kosovo.¹⁴¹ Law on Communities is the most recent and most comprehensive legislation relating to minorities. It covers four core themes: non-discrimination, education, language use and effective participation. While the Law on Languages¹⁴² provides for the right to education in any of the official languages and makes allowances for minority languages to become official, the Law on Communities grants the right to learn in minorities' native languages regardless if they have been recognized as official or not.¹⁴³ The law equally caters for subsidized transport of pupils to areas where they can study in their language in case there are not enough students in their municipality to offer schooling in a minority language.¹⁴⁴ Yet again, although the normative framework of the Community Law has been heralded by the Council of Europe as one of the most all-embracing and far-reaching in Europe, it still remains mainly in the sphere of policy while the practice lags behind. Despite the fact that there has been a lot of progress especially favourable towards Gorani and Turkish communities; Roma pupils still lack schools, curricula, textbooks and teachers trained in Romani language.¹⁴⁵

Most of the Roma-related measures instituted at the European level belong to the category of soft law, meaning non-binding and non-enforceable declarations, directives, resolutions, etc.¹⁴⁶ This also applies to the European Union Framework for National

¹³⁹ Supra footnote 107, p. 455- 456.

¹⁴⁰ Law on the Promotion and Protection of the Rights of Communities and their Members in Kosovo, Law No.03/L-047, signed 13 March 2008 (published as part of Ahtisaari Package), available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=148&Itemid=56&lang=en, accessed on 20/05/2012.

¹⁴¹ Law on Education in the Municipalities of the Republic of Kosovo, Law No.03/L-068, signed 21/05/2008 (part of Ahtisaari Package), available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=155&Itemid=56&lang=en, accessed on 20/05/2012.

¹⁴² Supra footnote 126.

¹⁴³ Supra footnote 140, article 8.1.

¹⁴⁴ Ibidem, article 8.2.

¹⁴⁵ Supra footnote 132, pp. 5-11.

¹⁴⁶ European Parliament, Report on the EU Strategy of Roma Inclusion , A7-0043/2011, 18/02/2011, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0043+0+DOC+PDF+V0/EN>, p. 28, accessed on 21/05/2012.

Roma Integration Strategies.¹⁴⁷ In the similar manner, at the national level, Provisional Self-Government of Kosovo, under auspices of the Prime Minister's Office and sponsored by the Ministry of Education, Science and Technology with support of many actors¹⁴⁸, drafted the Strategy for Integration of Roma, Ashkali, and Egyptian Communities in Kosovo, Education Component 2007 ó 2017.¹⁴⁹ The Strategy, alongside the aforementioned legal framework, constitutes a normative basis for protection and inclusion of Roma, Ashkali and Egyptian communities. The regulating part of the Strategy focuses on the participation of the communities in education, elimination of discrimination and segregation in schooling, cooperation amongst relevant institutional bodies and raising level of awareness of the targeted communities and institutions.¹⁵⁰ For each of these issues MEST laid out concrete measures and quantified lines of action as well as budget allowance, time limits and supporting actors. The last section of the Strategy outlines a detailed budget allocation according to each strategic objective.¹⁵¹ The budget is very much limited in that it is shared to finance yet two other strategies also touching upon minority education, namely: Strategy for Development of Pre-University Education 2007-2017¹⁵² and Strategy for Development of Higher Education in Kosovo for the period 2005-2015.¹⁵³ Although these documents do not target Roma, Ashkali and Egyptian populations specifically, they include them within their policy frameworks.

¹⁴⁷ European Union, European Union Framework for National Roma Integration Strategies, COM(2011) 173, Brussels, 5.4.2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF>, accessed on 21/05/2012.

¹⁴⁸ Kosovo Foundation for Open Society (KFOS) also co-sponsored the Strategy, Kosovo Education Centre (KEC) supported the development of the education component together with the government, Roma, Ashkali, and Egyptian communities' representatives, civil society, political parties, international organizations engaged in human and children's rights (OSCE and UNICEF) and others.

¹⁴⁹ MEST, Strategy for Integration of Roma, Ashkali, and Egyptian Communities in Kosovo, Education Component 2007 ó 2017, July 2007, available at http://www.masht.gov.net/advCms/documents/Strategy_English_07017.pdf, accessed on 21/05/2012. The integration in education ó the education component which is most relevant to this thesis, constitutes only one component of a comprehensive strategy regarding these communities.

¹⁵⁰ Ibidem, pp. 20-37.

¹⁵¹ Supra footnote 149, pp. 61-65.

¹⁵² MEST, Strategy for Development of Pre-University Education 2007-2017, March 2007, available at http://www.masht.gov.net/advCms/documents/Strategy_for_Development_of_pre-university_education_in_Kosovo.pdf, accessed on 21/05/2012.

¹⁵³ MEST, Strategy for Development of Higher Education in Kosovo 2005-2015, June 2004, available at http://www.masht.gov.net/advCms/documents/Strategy_EN.pdf, accessed on 21/05/2012.

The Strategy for Integration of Roma, Ashkali, and Egyptian Communities in Kosovo was followed by the Republic of Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015 (Action Plan).¹⁵⁴ It was formulated in joint effort by the Prime Minister's Office of Good Governance, Ministries and numerous other stakeholders such as NGOs including those representing Roma, Ashkali and Egyptian communities as well as local and international organizations working within social services, human rights, education, etc. The Action Plan uses as a point of reference the main objectives identified in the Strategy, however, elaborates them in a considerably more concrete and detailed manner.

Desk analysis of the Strategy and the Action Plan paints a promising picture of the amelioration of Roma, Ashkali and Egyptian Communities' situation in terms of education and in other areas. However, the situation on the ground is reported to be less conducive. While the OSCE report acknowledges that positive developments, such as promotion of cultural identity, have taken place, by and large the Kosovar institutions fall short of effectuating the Strategy and the Plan.¹⁵⁵ OSCE specifies the following reasons for the situation: insufficient political involvement, lack of satisfactory financial resources and inadequate communication between central government and municipalities.¹⁵⁶ In the same vein, Roma, Ashkali and Egyptian communities as well as civil society organisations dealing with minorities, e.g. Balkan Sunflowers (BSF), vocally point to the shortcomings in the implementation of the strategy calling it openly a tragedy. They emphasize that resources allocated towards the realization of the Action Plan are insufficient to continue ongoing initiatives.¹⁵⁷ Criticism also stems from the fact that although minority representatives and civil society took part in the drafting of the Strategy, in some cases their recommendations were not included in the

¹⁵⁴ Office of Good Governance, 'Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015', December 2008, available at http://kfos.org/wp-content/uploads/2011/10/Kosovo-Action-Plan-on-the-Implementation-of-the-Strategy-for-the-Integration-of-RAE_ENG.pdf, accessed on 21/05/2012.

¹⁵⁵ OSCE Mission in Kosovo, Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo, May 2011, available at <http://www.osce.org/kosovo/77413>, p. 4, accessed on 21/05/2011.

¹⁵⁶ Ibidem, p. 4.

¹⁵⁷ Interview with Mr Muhamet Arifi, director of BSF, supra footnote 108.

document.¹⁵⁸ In order to improve the implementation of the Strategy, BSF is actively lobbying for the enforcement of the document through their Strategy Coordination Center in Fushë Kosovë/Kosovo Polje established especially for this purpose. In addition, eight BSF staff are working around Kosovo to facilitate this project.¹⁵⁹

II.2.3 Minority children in education

Roma, Ashkali and Egyptian minorities are the least educated groups in Kosovo. Illiteracy rate amongst these communities is 16% and it is particularly widespread among minority women. 25% of Roma, Ashkali and Egyptian children do not attend primary school. In secondary education 78% of girls and 62% of boys are out of classroom.¹⁶⁰ The Roma, Ashkali and Egyptian communities have the highest dropout rate among all other groups, they stay at school for the shortest period of time and achieve less in comparison to other students. From the UNICEF survey and data supplied by NGOs it follows that out of 2000 young learners who do not attend school, higher percentage of them comes from Roma, Ashkali and Egyptian communities than any other minorities.

The reasons for truancy among Roma, Ashkali and Egyptians are multitude, i.e. distance from school, cost, accessibility problems for children with disabilities, etc.¹⁶¹ In order to equate their school performance chances, MEST initiated a project which aims at providing so called catch-up classes in various subjects for Roma, Ashkali and Egyptians.¹⁶² According to the existing data, between 2004 and 2007 the Ministry organised catch up classes for 1,800 Roma, Ashkali and Egyptian children.¹⁶³ The initiative, however, has had a mixed success.¹⁶⁴ In terms of curricula, community-specific subjects, such as history, geography, arts, etc. for Roma, Ashkali and Egyptians

¹⁵⁸ Supra footnote 108.

¹⁵⁹ E-mail from Mr Muhamet Arifi, BSF director, received on 22/05/2012.

¹⁶⁰ UNICEF, "Justice Denied: The State of Education of Children with Special Needs in Post-Conflict Kosovo", 2009, available at http://www.unicef.org/kosovo/Eng_-_Justice.pdf, accessed on 21/05/2011.

¹⁶¹ Supra footnote 86, p. 33.

¹⁶² OSCE Mission in Kosovo, Catch-up classes help integrate Kosovo's minorities, 2005, available at <http://www.osce.org/kosovo/57412>, accessed on 23/05/2012.

¹⁶³ Supra footnote 132, p. 2.

¹⁶⁴ Interview with Ms Sadë Osmani and Mr Gazmend Tahiraj, inclusive education unit of MEST, Prishtina, 02/05/2012.

have not been developed yet.¹⁶⁵ Another obstacle to Roma's participation in education is the fact that textbooks in Romani are written in Macedonia, hence they are not tailored to the cultural identity of Kosovar Roma and are often difficult to purchase.¹⁶⁶ The fact that textbooks in Romani language are inadequate and are not provided free of charge by MEST, impinges on Section 3.2 (b) of the Law on Primary and Secondary Education.¹⁶⁷

The Roma community is the only group in Kosovo whose mother tongue does not exist as language of instruction at school.¹⁶⁸ The main reasons for that is lack of qualified teachers coming from this community and shortage of quality resources in Romani language. Consequently, Roma children are having to learn an additional language to be able to attend any school, which places them at a disadvantage at the very beginning of their education.¹⁶⁹ Therefore, in real terms, Roma's right to education in their mother tongue as specified by the Kosovar national legislation and international HR instruments is being violated. In addition to not being able to study curricular subject in their mother tongue, the Kosovar Roma can only attend classes of Romani language, history and culture on an ad hoc basis in a limited number of Serbian schools. In the same manner Kosovo Serbian system provides language classes in Croatian, Bosnian and Albanian. Kosovo educational system, on the other hand, imparts fully fledged curricula in Albanian, Turkish and Bosnian, but not in Serbian.

Varied language provisions are a product of the parallel Serbo-Albanian system of education mentioned in the previous section. In real terms, this arrangement results in segregation and isolation of these two communities as they are confined to their separate educational environments.¹⁷⁰ The dilemma is that the physical seclusion, in fact, ensures their right to education in the mother tongue as laid out in the national

¹⁶⁵ Supra footnote 132, p. 1

¹⁶⁶ Supra footnote 132, p. 5.

¹⁶⁷ Supra footnote 130. The Law provides for supply of adequate textbooks by the ministry in section 7.6, while section 3.2 (b) obliges MEST to ensure availability of free textbooks for grades 1-9.

¹⁶⁸ Supra footnote 86, p. 26.

¹⁶⁹ Although it is true that Roma children need to learn either Albanian or Serbian in order to attend school, they usually speak one of these languages as their second language since they either learn it in the neighbourhood or from their parents.

¹⁷⁰ Supra footnote 132, p. 15.

legislation discussed in the legal framework section¹⁷¹ as well as international human rights instruments.¹⁷² In fact, this dilemma could be framed as a conflict between the right to education as provided for in article 13.1 of the International Covenant on Economic, Social and Cultural Rights¹⁷³ and article 14.1 of the Framework Convention for the Protection of National Minorities.¹⁷⁴ The first document specifies that "education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace." FCNM, on the other hand, indicates that "The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language." This conflict, however, is legally not embodied in Kosovo since the Republic's Constitution does not list ICESCR as a directly applicable HR instrument in the country.¹⁷⁵ Notwithstanding, in the Kosovar context the rights conflict occurs between article 14.1 of FCNM cited above and Articles 29.1(d) of the Convention on the Rights of the Child¹⁷⁶ (CRC) and 26.2 of the Universal Declaration of Human Rights.¹⁷⁷ Direct applicability of the three documents is guaranteed by the Kosovo Constitution in Article 22 and the contents of the CRC and UDHR articles mentioned above closely correspond to the inapplicable article 13.1 of the ICESCR.¹⁷⁸ Therefore, the parallel educational system by way of providing for the right to study in the mother tongue for the two communities, at the same time, deprives them of the legally stipulated right to education "in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and

¹⁷¹ The following national legislation refers to the Kosovar communities' right to education in mother tongue: Art. 4.4(b), Constitutional Framework; Art. 3.2(c), Law on Primary and Secondary Education in Kosovo, UNMIK Regulation No. 2002/19, 31 October 2002, (Law on Primary and Secondary Education); Art. 20.1, Law on the Use of Languages; Art. 59.3, 2008 Constitution; Art. 8.1, 2008 Law on the Rights of Communities.

¹⁷² For a full list of human rights provisions relating to education of minorities and children with disabilities, please refer to Annex 3.

¹⁷³ Supra footnote 70.

¹⁷⁴ Supra footnote 77.

¹⁷⁵ Supra footnote 133, Article 22.

¹⁷⁶ Supra footnote 69.

¹⁷⁷ Supra footnote 62.

¹⁷⁸ Supra footnote 133.

persons of indigenous origin.¹⁷⁹ Lack of inter-ethnic interaction at school is clearly not contributing to the national reconciliation process for peaceful and multicultural future of Kosovo.

By the same token, the rights conflict within the parallel system context is not in the least consequence-free for other communities. The ethnic cleavage deepens as Roma, Ashkali and Egyptian communities gravitate around one of the educational systems depending on geographical, linguistic and other identity factors.¹⁸⁰ The situation is particularly sensitive for the Roma community since, regardless of which educational system they decide to join, they tend to be marginalized within that system, while the other one perceives them as ‘collaborators of the enemy’¹⁸¹ This is due to the fact that both Albanians and Serbs believe that Roma were prime supporters of the other community during the conflict.¹⁸² What further adds to the ethnic divide is the fact that neither the national legislation nor the FCNM provide for compulsory teaching of Albanian in the Serbian schools and, conversely, Serbian in the Albanian educational system. This considerably reduces possibilities of communication amongst the minorities, which consequently impinges on the integration processes.¹⁸³

¹⁷⁹ Supra footnote 69, art. 29.1 (d).

¹⁸⁰ Supra footnote 132, p. 15

¹⁸¹ Supra footnote 104.

¹⁸² Ibidem.

¹⁸³ Supra footnote 107, p. 463.

II.3 Children with disabilities

II.3.1 Disability in numbers - statistics

Kosovo's special schools/resource centres (SS/RC)¹⁸⁴ are located in five municipalities, namely: Prizren, Mitrovicë/Mitrovica¹⁸⁵, Prishtina/Pri-tina, Peja/Pe , and Shtime/Timlje. In total, there are seven special schools in Kosovo since Mitrovicë/Mitrovica and Prizren have two special schools each, whereas the remaining municipalities have one school each.¹⁸⁶ According to the data collected by Handikos there are 71 attached classes: 58 in Albanian, 7 in Serbian, 2 in Bosnian, 1 in Turkish, and 3 in sign language, with a total of 519 schoolchildren.¹⁸⁷ When it comes to more precise figures, the situation is similar to the minority statistics, i.e. generally there is no reliable data while the existing one is fragmented throughout institutions.¹⁸⁸ Nonetheless, available statistics show that in Kosovo 1081 children identified as having special needs. This figure includes 511 in special schools and 570 in attached classes.¹⁸⁹ Handikos survey shows that over 500 children with severe disability do not attend school.¹⁹⁰ However, Organisation for Economic Cooperation and Development (OECD) source estimates that over 80% of disabled children do not have access to adequate education pointing out that slow learners and children in rural regions are also left out of the education.¹⁹¹ Handikos and MEST in 2006 conducted a joint survey in eight municipalities considering 156 cases of disabled children. The results showed that 27.68 % did not go to school due to lack of transportation, 19.74 % did not go to school due to

¹⁸⁴ Resource centres are located within special schools and their function is to provide a space and resources for itinerant (special education) teachers to develop class materials for disabled children in special schools as well as attached classes. Attached classes are classes for disabled children, however set in regular schools alongside regular classes. The inclusive/special education terms will be elaborated in the following section concerning inclusive education of disabled children. For definitions of main inclusive education terms, please refer to Annex 2.

¹⁸⁵ Geographical names in Kosovo are customarily given both in Albanian and Serbian.

¹⁸⁶ MEST, "Indicators and Statistical data in Education 2004/05, 05/06, 06/07", 2008, available at http://www.masht-gov.net/advCms/documents/Raporti_statistikor_Anglisht.pdf find later, consulted on 24/05/2012, p. 104.

¹⁸⁷ Handikos, National Report for People with Disabilities in Kosovo, 2009, available at http://www.handikos.org/trunk/modules/news/files/ProjektiCARDS2E_englishfinal_1_%5B2%5D%20%20for%20printing%20%20B5.pdf, p.16, accessed on 24/05/2012.

¹⁸⁸ Ibidem, p. 7.

¹⁸⁹ Supra footnote 86, p. 32.

¹⁹⁰ Ibidem, p. 33.

¹⁹¹ Supra footnote 103, p. 172.

health conditions, 12.73 % did not know about the Law on Primary and Secondary Education,¹⁹² 5.09 % were not supported by parents, 5.40 % had not been admitted by school staff, 3.18 % could not access the school and finally for 0.64 % there was no school available in their native language.¹⁹³

II.3.2 Legal framework

This section will discuss relevant national legislation regarding education of children with disabilities. Some of these laws have already been covered in the legal part pertaining to minorities in Kosovo. Law on Primary and Secondary Education in Chapter II prohibits any form of discrimination on grounds such as sex, race, sexual orientation and, most importantly for this thesis, intellectual or other impairment.¹⁹⁴ In Chapter III of the Law, provisions are laid out for MEST to draft policies in the area of special needs education to ensure adequate education for students with disabilities. Moreover, the Law provides for additional financial aid for municipalities to be spent on persons with disabilities or other persons in need of special educational provision.¹⁹⁵ The Law legislates equally for drafting textbooks for special education and ensuring instructions on special education.¹⁹⁶ Chapter IV specifies obligations of the municipalities to review arrangements for special educational as well as provisions to conduct special needs assessments.¹⁹⁷ Finally, Chapter VII is the most comprehensive and far-reaching with regards to special needs education. It most fundamentally establishes the right to special education for those who are not able to profit from regular schooling (section 34.1). The law further legislates on the assessment of special education provision (sec. 36 and 37), the contents of courses (sec. 38) and counseling and healthcare for special needs students (sec. 39). The final section of the Chapter

¹⁹² Supra footnote 130. The Law is discussed in more detail in the legal framework section regarding minorities.

¹⁹³ Supra footnote 86.

¹⁹⁴ For the whole list of basis for discrimination please see supra footnote 130, Chapter II, section 5.1.

¹⁹⁵ Ibidem, Chapter III, section 15.1 (a).

¹⁹⁶ Supra footnote 130, Chapter III, section 15.1 (b) and (c).

¹⁹⁷ Supra footnote 130, Chapter IV, section 23 (b) and (c).

provides for the right to both learn sign language and Braille as well as receive education through the medium of sign language and Braille, (sec. 40).

As mentioned in the legal section regarding minorities, Kosovar laws are in general terms well-crafted but weakly enforced.¹⁹⁸ This assertion also strongly pertains to the Law discussed above, which was drafted by international experts with support of local professionals and the critique goes as far as to stating that it is more of a declaration of intent rather than a practical, enforceable law.¹⁹⁹ In fact, the Law is of outstanding standards, however it is yet to be seen whether the courts can uphold it. The situation on the ground where considerable numbers of disabled children do not attending school at all, tells us that more attention and effort should be directed at the executive process. Likewise, for educational laws to be implemented, MEST needs to lay out concrete regulations and policies facilitating progress. Additionally, some of the advanced provisions of the Law are not funded, e.g. employment of professionals such as psychologists. In terms of funding, municipalities should also receive detailed instructions on allocation of finances in order to maximize the resources available. Lastly, however arguably the most importantly for the subject of this thesis, inclusive education is not explicitly mandated by the Law. UNICEF report suggests that this circumvention could be due to economic reasons as it is arguably less expensive to fund services only in special schools and attached classes without the additional burden of funding regular schools.²⁰⁰ The Law seems to be following the idea of access to education for all expressed explicitly in Chapter I, sec. 3, rather than inclusion of disabled children into regular education. The definitions pertaining to special education (Chapter 1, sec. 1) imply a strong separation of the regular schooling system and special needs system. The separation is further enforced through specific regulations concerning exclusively special education in Chapter VII. From the observation in the schools, it also appeared that assessments and preparation of Individual Educational Plans for special needs students was rather a matter of an unstandardized and unofficial procedure, which stands in contrast to the provisions of the Law (Chapter VII, sec. 38 and 37 respectively).

¹⁹⁸ Interview with Ms Sadë Osmani and Mr Gazmed Tahiraj, supra footnote 164.

¹⁹⁹ Supra footnote 86, p. 25.

²⁰⁰ Ibidem, p. 25.

Another relevant law which forms part of the Ahtisaari Package²⁰¹ is the Law on Education in the Municipalities in the Republic of Kosovo (Herein: the Municipality Law).²⁰² The Municipality Law's main purpose is to regulate the scope of responsibilities between the central government and the municipalities. The Municipality Law mentions the term 'inclusive' when laying out one of the of MEST's obligations to promote 'an inclusive policy for the integration of impaired and disabled persons into the educational system.'²⁰³ The Law, however, does not specify definitions, therefore it is impossible to determine whether inclusion means education of disabled children in regular classrooms. In fact, as mention above, the Law is to regulate the division of powers rather than to outline educational contents.

II.3.3 Disabled children in education

Identification, assessment and placement

As laid out in the Law on Primary and Secondary Education²⁰⁴ discussed above, a child should be professionally assessed in order to determine whether he/she is to be placed in a special school. The Law postulates that professional assessment is paralleled with a decision of the municipality as well as teachers' and parents' consideration. The UNICEF report found, however, that in real terms it is mainly teachers and parents who decide on the placement and if the opinion is divergent then a medical specialist (usually a psychologist) is consulted.²⁰⁵ If, on the basis of such an assessment, a child is considered to have special needs, consequently the child is placed in an attached class, provided that there is one in the vicinity. If an attached class is too far for the child to attend, then he/she is referred to a special school. However, if both of these solutions are unattainable, then the child stays at home. If the child has already been placed in a

²⁰¹ Supra footnote 134.

²⁰² Law on Education in the Municipalities in the Republic of Kosovo, 2008, available at http://www.gazetazyrtare.com/egov/index.php?option=com_content&task=view&id=155&Itemid=56&lang=en, accessed on 25/05/2012.

²⁰³ Ibidem, article 3 (j).

²⁰⁴ Supra footnote 130, section 37.

²⁰⁵ Supra footnote 86, p. 44.

regular school and the decision is made for him/her to remain in it, then the school provides no special support nor material. It is within the good will of parents or teachers to organise any special resources that a child might need. For instance, Ms Saranda Shatri, an inclusive education teacher, mentioned a case of a girl who was transferred from an attached class to a regular class, where she was at all times accompanied by an assistant remunerated by her parents.²⁰⁶ At the same school it was observed that in an attached class for autistic children a parent was assisting during the class to provide additional support. When a child is diagnosed with hearing or sight impairments, he/she is referred to a school that deals with the specific disability in question (Dr Xheladin Deda School for children with visual impairments in Pejë/ Pe and Nëna Tereza School for children with hearing impairments in Prizren). In the similar manner, in case of logistical obstacles (e.g. transport) the child stays at home or is sent to a regular school or an attached class in the neighbourhood.²⁰⁷

From the interviews conducted in Kosovo during the research trip it appears that assessment and placement is largely a matter of informal and unstandardised procedure between parents and teachers. In fact, Ms Lume Shala, a psychologist from the Përparimi Special School/Resource Centre, stated that frequently parents, being reluctant to send their children to a special school, exert pressure on regular schools to accept their children.²⁰⁸ Equally, in Ismail Qemali School, Ms Shatri recalled that placing a severely disabled girl in a regular class was mainly due to her parents' persistence.²⁰⁹ Therefore, at times the decision regarding placement is a unilateral process and it is mainly parents' initiative that affects their children's educational path. Although there is no standardised assessment test²¹⁰ the official policy adopted by MEST and NGOs is that placement within special education should be conducted based on the assessment of abilities rather than disabilities.²¹¹ This inclusive outlook is officially formulated as one of MEST's educational policies. Strategic Plan for

²⁰⁶ Interview with Ms Saranda Shatri from Ismail Qemali School in Prishtina. Please refer to Annex 1 for details on all the interviews.

²⁰⁷ Ibidem.

²⁰⁸ Interview with Ms Lume Shala, psychologist from Përparimi Special School/Resource Centre, Prishtina, 07/05/2012.

²⁰⁹ Supra footnote 206.

²¹⁰ Supra footnote 208.

²¹¹ Interview with Mr Afrim Maliqi, director of Handikos, Prishtina, 08/05/2012.

Organising Inclusive Education for Children with Special Educational Needs states: "Opportunities provided to the child should not be based on the assessment of disability but rather on the individual needs of the child; all teachers may teach all students without any exceptions."²¹² In the same vein, Mr Afrim Maliqi, director of Handikos, stresses that professionals and teachers conducting assessments should not be focusing on problems and incapability of disabled children but rather on their skills and potential.²¹³

Accessibility and transport

As prescribed by the Law on Primary and Secondary Education transport to school for disabled children in Kosovo should be free of charge.²¹⁴ However, frequently lack of financial resources is quoted by the government as a reason for not complying with the law. Mr Maliqi lists, amongst other factors, transport and accessibility as serious obstacles for disabled children to attend school.²¹⁵ He also stresses that it is not enough to fit in ramps for physical access to schools but there is also a need for such indispensable amenities as disabled toilets. As mentioned in the statistics section, 27.68% of children who took part in the Handikos survey did not go to school due to lack of transport.²¹⁶ Another study by Handikos, which is also quoted in the statistical part, identified 550 disabled children out of school and found that 80% of them failed to attend school due to: "their disabilities and lack of transportation and improper supportive infrastructure at school."²¹⁷ Ms Hunaida Pasuli, a legal advisor on disability at the Ombudsperson Institution, also states that schools are built with no wheelchair access even though there is a substantial legal basis to address disability

²¹² MEST, Strategic Plan for Organising Inclusive Education for Children with Special Educational Needs in Pre-University Education in Kosovo 2010-2015, 2010, available at http://www.masht.gov.net/advCms/documents/Strategic_plan%20for_organizing_inclusive_education_for_children_with_special_educational_needs_in_pre_university_education_2010_2015.pdf, p.5, accessed on 27/05/2012.

²¹³ Supra footnote 211.

²¹⁴ Supra footnote 130, Chapter IV, Section 22.1(a).

²¹⁵ Supra footnote 211.

²¹⁶ Supra footnote 193.

²¹⁷ EU Education SWAp Project, Vlera Kastrati, Report on promoting INCLUSION across all components and activities in the EU Education SWAp project, 2010, available at http://www.eu.eduswap-ks.org/doc%27s_eng/expert%27s%20reports/Vlera%20Kastrati%20-%20Report%20Annexes.pdf, p. 9, accessed 27/05/2012.

issues and MEST is working towards policy formulation and implementation. Nonetheless, she stressed that well-drafted legislation, conferences and round tables do not change situation on the ground and it is still a lesson to be learned in Kosovo. The interviewee also asserted that there is an insufficient willingness to accommodate disability at the very grassroots level, i.e. amongst teachers. Still, Ms Pasuli observed disability-friendly accommodations during the Ombudsperson school outreach project. She remembered a case of a physically disabled child for whom teachers decided to move the classroom from upper floor to the ground level to save him climbing stairs every day. She also recalls a case of a disabled girl in Prizren whose attendance at a regular school was hindered as there were not ramps for wheelchair users available. For many months the girl's parents carried her to and out of the school. Finally, the family invested in building ramps to make the school accessible for the girl.²¹⁸

Mr Maliqi of Handikos expressed a very similar view to Ms Pasuli's, when he stated in the interview that action needs to be taken at the family, community and school level instead of producing grand strategies.²¹⁹ It appears that in the shortage of sufficient formal provisions for disabled children in Kosovo, parents need to take a proactive approach to a large extent relying on self-help and creating a strong network within the community and teachers.

Teaching techniques, teacher training and curriculum

Kosovar education system in the early post-conflict stages inherited a burdensome legacy of unqualified or poorly qualified teachers from the parallel system period,²²⁰ who had been isolated from international developments in education for almost a decade. Despite frequent lack of qualifications, the parallel system teachers were heralded as patriotic and heroic due to their mostly voluntary work and input into

²¹⁸ Interview with Ms Hunaida Pasuli, legal advisor for disability at the Ombudsperson Institution, Prishtina, 03/05/2012.

²¹⁹ Supra footnote 211.

²²⁰ Please refer to the section *II.1 History, politics, conflict and education in Kosovo ó background* for more information on the parallel system.

upholding Albanian identity. This reputation eventually became an obstacle to their dismissal by the Interim Administration.²²¹

The pre and immediately post-conflict educational system developed during Yugoslav Communism was centralized, systematic and bureaucratized. The teaching of that period was overly didactic, rigidly-structured as well as teacher and textbook-centered. Special education was a product of a -defectologyø approach where children with disabilities were considered -defectiveø rather than requiring special needs arrangements. Segregation and exclusion within special education was widespread and commonly accepted.²²² Clearly, after the war this state of affairs needed urgent attention of the UNMIK administration. However, the initial efforts were concentrated on the actual resumption of education (back-to-school campaign), while the finer and more reformative aspects of teacher training, methods and curriculum were temporarily set aside. Therefore, the Interim Administration made a practical decision to temporarily resume teaching based on the curriculum used before the suspension of learning. This pre-war curriculum was developed on the basis of the Kosovo curriculum drafted during the Tito era and heavily altered in the parallel system to include Kosovo Albanian perception of history and culture.²²³

Post-1999, once the aim of returning children into educational system was achieved, gradual movement towards change emerged. In that period teacher training activities became an endeavour of many NGOs providing ad hoc workshops that were not tailored to the most urgent needs nor evenly distributed geographically. In order to co-ordinate activities in this area UNMIK employed its Lead Agency Approach²²⁴ by appointing the CIDA-sponsored (Canadian Agency for International Development) Kosovo Education Development Programme (KDEP) to lead teacher training and professional development.²²⁵ By the same token, World Bank took lead in Education Management Information System, Deutsche Gesellschaft Für Technische Zusammenarbeit (GTZ) headed the Vocational Education and Training (VET). UNICEF

²²¹ Wendling, 2009, pp. 28-29.

²²² Supra footnote 84, p. 488.

²²³ Supra footnote 90, p. 86.

²²⁴ Supra footnote 90, p. 111.

²²⁵ Supra footnote 90, p. 78.

was appointed to develop curriculum and early childhood development while Finnish Support for the Development of Education in Kosovo (FSDEK) became responsible for special needs education.

FSDEK is a Finnish NGO supported by the Finnish Development Agency and it has been commissioned to work with MEST on the implementation of UNMIK's commitment to inclusive education. FSDEK has extensive partnerships with key inclusive education NGOs such as TEMA, Handikos, Balkan Sunflowers and others. In terms of teacher training in inclusive and special needs education in Kosovo, FSDEK has been intensely co-operating with Kosovo Education Centre (KEC) and Kosovar branch of Save the Children (SC). FSDEK has introduced across the board, pre and in-service teacher training in special needs and inclusive education. The Finnish programme has made significant inroads into the Kosovar perception of special needs education and has been continually providing support towards an ideology of inclusion, which will be elaborated in the following section. Naturally, improvements and unceasing efforts in this field are continuously needed.

Pre-service teacher training in Kosovo was made available either in the Department of Pedagogy in the Faculty of Philosophy or in the Faculty of Education at the University of Prishtina with additional campuses for the Faculty of Education in Gjilan/Gnjilane, Prizren and Gjakovë/Đakovica. The faculty of education has one compulsory course and two elective ones in special needs education. The UNICEF survey found that, at the time the study was carried out, the lecturers at the Faculty of Education were not sufficiently qualified to train in inclusive or special needs education.²²⁶ According to the UNICEF data 20% of teachers have high school background, 70% obtained a teacher training at the above mentioned university faculties or higher pedagogical training before the teacher training was recognized as a university qualification. The remaining 10% received university diplomas not related to special/inclusive education.²²⁷ In spite of the aforementioned opportunities to gain training, the quality and availability of teacher training, especially with regards to

²²⁶ Supra footnote 86, p. 54.

²²⁷ Supra footnote 86, p. 54.

specific disabilities, is often quoted as one of the main problems of special education.²²⁸ OECD compilation on children at risk in south-eastern Europe, finds that special education teachers are not trained in methodologies pertaining to students with visual and hearing impairments.²²⁹

Currently teacher training has concrete legal and normative basis within MEST educational strategies. Upon the transfer of key competencies from UNMIK to the Provisional Self-Government²³⁰, legal arrangements for teacher training were laid out in the Law on Primary and Secondary Education already discussed. The Law charges MEST with an establishment of a Teacher Training Review Board (TTRB)²³¹, which it defines as a body for approving the training, re-training and professional development of teachers.²³² The Law also stipulates that all primary and secondary education teachers should have their qualifications approved by the TTRB.²³³ The key role of the Board is to research and draft recommendations for the Ministry. TTRB has also developed Standards of Professional Practice.²³⁴ There are no legal provisions in the Law pertaining specifically to the teacher training for special education, therefore it is presumed that the existing stipulations are general guidelines for teacher training in any setting. However, on a normative policy level, MEST has developed strategies that refer specifically to the special needs teacher training. For instance, Objective III of the Strategic Plan for Organising Inclusive Education for Children with Special Educational Needs is wholly devoted to the professional development of educational personnel.²³⁵ The Kosovo Education Strategic Plan 2011-2016 also underlines the need for education resource centre teachers as well as a wider selection of inclusive education courses in the existing teacher trainings.²³⁶

²²⁸ Supra footnote 86, p. 17.

²²⁹ Supra footnote 103, p. 174.

²³⁰ Please refer to supra footnote 98 for sequence of Kosovar administrations and governments past the conflict.

²³¹ Supra footnote 130, Chapter III, Section 12.5.

²³² Supra footnote 130, Chapter I, Section 1.

²³³ Supra footnote 130, Chapter VI, Section 32.1.

²³⁴ MEST, Teacher Training Review Board, available at http://www.see-educoop.net/education_in/pdf/standards-of-propractice2-yug-kos-enl-t03.pdf, p. 1, accessed on 29/05/2012.

²³⁵ Supra footnote 212, pp. 15-16.

²³⁶ MEST, Kosovo Education Strategic Plan 2011-2016, 2011, available at http://www.masht.gov.net/advCms/documents/KESP_2011_2016.pdf, p.111, accessed on 29/05/2012.

As mentioned above, within the Lead Agency Approach UNICEF was appointed to develop Kosovar curriculum. UNICEF worked in cooperation with UNESCO's International Bureau of Education (IBE) based in Geneva as well as a team of ten local specialists. Initial efforts concentrated on the development of a Curriculum Framework rather than fully-fledged syllabi. Chapter V of the Framework sets out comprehensive provisions for various special needs of Kosovar children and stipulates for flexible and inclusive solutions as well as special curriculum arrangements. The Framework was published in 2001 and met with a widespread approval of local and international specialists. However, the implementation of the document coincided with the establishment of the Provisional Self-Government which rejected the endorsement of the Framework. Instead, the Provisional Institutions appointed a team of academics mainly from the University of Prishtina, who within two weeks developed a subject curriculum for grade 9.²³⁷

²³⁷ Supra footnote 90, p. 90.

Part III Inclusion in the Kosovar context

III.1 Between Education For All and inclusive education

The common experience of the two groups discussed above, disabled children and minority children, is that they equally tend to be excluded from education on account of being ‘different’, ‘incapable’ and ‘challenging’. As elaborated in the *Inclusive Education. Theory and practices* section, depending on the type of exclusion it can be countered with either EFA goal of embracing *all* marginalized children into education and/or inclusive policy of giving all children a possibility to learn together.

In the Kosovar context there is a need for both EFA and inclusive education approaches to be employed equally for minority and disabled children. In fact, in the post-war Kosovar reality these two concepts cannot be considered in seclusion due to their strongly complementary nature. EFA needs to be promoted considering the high percentage of disabled and minority children, who do not attend school at all.²³⁸ In turn, inclusive education of special needs children has been identified as one of the educational priorities by the UNMIK administration and consequently by proceeding governments, given Kosovo’s deeply rooted, post-war legacy of strongly segregated and stigmatized special education system.²³⁹ Therefore, the following section, *Inclusion of children with disabilities*, will mainly concentrate on the efforts of the Lead Agency for special needs education (FSDEK) to introduce inclusive education approach in the Kosovar schools. Although, the section on *Inclusion of minority children* will take a wider focus on general accessibility of education for Kosovar ethnic groups (EFA), it will also consider their inclusion into nowadays predominantly Albanian classrooms.²⁴⁰ The inclusive education of ethnic minorities aspect is significant in the Kosovar context due to the politics, history of the country and the very root causes of the 1999 conflict. In fact, education of respective ethnic communities and lack of inclusive approaches

²³⁸ Please refer to the statistics sections on minority and disabled children for details.

²³⁹ Please refer to the section *Education of children with disabilities* for details regarding the former special education system.

²⁴⁰ In Serb enclaves or in Northern Mitrovicë/Mitrovica the inclusion takes place in a Serbian context, i.e. in mainly Serbian classrooms.

could be identified as one of the reasons lying at the heart of the war. It is equally important to observe how a country, which is currently attempting to include all ethnic minorities into education and public life, has become sensitive to inclusion of other marginalised groups, such as children with disabilities.

III.2 Inclusion of children with disabilities

UN Special Rapporteur on Disability, Dr Bengt Lindquist, made the following statement regarding inclusive education: "It is not our education systems that have a right to a certain type of child. Therefore, it is the school system of a country that must be adjusted to meet the needs of all its children."²⁴¹ This assertion lies not only at the heart of the Finnish Support for Development of Education in Kosovo ideology but also forms the basis of the inclusive education paradigm. According to Jesper Holst, the expert of FSDEK II, inclusive education essentially means transformation of the whole educational system (physical accessibility features, teacher training and attitudes, curriculum adjustments, etc.) to cater for the needs of all students.²⁴² FSDEK has been working for the past twelve years in Kosovo on the gradual implementation of this vision of inclusion. It has been effectuating it in two major stages: the first one started in 2000 and continued until 2003. FSDEK II began in 2004 and lasted until December 2008.²⁴³ Although the second phase has been officially completed, the Finnish initiative has maintained an on-going presence in Kosovo and continues working on policy development as well as implementation of inclusive education projects. To this aim the main objectives of FSDEK, as laid out in the project document, have entailed: contribution to educational reform in Kosovo through development of an inclusive system that will be to benefit of all learners as well as rendering inclusive education philosophy a central focus of teacher training programmes.²⁴⁴

²⁴¹ UNESCO, UNESCO's new Policy Guidelines on Inclusion in Education, 2009, available at http://www.unesco.org/en/inclusive-education/dynamic-content-single-view/news/unescos_new_policy_guidelines_on_inclusion_in_education/, accessed on 31/05/2012.

²⁴² Supra footnote 10, p. 32.

²⁴³ MEST, Finnish Support to Special Education in Kosovo, available at <http://www.masht.gov.net/advCms/?id=97&lng=Eng>, accessed on 08/06/2012.

²⁴⁴ FSDEK II project document, 2004.

In the year 2000, at the initial stages of its operation, FSDEK inherited from the special education system five special schools with 372 students and seven attached classes with 75 students. By 2007 there were two more special schools created and the number of attached classes rose to 74.²⁴⁵ This development was approved and executed by MEST, which has been in close cooperation with FSDEK to this day. The immediate reason for the expansion of attached classes has been FSDEK's operational strategy of effectuating inclusive education in Kosovo. The process in the Kosovar context has been conducted gradually whereby the first stage has been the establishment of attached classes all across Kosovo. This was to serve two short term aims. First one is related to the EFA goal of bringing those disabled children into education who would not otherwise go to school at all due to distance. Opening numerous attached classes distributed all throughout Kosovo, rendered special needs schooling more accessible distance-wise, even for those in remote areas. Thanks to this development, still in the absence of inclusive solutions at the turn of the century, children with disabilities requiring special educational arrangements were not solely dependent on remote special schools nor regular schools in their vicinity, which in some cases could not properly cater for their needs.

Essentially, however, attached classes do not in themselves embody the idea of inclusive education as promoted by UNESCO and formulated in the Salamanca Statement.²⁴⁶ Therefore, they were only envisaged by FSDEK as a transitional phase of physical integration ultimately aiming at including all of the children from attached classes into regular classes, thus realising the philosophy of inclusive education.²⁴⁷ This was the second and main reason for creation of additional attached classes. When critically assessed, this approach could have contradictory implications for inclusion if short-term goals of integration collided with long-term goals of inclusion. As Jesper Holst points out, although geographical accessibility of attached classes is unquestionably a positive development, essentially attached classes could ultimately impede the inclusion processes. This could be precisely due to the existence of numerous attached classes that give teachers an option to place a special needs student

²⁴⁵ Cërmjani, p. 131.

²⁴⁶ Supra footnote 4.

²⁴⁷ Bajrami, p. 61.

outside of the regular setting when faced with challenges. Such an ad hoc solution goes against the philosophy of inclusion, which claims that it is the whole regular education system that should adjust to the special needs children and not vice versa.²⁴⁸ Save the Children Kosovo (SC) have been skeptical of the attached classes to such an extent that they decided not to endorse this policy in their pilot schools in the municipality of Prizren, where they have been introducing inclusive practices at pre-school and primary levels. Programme Officer for inclusive education of disabled and minority children at SC, Artan Bllaca, explained during the interview that attached classes came to be regarded by SC as a form of segregation and since the NGO deals with early stages of education, they considered this solution, even if only temporary, as unacceptable. Nonetheless, SC praised the immense amount of effort the Finnish support provided for the cause of inclusion in Kosovo, at the same time explaining that SC practices immediate inclusion into regular classrooms.²⁴⁹

Regardless of the attitudes towards the attached classes, in reality the amount of disabled children included from these classes into regular ones has been minimal, although the process has been ongoing since 2000. The inclusive education unit at MEST quotes different reasons for the low inclusion. Firstly, teachers' attitudes, however they alone are not to be blamed. There are cases where children who would potentially get transferred from an attached class to a regular class, are in fact never sent to an attached class. Frequently, it is the parents who believe that their children can either benefit more in a special school/resource centre or in a regular class.²⁵⁰ Afrim Maliqi of Handikos also recalls a case of a boy whose father stood as an obstacle for the boy to be placed in a regular classroom, fearing that he would stand out and attract negative attention.²⁵¹ MEST, however, does not regard the present situation of attached classes as a failure, seeing it rather as an ongoing process that needs a change of attitudes, time, resources and policy implementation.²⁵²

²⁴⁸ Supra footnote 10, p. 42.

²⁴⁹ Interview with Mr Artan Bllaca, Programme Officer for Inclusion of Disabled and Minority Children, Save the Children, Prishtina, 04/05/2012.

²⁵⁰ Interview with Ms Sadë Osmani and Mr Gazmend Tahiraj, supra footnote 164.

²⁵¹ Supra footnote 211.

²⁵² Supra footnote 164.

Alongside the attached classes, FSDEK also implemented a policy of transforming special schools (SS) into resource centres (RC). According to the official strategies of MEST the timeline for changing SS into RCs has been framed between 2010 and 2013²⁵³ and up to the present moment five out of seven SS have undergone the reform.²⁵⁴ The two remaining schools are in North Mitrovicë/Mitrovica and in Shtime/Timlje. The first one is under Serbian administration and consequently MEST has no insight into its functioning and policies, however there is a strong presumption that it operates primarily as a special school in the traditional sense. The school in Shtime/Timlje is a small establishment with only two classes attached to an institution for mentally disabled persons and it has not been equipped with a resource centre.²⁵⁵

The idea behind creating RCs within special schools is that the RCs support learners in attached and regular classes with materials and pedagogical skills.²⁵⁶ Additionally, RCs provide training for regular teachers and help them in developing appropriate teaching methods and Individual Education Plans²⁵⁷ (IEP) for special needs students as well as assist in assessing children's needs.²⁵⁸ Effectively this support is provided by itinerant teachers who spend part of their time in the RCs preparing relevant resources, which they subsequently use for teaching in attached classes or in regular classes where special needs learners had been previously identified. The term 'itinerant teacher' is not accidental and refers to the fact that these educators in the course of the day travel to several schools to provide support. Since RCs effectively continue functioning as special schools alongside being RCs in the same lieu, some of the special education teachers stay on-site and teach in the special classes of the special schools/resource centres, (SS/RC).²⁵⁹ FSDEK envisaged also for the SS/RC to be staffed with health care professionals such as a psychologist, physical therapist, speech therapist, etc.²⁶⁰ Naturally, these developments are very much contingent upon availability of financial resources, which in many cases poses an impeding obstacle.

²⁵³ Supra footnote 212, p. 12.

²⁵⁴ E-mail from Ms S. Osmani (FSDEK) from MEST Inclusive Education Unit, received 08/06/2012.

²⁵⁵ Ibidem.

²⁵⁶ Supra footnote 10, p. 39.

²⁵⁷ Please refer to Annex 2 for a full definition of IEP.

²⁵⁸ Mahmutaj, pp. 122-123.

²⁵⁹ Supra footnote 164.

²⁶⁰ Ibidem.

Also within a wider vision of the SS/RC reform, FSDEK planned for these establishments to be research power-houses for the inclusive education as well as sites for professional development and activity in the form of conferences, workshops, lectures, etc.²⁶¹

A specific nature of a SS/RC depends to a large extent on the type of the disability that it serves. The special school for visually impaired children in Peja/Pe was the first one to be turned into an RC. This reform required significant logistics and investment as it involved setting up an acoustic studio and a Braille printing unit. The books and textbooks recorded on CDs and cassettes as well as translated into Braille have significantly improved the access and quality of learning for the children from the Peja/Pe SS/RC as well as the Regional Association of Blind in the same town.²⁶²

Unlike children in attached classes, students in SS/RCs are not exposed to contact with non-disabled children, hence they are not physically integrated in a regular system. However, still it remains, as stated by the psychologist at the Përparimi SS/RC for mentally disabled children, that preparing children for inclusion is one of the main objectives of SS/RC and assessment of the level of children's readiness to join regular classes is carried out systematically in joint meetings comprising the psychologist, a special teacher and an itinerant teacher. As of now there is no standardised test employed for evaluation of children's placement. Prior to inclusion, while still at the Përparimi, students follow a flexible curriculum based on IEPs, which are prepared by the psychologist, teachers and parents. The IEPs are also a feature of attached classes and are used for students who were transferred to regular classes from attached classes. In this particular case, the Përparimi SS/RC co-operates with one regular school in the centre of Prishtina to which it sends the students assessed as ready for inclusion. The itinerant teacher from Përparimi travels to this school, amongst other schools, to support them with resources generated at Përparimi as well as check on the level of inclusion and adaptation of the former SS/RC students to the new conditions.²⁶³ Therefore, attending an attached class and subsequent transfer to a regular class is not the only way

²⁶¹ Supra footnote 164.

²⁶² Supra footnote 258, pp. 121-122.

²⁶³ Paragraph based on an interview with Ms Lume Shala, psychologist at Përparimi SS/RC. Supra footnote 208.

to inclusion in the freshly-emerged inclusive system of Kosovo. The reformed SS/RCs are, in fact, geared towards equipping children with skills necessary for inclusion.

A good example of this mode of inclusion is the SS/RC for visually impaired children in Peja/Pe . According to the account of Mr Ahmet Mahmutaj this special school has made significant progress in its efforts to include some of its students into a regular classroom. The article does not give details as to the subjects studied, curriculum followed, teacher arrangements or the level of integration or inclusion, however, even if only at the level of integration, the contact with regular pupils for students who are mostly surrounded by visually impaired peers in SS/RC, is still very crucial.

Certainly this sort of contact was not provided for when Mr Gezim Rexha who attended the special school in Peja/Pe in the 1980s. Mr Rexha, now a graduate of English language and literature working for OSCE in Prishtina and a freelance translator, recalls that he was not keen on the aspect of being separated from his sighted peers, even more so because of the isolation that he and his fellow students experienced living in the dormitory, away from their families. In fact, Mr Rexha, although not even aware in his school days of inclusion and integration practices, dreamt of studying alongside sighted students. While commenting on the transformation of his former primary and secondary school into a resource centre he was rather sceptical and claimed that the idea of RCs has not been sufficiently understood and the capacities for its implementation are meager. He sums up that still RCs tend to be simply another name for special schools in the Kosovar context.²⁶⁴ Mr Maliqi, director of Handikos and himself a wheelchair user, shares the same view with Mr Rexha in that special schools and currently SS/RCs are isolating students from other peers and he believes that attached classes are better placed as means of transitional phase leading to inclusion.²⁶⁵

²⁶⁴ Paragraph based on an interview with Mr Gezim Rexha, a graduate of the Peja/Pe SS/RC for visually impaired students, Prishtina, 07/05/2012.

²⁶⁵ Interview with Mr Afrim Maliqi, Handikos, supra footnote 211.

Teacher training

As laid out in the FSDEK Project Document, one of the central aims of the Finnish initiative has been to train teachers from special schools (later known as SS/RCs), attached classes and regular schools across Kosovo in inclusive education approaches.²⁶⁶ FSDEK has been effectuating this goal since 2000 in a systematic and comprehensive manner by organising pre-service and in-service training. Although FSDEK in cooperation with MEST have played a major role in providing inclusive education training, other actors such as Save the Children, Handikos, UNICEF, KEC, etc., have also contributed extensively to the realisation of this aim.²⁶⁷ In terms of pre-service training, the University of Prishtina (UP) prior to the FSDEK involvement had already had special education trainings in place within its Department of Pedagogy.²⁶⁸ Nonetheless, one of the FSDEK's prominent inputs to the special education training at the UP has been the empowerment of the inclusive component at the Faculty of Education through introduction of inclusive education courses.²⁶⁹ The courses were prepared in conjunction with the UP and are delivered in various educational institutions. Initially, they were taught by the FSDEK project leaders and subsequently by the faculty staff members.²⁷⁰ In the fall semester of 2006 FSDEK launched its Inclusive Education Master Programme for a single cohort of 15 students with a curriculum prepared by the project team leader Markku Leskinen. Ms Saranda Shatri, Ms Lume Shala, Mr Gazmend Tahiraj and Mr Gezim Rexha are some of the graduates of the Master's programme that were interviewed for the purpose of the thesis. When asked about their impressions of the Master's most of them claimed that it was a useful and comprehensive course in terms of curriculum, which covered ten subjects lectured in a professional manner by mainly Finnish experts. The last fact was emphasised by Mr

²⁶⁶ Supra footnote 244.

²⁶⁷ Supra footnote 86, p. 55.

²⁶⁸ For more details on the special education training courses at UP please refer to the *Teaching techniques, teacher training and curriculum* section.

²⁶⁹ European Training Foundation, Mapping Policies and Practices for the Preparation of Teachers for Inclusive Education in Contexts of Social and Cultural Diversity, Kosovo Country Report, 2010, available at

[http://www.etf.europa.eu/webatt.nsf/0/C12578310056925BC125772E002C487E/\\$file/NOTE85SBG9.pdf](http://www.etf.europa.eu/webatt.nsf/0/C12578310056925BC125772E002C487E/$file/NOTE85SBG9.pdf)

, p. 47, accessed on 09/06/2012.

²⁷⁰ Sassi, p. 25.

Tahiraj as somewhat problematic since the Masterø was initially envisaged to be a joint initiative between the Finnish specialists and the UP staff with a view of building local capacities in inclusive education training.²⁷¹ Mr Rexha pointed out that the Master was very informative in terms of its theoretical contents, however he thought it lacked practical orientation for future inclusive education teachers.²⁷² In addition to the Masterø, FSDEK also financed doctoral studies in inclusive education for one Kosovar student to be completed at the University of Jyväskylä, Finland. The PhD student is still working towards completion of her degree.²⁷³ In terms of in-service training, between 2004 and 2008, 140 teachers took part in a two- year- long, postgraduate programme in inclusive education called the professional development programme. Additionally, in the same period of time, 3 600 regular and special education teachers as well as educators from attached classes, parents and headmasters completed two three-day sessions on inclusive education. 70 of them advanced to complete an intense training called Toward Effective School For All (TESFA).²⁷⁴

This section attempted to give an overview of the inclusive education practices instituted by FSDEK since the beginnings of its operations in Kosovo in 2000. The singled out opinions of actors interviewed, although themselves representing disabled children in important capacities, do not effectively constitute a comprehensive picture of integration and inclusion and how they relate to the establishment of SS/RCs and attached classes. They do, however, give a personal insight and are rather indicative of the general opinion on the progress of inclusion. There are no far-reaching studies on the efficiency of the inclusive education reforms other than a prevailing feeling in all major organisations and institutions dealing with education that the final aim of inclusion has not been reached yet. According to somewhat outdated statistics of the Information System for Education Management (ISEM) students with special needs account for 2.5% of all students in the regular education in Kosovo. It is, however, emphasized that the impairments of the children for the purpose of the survey were

²⁷¹ Interview with Ms Sadë Osmani and Mr Gazmend Tahiraj from Inclusive Education Unit at MEST, supra footnote 164.

²⁷² Interview with Mr Gezim Rexha, supra footnote 264.

²⁷³ Supra footnote 270, p. 26.

²⁷⁴ Supra footnote 269, p. 47.

identified and assessed by teachers and parents rather than by experts, which could have resulted in staggering biases and faulty classification.²⁷⁵

The most frequently cited reasons for the low rate of inclusion of children with special needs into regular classes are negative attitudes and lack of confidence in the inclusive education philosophy.²⁷⁶ Interestingly however, can any society boast attaining full and perfect inclusion or, in fact, is it an indefinite process that can engulf years of improvements and efforts? Nonetheless, the thread that reappears systematically is the appreciation of FSDEK and MESTØs involvement and the progress achieved so far. It is also worth mentioning at this point that although the philosophy of inclusive education and its main goals are universal as laid out in the UNESCO documents on inclusion,²⁷⁷ the measures applied in Kosovo, i.e. attached classes, resource centres, etc. are country- specific and tailored to the situation of Kosovo.

III.3 Inclusion of minority children

As mentioned in section III.1 *Between Education For All and Inclusive Education*, inclusion of minorities in this thesis is considered both in terms of EFA goals as well as inclusion as defined in the Salamanca Statement, i.e. education of all children together.²⁷⁸ The emphasis on EFAØs goal of giving *all* children an opportunity to learn is well understandable in the context of Kosovo minorities, whose educational situation is outlined in sub-section II.2.3 *Minority children in education*. The main problems include, especially among the Roma, Ashkali and Egyptian communities, early drop-out, lack of transportation for those living in remote areas and financial hardship. Another issue is that curricula and textbooks have not been specifically tailored to the culture and history of the three communities.²⁷⁹ Other minorities, e.g. Bosniaks and Turks, also struggle with lack of appropriate curriculum and textbook

²⁷⁵ Supra footnote 103, p. 185.

²⁷⁶ Based on information from interviews. Please refer to supra footnotes 164 and 211.

²⁷⁷ UNESCO, Policy Guidelines on Inclusion in Education, 2009, available at <http://unesdoc.unesco.org/images/0017/001778/177849e.pdf>, consulted on 12/06/2012.

²⁷⁸ Supra footnote 9.

²⁷⁹ Supra footnote 132, p. 2.

arrangements.²⁸⁰ As one of the reasons for the Roma, Ashkali and Egyptian communities' low school attendance, Mr Muhamet Arifi of Balkan Sunflowers recounts the situation of these communities during the parallel educational system.²⁸¹ Albanian population organized shadow schools in shops, basements, private houses, etc. and as these premises were not built for education purposes they were frequently not easily accessible and unevenly distributed geographically. This posed, according to Mr Arifi, a considerable obstacle especially for the Roma, Ashkali and Egyptians who tend to live in remote areas, in terms of commuting to schools. However, transportation costs and overall financial hardship were not the only reasons impeding the communities' access to schooling. The most deterring factor was the alleged intimidation and pressure exerted by the Serbs on the communities in order to discourage them from participating in the Albanian parallel system.²⁸² As mentioned in section II.1 *Minority children*, ethnic groups have been effectively caught up between Kosovo Serbs and Kosovo Albanians during and post-conflict. The situation of the Ashkali and Egyptians in the parallel system was essentially hopeless since if deterred from attending Albanian schools they had no option of attending Serb schools. These two communities have been for centuries assimilated with Albanians, hence Albanian is the only language they tend to speak. Meanwhile Roma, who speak Romani as their first language and either Albanian or Serbian depending on where they live, could have opted for attending Serbian schools.²⁸³ Mr Arifi points to the fact that the parallel system generation whose access to education was disrupted, is now bringing up their own children, without having a strong conviction of the advantages that education gives.²⁸⁴ Numerous reports point to cultural factors and attitudes of Roma parents to education with regards to low school attendance and high drop-out rates.²⁸⁵ However, as indicated above, attention needs to be equally paid to the particular circumstances of these least educated

²⁸⁰ Supra footnote 132, p. 6.

²⁸¹ For information on the parallel system of education please refer to section II.1 *History, politics, conflict and education in Kosovo ó background*.

²⁸² Interview with Mr Muhamet Arifi, supra footnote 108.

²⁸³ Interview with Mr Arifi, ibidem.

²⁸⁴ Interview with Mr Arifi, supra footnote 108.

²⁸⁵ UNICEF, *Education of Minority Children in Kosovo*, 2004, available at http://www.unicef.org/kosovo/kosovo_media_pub_educ.007.04.pdf, p. 11, accessed on 14/06/2012.

minorities in the Kosovar context, where access to education for them has not always been a right but rather a privilege.

MEST and NGOs have made a substantial contribution to the EFA goal of bringing minority children, especially Roma, Ashkali and Egyptians into education. The Ministry organised 'catch-up' classes for minority children who had previously dropped out of education or for various reasons had had no access to school at all. The classes enable students to complete two grades in one school year. The main aim of the initiative is to integrate students into mainstream education upon completion of the 'catch up' programme. The project was implemented in cooperation with the municipality (Municipal Education Directorate, MED) as well as well as other partners such as OSCE, Save the Children and UNICEF.²⁸⁶ By and large the initiative has been heralded as beneficial for the disadvantaged communities.²⁸⁷ Voices of concern, however, were raised with regards to the quality and depth of education that the fast-track mode of 'catch up' classes offers to students. It was asserted that in many cases the only benefit gained was a diploma rather than thorough knowledge adequate for pursuing further studies in mainstream schooling.²⁸⁸ In addition, Ms Osmani at the Inclusive Education Unit of MEST, pointed out that the number of 'catch-up' classes set up has not met the high demand.²⁸⁹ Other comments include difficulties of recruiting students from non-Albanian speaking communities²⁹⁰, the fact that not all children proceed to regular schools upon completion²⁹¹ and a criticism that the classes do not address high drop-out rates and are essentially of no value without family encouragement and support.²⁹²

Additionally, in terms of increasing participation of minorities in the education system, since 2008 Balkan Sunflowers have been operating Learning Centres for Roma, Ashkali and Egyptian Communities. At present, BSF have four learning centres in Plemetina, Shtime/Timlje, Fushë Kosovë/Kosovo Polje and Graçanicë/Graçanica. The

²⁸⁶ Kadiç, pp. 102-103.

²⁸⁷ Supra footnote 85, p.26.

²⁸⁸ Interview with Mr Muhamet Arifi, director of Balkan Sunflowers, supra footnote 108.

²⁸⁹ Interview with Ms Sadë Osmani and Mr Gazmend Tahiraj at MEST, supra footnote 164.

²⁹⁰ Supra footnote 85, p. 11.

²⁹¹ Ibidem, p. 14.

²⁹² Supra footnote 85, p. 26.

centres are financed through donations from various organisations, e.g. the Sunshine Lady Foundation Office of the Grand Duchy of Luxembourg.²⁹³ Additionally the Gra anicë/Gra anica Centre is partially sponsored by Kosovo Foundation for Open Society (KFOS) and Kosovo Education Centre (KEC), which is a contracted educational component for KFOS. The centres are open for students before or after classes in their regular schools. Children are welcome to attend under condition that they do not miss school. The centres run a preschool programme, language club²⁹⁴, homework support scheme, literacy programme and women's programme. Each centre has one co-ordinator. Co-ordinators meet fortnightly to discuss challenges, exchange experiences and share problems and successes. The centres are also supported by a mediators' network, which is a group of 14 individuals who liaise among parents, schools and centres. They monitor children's attendance at school as well as the drop-out rates. Balkan Sunflowers have reported significant benefits of the learning centres network, the main ones being decrease in drop-out rate and increase in school enrollment.²⁹⁵ Currently, however, the BSF is faced with a big concern regarding the uncertain future of the learning centre in Gra anicë/Gra anica due to the municipality's inability to take over financial responsibility from KFOS.²⁹⁶

The European Union Support for the Implementation of the Roma, Ashkali and Egyptian Strategy (EU SIMRAES) is a project funded by the European Union and implemented by KFOS and KEC. The programme draws heavily on the BSF learning centres' concept of field operation. EU SIMRAES project manages six learning centres located in Gra anicë/Gra anica, Mitrovicë/Mitrovica, Ferizaj/Uroševac, Prizren (two centres) and Gjakovë/Djakovica. The centres run six main programs, which are very similar to the activities of the BSF centres and consist of a pre-school programme, homework assistance programme, literacy programme, support package programme

²⁹³ Balkan Sunflowers, Learning Centers Network Education Inclusion Program for Vulnerable Children, Youth and Women, available at <http://balkansunflowers.org/images/stories/lcn/reports/lcn%20unicef%20final%20report%20june%202010.pdf>, p. 5, 2010, consulted on 17/06/2012.

²⁹⁴ Ashkali and Egyptian students speak Albanian as their mother tongue, however they employ many foreign words into the language, often are not able to read and write and experience problems with grammar. Therefore, the language club aims at helping them to improve their Albanian language skills.

²⁹⁵ Balkan Sunflowers official website, available at <http://learningcentersnetwork.org/>, consulted on 17/06/2012.

²⁹⁶ Paragraph based on the interview with Mr Muhamet Arifi, director of BSF. Supra footnote 108.

(providing school material), preparatory courses and youth activities programme.²⁹⁷ The EU SIMRAES centres have reported a considerable improvement in the children's school performance due to the homework support²⁹⁸, an increase in the number of students attending the centres²⁹⁹ as well as an upsurge in students' self-confidence.³⁰⁰ Similarly to the operating mode of the BSF learning centres, the EU SMRAES project is also supported by a network of co-ordinators, facilitators and tutors who work directly with the children in various programmes.

In addition to the learning centres initiative, KEC has been an implementing partner of numerous projects regarding education of ethnic minorities, especially Roma, Ashkali and Egyptians. The Advancing Participation and Representation of Ethnic Minority Groups in Education (APREME) project saw the beginnings of its implementation in 2009 thanks to the funding of the European Commission and the Open Society Institute, Budapest. KEC is the implementing agency with support of partners mainly from other Balkan countries.³⁰¹ The project's aim is to build inclusive education throughout the Balkans as well as to increase minority participation and representation in education systems of Western Balkan countries through promoting good practices and supporting local initiatives.³⁰² Another KEC project is Monitoring of the Implementation of the Roma, Ashkali and Egyptian Strategy and its main aim is to mobilize civil society to join in the overseeing process of the strategy implementation together with MEST and local education authorities.³⁰³ Other programmes supporting minorities in education include: Coaching of Projects in Support of Roma,³⁰⁴ Ashkali and Egyptian Communities Education and Project for Improvement of Participation in Education.³⁰⁵

²⁹⁷ Interview with Mr Drilon Krasniqi, KEC project co-ordinator, Prishtina, 03/05/2012.

²⁹⁸ EU SIMRAES, Interim Report for the period 01/09/2011 to 29/02/2012, 2012, p. 11.

²⁹⁹ Ibidem, p. 11.

³⁰⁰ Supra footnote 298, p. 10.

³⁰¹ The implementing partners are: Open Society Foundation, Albania; proMente o Social Research, Bosnia and Herzegovina; Network of Education Policy Centres (NEPC), Croatia; MOST group, Serbia; and Venter for Education 2000+, Romania, in the capacity of EU expert.

³⁰² KEC, Report of Activities 2008-2009, 2010, available at <http://www.kec-ks.org/English/PDF-s/KEC%20-%20Activity%20Report%202008%20-%202009.pdf>, pp. 29-30, consulted on 18/06/2012.

³⁰³ Ibidem, pp. 37-40.

³⁰⁴ Supra footnote 302, pp. 40-42.

³⁰⁵ Supra footnote 302, pp. 31-33.

Another organization in Kosovo which is active in facilitating minorities' access to education is Save the Children. Their activity with regards to minorities is concentrated in the municipality of Prizren at the pre-school and primary levels. SC implements the minority project through its partner, Iniciativa 6, whose members are recruited from the Roma, Ashkali and Egyptian communities, thus creating a link between the minority community and schools. Iniciativa 6 carries out awareness raising campaigns among the minority parents on the importance of education and at the same time supports them on various issues concerning sending their children to school. They also cooperate closely with the school to advise staff on how to approach the community children in order to encourage them to attend school.³⁰⁶

The narrower sense of inclusion, i.e. the inclusion defined as education of all children *together*, is an issue that requires not less attention than the EFA goals with regards to minorities in Kosovo. As observed in the section *Between education for all and inclusive education*, the issue of minority groups in education is very salient and sensitive due to the ethnic nature of the 1999 Kosovar conflict and history. Nonetheless, inclusion in the Kosovar context tends to be conveyed as pertaining mainly to education of children with special needs, leaving the ethnicity aspect and inclusion of other marginalised groups somewhat cast aside.³⁰⁷ The demand for inclusion of ethnic groups is best illustrated by the fact that still to this day, numerous communities in Kosovo, amongst them Albanians and Serbs, are studying in separate educational establishments. This educational isolation concerns also other communities such as Turks, Gorani and Bosniaks, which to the aim of teaching children in their native language established their own schools.³⁰⁸ This situation can hardly be attributed to the post-war animosity alone. One of the reasons, however, is the conflict of rights identified in the *Minority children in education* section, whereby the right to education in communities' native languages clashes with the right to education of all groups together in the spirit of understanding, peace and tolerance.

Inclusion of minorities discourse is ultimately leading to the concepts of multi-cultural and inter-cultural schools. The first term is reflected in a myriad of practices

³⁰⁶ Interview with Mr Artan Bllaca, Supra footnote 249.

³⁰⁷ Supra footnote 269, p. 14.

³⁰⁸ Supra footnote 85, p. 12.

across Europe and world-wide. In Kosovo the term comes to signify a school with separate classrooms where various ethnic groups are taught in their respective languages.³⁰⁹ In fact, multi-cultural schools in this sense are not uncommon in Kosovo and frequently present the only option for education especially for minorities such as Roma, Ashkali and Egyptians, which do not have their own schools and other communities, which do not live close enough to a school run in their native language. Multi-ethnic schools exist with either Kosovo Albanians or Kosovo Serbs and other communities whereas schools with Serbian and Albanian students are nearly non-existent.³¹⁰ Essentially, if Serbian and Albanian students do study under the same roof, the classes take place in separate shifts so that students from the two communities experience neither physical nor social integration. Moreover, since effectively the two educational systems still embody a form of a parallel set-up, even if studying in the same building Serbian students follow a Serbian curriculum, which is regulated by the Serbian Ministry of Education while the Albanian system reports to the Kosovo Ministry of Education, Science and Technology.³¹¹ A point in case is the Sveti Sava School in Bresje (Fushë Kosovë/Kosovo Polje) where Serbian and Roma children attend the school at separate times and on separate floors from their Kosovo Albanian and Ashkali peers. An interesting example is also a school in Rahovec/Orahovac, which at its inception in 2001 was envisaged as a multi-ethnic school for Kosovo Albanian, Kosovo Serb, Roma and Egyptian students, however at present is no longer attended by the Serbian children due to an alleged lack of security and their parents' concern that Kosovar education may reduce their chances of continuing studies outside of Kosovo.³¹²

Further obstacle to cultural integration and an expression of a multi-cultural shortage, as mentioned in the *Education of minority children* section, is the lack of legal provisions for Albanian language classes in Serbian schools and, conversely, Serbian language lessons in Albanian schools.³¹³ This presents the two dominant groups in Kosovo with a grave post-war legacy predicament, however it equally leaves the

³⁰⁹ Supra footnote 85, p. 46.

³¹⁰ Supra footnote 132, p. 15.

³¹¹ Supra footnote 129, p. 32.

³¹² Supra footnote 132, p. 17.

³¹³ Supra footnote 107.

numerous communities gravitating around Serbians and Albanians in a precarious position. Just as in the case of Serbs and Albanians, the separation of the Albanian and Serbian education systems have deprived Roma, Ashkali, Egyptians, Turks, Bosniaks and other minorities of an opportunity to learn the other official language. This, in turn, considerably limits, not only the inter-ethnic interaction, but also their future employment prospects and every-day skills to function in a multi-cultural society.

In strictly pragmatic terms, minorities such as Roma, Ashkali, Egyptians, Gorani, Bosniaks and Turks make their decision of whether to attend a Serbian or an Albanian school on the basis of practical considerations such as geographical, linguistic, cultural and historical issues.³¹⁴ For the Ashkali and Egyptian communities, which have been integrated into the Albanian culture over the centuries to the point of having assimilated Albanian language, traditions and religion, it is a very self-evident choice to send their children to local Albanian schools.³¹⁵ For the Kosovo Roma the situation is more vague as it depends on which area they live in and what language is spoken in that region.³¹⁶ Clearly then, the choice of school for these communities is aligned with functional issues rather than ideological preferences or political affiliation. However, as they found themselves in between the Serbo-Albanian ethnic dispute, they came all too easily under suspicion of collaboration with the enemy. Moreover, they are rarely fully accepted where they are and at the same time frequently despised by the other side. This phenomenon is very much in line with Denisa Kostovi ová's observation that education in Kosovo has been used over decades as a tool in the ethnic power struggle.³¹⁷

Once attending the Serbian or Albanian schools, the effective inclusion of Roma, Ashkali and Egyptian students as defined in the Salamanca Statement,³¹⁸ has not been self-evident. As late as last year there were cases reported in Fushë Kosovë/ Kosovo Polje and Prizren of pupils from the three communities studying in separate

³¹⁴ Supra footnote 129, p. 33.

³¹⁵ Interview with Mr Muhamet Arifi from Balkan Sunflowers NGO, supra footnote 108.

³¹⁶ Interview with Ms Sadë Osmani and Mr Gazmend Tahiraj, MEST, supra footnote 164.

³¹⁷ Kostovi ová, 2001, p. 11.

³¹⁸ Supra footnote 4.

classrooms in isolation from other communities.³¹⁹ By now all of the ethnic classrooms have been dismantled, however sharing the same physical space does not necessarily indicate fully-fledged inclusion. Ms Ferdana Asllani, a mediator at the Balkan Sunflowers Learning Centre in Fushë Kosovë/ Kosovo Polje, recounted that in Selman Riza School in Fushë Kosovë/ Kosovo Polje minority students were sitting at the back of the classroom separately from their classmates.³²⁰ In Ferzaj/Uro-evac Ashkali respondents in a survey organised by the OSCE accounted for incidents where during the winter months members of their community were seated further from the heater, next to the windows. Outside of school cases of bullying and name-calling of the Ashkali pupils were imparted.³²¹ The interviewed principals of the schools with high percentage of minority students, showed a considerable awareness of the need to integrate minority children with the rest of the school population. The principal of the Milhal Grameno school in Fushë Kosovë/Kosovo Polje, Mr Ismet Gashi, emphasized that Ashkali and Egyptian students³²² that attend his school are evenly spread by two or three throughout the classes. He also mentioned his participation alongside other school directors and municipality staff in a three day long workshop on the integration of minorities.³²³ Mr Sahit Dragusha is the principal of Selman Riza school in Fushë Kosovë/ Kosovo Polje, where the percentage of minority children amounts to 42% and is the highest in the whole of Kosovo. In Selman Riza segregation of minority children in separate classes took place in the past, however nowadays the headmaster underlines that the Ashkali and Egyptian students³²⁴ are spread throughout all of the 48 classes in the school. Mr Dragusha also emphasized that the school plays an active role in

³¹⁹ Supra footnote 132, p. 17, Interview with Mr Muhamet Arifi, supra footnote 108. Interview with Ms Sadë Osmani and Gazmend Tahiraj, MEST, supra footnote 164. Interview with Ms Ferdona Asllani, officer at the Fushë Kosovë/Kosovo Polje Learning Centre, Prishtina, 08/05/2012.

³²⁰ Interview with Ms Ferdona Asllani, Ibidem.

³²¹ Supra footnote 29, p. 17.

³²² In the Milhal Grameno school due to localisation there are only Ashkali and Egyptian students who speak Albanian as their mother tongue. Roma children go to a local Serbian school.

³²³ Interview with Mr Ismet Gashi, headmaster of the Milhal Grameno School in Fushë Kosovë/Kosovo Polje, Kosovo, 08/05/2012.

³²⁴ Only a few Roma students attend the Selman Riza school. The overwhelming majority goes to the local Serbian school due to aforementioned reasons, i.e. they were born and grew up in areas where Serbian was spoken.

ensuring minority children's attendance by calling their parents in case of absences.³²⁵ At the Mustafa Bakija school in Gjakova/Dakovica, however, the attitude of the principal towards the three communities in his school seemed rather skeptical. He highlighted the lack of hygiene issue that haunts the Roma minority and stated that the community does not want to accept help in this respect. He also asserted that most of the minority children attend the school in hope of receiving social benefits while their interest in learning is very low.³²⁶ The visits to the schools, even though not comprehensive enough to reflect the overall situation in Kosovo, nonetheless provided a sample of varied attitudes and showed a growing awareness of the Roma, Ashkali and Egyptian communities' hardship.

MEST and various organisations have been attempting to address the minorities' predicament through a range of initiatives and programmes. UNICEF trained teachers in 83 schools within the Child Friendly School (CFS) scheme. CFSs have operated within a definition of inclusion that embraces not only disabled children but also ethnic minorities, girls and other groups at risk.³²⁷ Additionally, UNICEF and MEST have made their contribution to the implementation of the Strategy for Integration of Roma, Ashkali, and Egyptian Communities in Kosovo by means of data gathering, policy making, school campaigns, teacher training, etc. The European Training Foundation quotes an e-survey where 16 out of 18 respondents were in favour of and saw the need for the full integration of Roma students into regular classes. Kosovar government together with the Council of Europe has been addressing the issues of inter-culturalism as well as integration of Kosovo into the Bologna Process.³²⁸ The support consists of teacher trainings and conferences on democratic citizenship, human rights education, etc.³²⁹ The Council of Europe Secretariat Office in Kosovo has

³²⁵ Interview with Mr Sahit Dragusha, headmaster of the Selman Reza School in Fushë Kosovë/Kosovo Polje, Kosovo, 08/05/2012.

³²⁶ Interview with Mr Bajrush Maloku, headmaster of Mustafa Bakija School, Gjakova/Dakovica, Kosovo, 05/05/2012.

³²⁷ Interview with Ms Ivana Milosavljevic, Education Officer at UNICEF Kosovo, Prishtina, 08/05/2012.

³²⁸ Bologna Process aims at creating a European Higher Education Area (EHEA) based on international cooperation and academic exchange that is attractive to European students and staff as well as to students and staff from other parts of the world. (Bologna Process official website, available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/about/>, consulted on 17/06/2012.)

³²⁹ Paragraph based on a source referenced in supra footnote 269, pp. 48-49.

recently organised a teacher training on Access to Quality Education for Roma, Ashkali and Egyptian Communities.³³⁰

Still, however, in spite of all the programmes mentioned above, the multi-culturalism of the Kosovar schools as defined earlier in this section, is by no means an expression of genuine inclusion in the Salamanca Statement- inspired manner. Effectively such inclusion would bring all Kosovar ethnicities together within one education system and render the conflict of 1999 and the incident of March 2004 unimaginable in the future. A way of achieving this level and quality of inclusion is a transformation of today's multi-cultural schools which offer at best mere physical integration into inter-cultural schools, which aim at highlighting the preservation of each group's identity, accompanied by the acceptance of diversity and tolerance.³³¹ The main goals of inter-cultural education is to forge an empathetic approach for the other's intercultural respect and collective solidarity exceeding national boundaries.³³²

In addition to a genuine inter-cultural education which teaches respect for other cultures, Kosovo needs to also address its turbulent past of ethnic hatred. Part of the transitional justice processes leading to mutual reconciliation should take place within education.³³³ The most conducive means of achieving this aim is to find a common version of history that both Albanians and Serbs could accept as truthful.³³⁴ Equally, the national subjects i.e. language, history, art and music of each Kosovar community should be covered in the national curriculum to promote respect for their identity. At present, however, two conflicting representations of history exist within the parallel system, favouring either Kosovo Serbs or Kosovo Albanians, while other minorities lack curricula for community specific national subjects altogether.³³⁵ There are, however, extensive curricular provisions for the civic-oriented initiatives, which are of great importance in a post-conflict society. The New Kosova Curriculum Framework

³³⁰ Infra footnote 338, p. 34.

³³¹ Supra footnote 132, p. 24.

³³² Supra footnote 55, pp. 100-101.

³³³ Supra footnote 132, p. 24.

³³⁴ For the role of teaching history in multi-ethnic societies please refer to Sing Guandra, J., Sharma, N in Mattheou, D. pp. 100- 102.

³³⁵ Supra footnote 132, pp. 17-18.

lays solid foundation for the development of the Culture of Peace³³⁶ within Kosovar education through its cross-curriculum objectives such as education for democratic citizenship and human rights and education for peace and tolerance. It also covers a range of cross curriculum issues such as peaceful conflict management, which are envisaged to either constitute a separate subject (e.g. civic education) or be taught in different subject curricula.³³⁷ Numerous NGOs, institutions and MEST have contributed to the realization of the curricular guidelines for human rights and peace education. Teachers and school headmasters are agents of the curriculum, therefore the policy of implementation of the measures contributing to the Culture of Peace focused on accredited programmes and teacher professional training. Some of the courses include Human Rights and Interactive Teaching provided by Education For All (EFA)³³⁸, Education for Democratic Citizenship delivered by the Council of Europe Secretariat Office in Kosovo³³⁹, Multicultural and Multi-Ethnic Education organised by Kosovo Education Centre (KEC)³⁴⁰, etc. All of these courses deal with human rights education, peace-building, inter-ethnic reconciliation and democratic citizenship, which are very crucial issues in a post-ethnic conflict multicultural society. Arguably, inclusion of ethnic groups into education cannot succeed without proper student formation on human rights values, inter-cultural respect and empathy for the other

³³⁶ Culture of Peace is a term coined by UNESCO, which defines a set of values, attitudes, modes of behaviour and ways of life that reject violence and aim to prevent conflicts by tackling their root causes through dialogue and negotiation between individuals, groups and nations. (UNESCO, UNESCO's Work On Education for Peace and Non-Violence, available at <http://unesdoc.unesco.org/images/0016/001607/160787e.pdf>, p. 3, accessed on 18/06/2012)

³³⁷ The New Kosovo Curriculum Framework, 2001, available at <http://www.masht.gov.net/advCms/documents/New%20Kosova%20Curriculum%20Framework.pdf>, consulted on 16/06/2012, pp. 36-47.

³³⁸ EU Education SWAp Project, Catalogue of Accredited Programmes For Professional Development of Teachers and Education Administrators, 2011, p. 22.

³³⁹ Ibidem, p. 30.

³⁴⁰ Supra footnote 338, p. 66.

Conclusions

Inclusion of minority and disabled children has not been fully accomplished in Kosovo yet. Considerable steps, however, have been taken, especially with regards to inclusion of disabled children, to lay foundations for the future true inclusive educational system. FSDEK and other actors have made an enormous contribution to the development of the infrastructure and appropriate attitudes for inclusion. While creation of attached classes throughout Kosovo constitutes only a step to achieving inclusion, nonetheless it provided for a physical, and some degree of social, integration of disabled children within regular schools. Although, numbers of children with disabilities, who were transferred from attached classes to regular classes, are still very low, the mechanism is now in place and the awareness of inclusive practices is growing. The Inclusive Education Unit at MEST asserts that the progress so far is part of a wider process rather than a completed task. Resource Centres, although receiving mixed reviews, are certainly an attempt at making teaching in attached classes more efficient and professional.

In terms of inclusion of ethnic minorities the problem is two-fold. Firstly, there is a need to provide inclusive education for Serbian and Albanian children who are currently studying under, to a large extent, physically segregated arrangements (parallel system), controlled separately by Serbian and Albanian ministries of education and following separate curricula. Secondly, there is an urgent issue of inclusion of all the other ethnic groups that are currently gravitating around Serbian and Kosovar schools. Until now, especially with regards to inclusion of Roma, Ashkali and Egyptian communities, the international and national efforts have mainly concentrated on bringing and returning these children into education, as low attendance and high drop-out rates are significant problems for these minorities.

Once minority children are attending school, other basic problems need to be addressed such as shortage of textbooks in their native language, lack of minority teachers and absence of curriculum with national subjects geared towards ethnic groups. Integration, as it is still hard to talk about inclusion in terms of ethnic minorities at this stage, has taken place at a basic level in schools where Albanian and Serbian children are learning under the same roof. In this context, having these two ethnic

groups on the same grounds is already an achievement. Even if interaction among Serbian and Albanian students is reduced to mere play-time after school, this might be precisely the beginning of a fully-fledged inclusion and a heralding sign of more peaceful relations between the two nations in the future.

Roma, Egyptian and Ashkali children have largely no other choice than to attend either Serbian or Albanian schools. However, the school visits showed that these minorities, even if fluent in the language of instruction and thus able to communicate with their peers, are often experiencing difficulties in integrating with majority students. The same problem is encountered by children in Kosovar multi-cultural schools where ethnic minorities such as Gorani, Turks, Croats, etc. studying in separate classes in their own languages, are essentially only physically integrated with their Albanian or Serbian peers. Creating genuine inter-cultural schools that are based on culture of peace and respect for the other would certainly contribute to forging ties and understanding between these communities.

Essentially, inter-cultural practice is very much parallel to inclusion of disabled children. Both of these approaches are based on universal but flexible curricula tailored to the needs of children, i.e. culturally sensitive or acknowledging different levels of difficulty. They are also characterised by adequately trained teachers and classroom assistants who employ inclusive methods, textbooks and materials. Kosovo has still a long way to go before inclusion of minority children becomes commonplace and the concept of intercultural schools is put in practice. However, the process has begun and an overwhelming majority of teachers is perceiving inclusion as a human right rather than a question of academic capability.

Bibliography

Ainscow, M., Miles, S., 'Making Education for All inclusive: where next?' pp. 15-34, in Prospects, UNESCO's Quarterly Review of Comparative Education, vol. 38, 2008.

Bokuli , Snjezana, 'Application of the Framework Convention for the Protection of National Minorities in Kosovo: Opportunities for NGO Advocacy' pp. 1-9, in Human Rights Law Commentary, vol. 1, 2005.

Balkan Sunflowers official website, available at <http://learningcentersnetwork.org/>, consulted on 17/06/2012.

Bajrami, V., 'Development of MEST Inclusive Educational Policies' pp. 59-70 in Marja Matero and Lulavere Kadriu (eds), Development of Inclusive Education in Kosovo Challenges and Outcomes, Anthology. Prishtina: Druckart.

Bartlett, B., Power, D., Blatch, P., 'Education in a Recovering Nation: Renewing Special Education in Kosovo' pp. 485-495, in Exceptional Children ProQuest Central, vol. 70, 2004.

Booth, T., 'The name of the rose: Inclusive values into action in teacher education' pp. 303-318, in Prospects, UNESCO's Quarterly Review of Comparative Education, vol. 41, 2011.

Bologna Process official website, available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/about/>, consulted on 17/06/2012

Booth, T. and Ainscow, M., Index for inclusion, developing learning and participation in schools, 2002, available at <http://www.eenet.org.uk/resources/docs/Index%20English.pdf>, accessed on 25/06/2012.

Carrington, S. and Robinson, R., "Inclusive school community: why is it so complex?" pp. 323-334, in *International Journal of Inclusive Education*, vol. 10, 2006.

Cërmjani, M., "Awareness raising amidst school professionals" pp. 129-134 in Marja Matero and Lulavere Kadriu (eds), *Development of Inclusive Education in Kosovo Challenges and Outcomes*, Anthology. Prishtina: Druckart.

Clark, C., "Inclusive education and schools as organizations" pp. 37-51, in *International Journal of Inclusive Education*, vol. 3, 1999.

Copeland, Ian C., "The long shadow of segregation" pp. 11-18, in *Journal of Educational Administration and History*, vol. 32, 2000.

Constitutional Framework for Provisional Self-Government, UNMIK/REG/2001/9, adopted 15 May 2001, available at http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf, accessed on 19/05/2012.

Constitution of the Republic of Kosovo, adopted 7 April 2008, entered into force 15 June 2008, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=130&Itemid=54, article 22, accessed on 20/05/2012.

Council of Europe, European Charter for Regional or Minority Languages, adopted 25 June 1992, available at <http://conventions.coe.int/Treaty/en/Treaties/html/148.htm>, accessed on 20 May 2012.

Council of Europe, Framework Convention for the Protection of National Minorities (FCNM), adopted 10 November 1994, available at http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_H%281995%29010_FCNM_ExplanReport_en.pdf, accessed on 20/05/2012.

Culham, A. and Nind, M., 'Deconstructing normalisation: clearing the way for inclusion' pp. 65-78, in *Journal of Intellectual and Developmental Disability*, vol. 28, 2003.

Daxner, M., *Education in Kosovo: from crisis to recovery and transformation*, 2000, available at http://www.see-educoop.net/education_in/pdf/strat-22-oth-enl-t00.pdf, accessed on 14/04/2012.

Dimitrijević, V., 'Nationalities and minorities in the Yugoslav Federation' pp. 419-433, in Yôr m Din–ein and Mala Tabory (eds), *The protection of minorities and human rights*, Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1992.

Dyson, A., 'Inclusion and inclusions: theories and discourses in inclusive education' pp. 36-53, in Daniels, H. and Garner, P. (eds), *World Yearbook of Education 1999, Inclusive Education*, London: Kogan Page Limited, 1999.

EU Education SWAp Project, Vlera Kastrati, *Report on promoting INCLUSION across all components and activities in the EU Education SWAp project*, 2010, available at http://www.eu.eduswap-ks.org/doc%27s_eng/expert%27s%20reports/Vlera%20Kastrati%20-%20Report%20Annexes.pdf, accessed 27/05/2012.

EU SIMRAES, *Interim Report for the period 01/09/2011 ó 29/02/2012*, 2012, accessed a single printed copy.

European Parliament, *Report on the EU Strategy of Roma Inclusion*, A7-0043/2011, 18/02/2011, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0043+0+DOC+PDF+V0//EN>, p. 28, accessed on 21/05/2012.

European Union, European Union Framework for National Roma Integration Strategies, COM(2011) 173, Brussels, 5.4.2011, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF>, accessed on 21/05/2012.

European Training Foundation, Mapping Policies and Practices for the Preparation of Teachers for Inclusive Education in Contexts of Social and Cultural Diversity, Kosovo Country Report, 2010, available at [http://www.etf.europa.eu/webatt.nsf/0/C12578310056925BC125772E002C487E/\\$file/NOTE85SBG9.pdf](http://www.etf.europa.eu/webatt.nsf/0/C12578310056925BC125772E002C487E/$file/NOTE85SBG9.pdf), accessed on 09/06/2012.

EU Education SWAp Project, 'Catalogue of Accredited Programmes For Professional Development of Teachers and Education Administrators', 2011.

Flem, A., Moen, T., Gudmundsdottir, S., 'Towards inclusive schools: a study of inclusive education in practice', pp. 85-98, in *European Journal of Special Needs Education*, vol. 19, 2004.

Guralnick, M., J., 'The application of child development principles and research to preschool mainstreaming', pp. 21-32, in Meisel, C.J. (ed), *Mainstreaming Handicapped Children: Outcomes, Controversies and New Directions*. New Jersey: Lawrence Erlbaum Associates, Inc. Publishers, 1986.

Handikos, National Report for People with Disabilities in Kosovo, 2009, available at http://www.handikos.org/trunk/modules/news/files/ProjektiCARDS2E_englishfinal_1_%5B2%5D%20%20for%20printing%20%20B5.pdf, p.16, accessed on 24/05/2012.

Holst, J., "The welfare state and individual freedom" pp. 180-193, in Daniels, H. and Garner, P. (eds), *World Yearbook of Education 1999, Inclusive Education*, London: Kogan Page Limited, 1999.

Holst, Jesper, "Towards Inclusive Education in Kosovo" pp. 29-44 in Marja Matero and Lulavere Kadriu (eds), *Development of Inclusive Education in Kosovo Challenges and Outcomes*, Anthology. Prishtina: Druckart.

Kabashi, L., "MEST ideas ó objectives and needs related to future inclusive education development in Kosovo" pp. 71-84 in Marja Matero and Lulavere Kadriu (eds), *Development of Inclusive Education in Kosovo Challenges and Outcomes*, Anthology. Prishtina: Druckart.

Kadiç, E., "Inclusion of Ethnic Minorities" pp. 95-106 in Marja Matero and Lulavere Kadriu (eds), *Development of Inclusive Education in Kosovo Challenges and Outcomes*, Anthology. Prishtina: Druckart.

KEC, *Report of Activities 2008-2009, 2010*, available at <http://www.kec-ks.org/English/PDF-s/KEC%20-%20Activity%20Report%202008%20-%202009.pdf>, consulted on 18/06/2012.

Kerzner Lipsky, D., Gartner, A., "Inclusive education: a requirement of a democratic society" pp. 12-23, in Daniels, H. and Garner, P. (eds), *World Yearbook of Education 1999, Inclusive Education*, London: Kogan Page Limited, 1999.

Kesidou, A., "Intercultural Education - Main Aims and Practices" pp. 497-105, in Terzis, N. (ed.), *Intercultural Education in the Balkan Countries*. Thessaloniki: Kyriakidis Brothers, 2004.

Kosovo Agency of Statistics, Ministry of Science, Education and Technology, Review on Statistics of Education in Kosovo 2004/05, available at http://www.masht.gov.net/advCms/documents/Review_on_Statistics_of_Education_in_Kosovo.pdf, 2004, accessed on 16.05.2012.

Kostovi ová, D., "Albanian Schooling in Kosovo 1992-1998, Liberty Imprisoned" in Michael Waller, Kyril Drezov, Bülent Gökay, Kosovo, the politics of delusion, Frank Cass, 2001.

Law on Primary and Secondary Education in Kosovo, UNMIK Regulation No. 2002/19, available at http://www.see-educoop.net/education_in/pdf/law_prim_sec_educ-yug-kos-enl-t04.pdf, accessed on 20/05/2012.

Law on the Promotion and Protection of the Rights of Communities and their Members in Kosovo, Law No.03/L-047, signed 13 March 2008 (published as part of Ahtisaari Package), available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=148&Itemid=56&lang=en, accessed on 20/05/2012.

Law on Anti-Discrimination, Law No. 2004/3, signed 19 February 2004, Gazeta Zyrtare e Kosoves (2007) No.10, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&lang=en&id=77, consulted on 20/05/2012.

Law on the Use of Languages, Law No. 02/L-37, Article 1.2, signed 27 July 2006, Gazeta Zyrtare e Kosoves (2007) No. 10, available at http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=56&Itemid=28&lang=en, accessed on 20/05/2012.

Law on Education in the Municipalities in the Republic of Kosovo, 2008, available at http://www.gazetazyrtare.com/egov/index.php?option=com_content&task=view&id=155&Itemid=56&lang=en, accessed on 25/05/2012.

Lantschner, Emma, "Protection of Minority Communities in Kosovo: Legally Ahead of European Standards ó Practically Still a Long Way to Go" pp. 451-490, in *Review of Central and Eastern European Law*, vol. 33, 2008.

Link, B., Phelan, J., C., "Conceptualizing Stigma" pp. 363 - 385, in *Annual Review of Sociology*, vol. 27, 2001.

Mahmutaj, A., "From Special Schools into Resource Centres: Experiences from the Transformation Process" pp. 119-128 in Marja Matero and Lulavere Kadriu (eds), *Development of Inclusive Education in Kosovo Challenges and Outcomes*, Anthology. Prishtina: Druckart.

MEST, *Strategy for Integration of Roma, Ashkali, and Egyptian Communities in Kosovo, Education Component 2007 ó 2017*, July 2007, available at http://www.mashtgov.net/advCms/documents/Strategy_English_07017.pdf, accessed on 21/05/2012.

MEST, *Strategic Plan for Organising Inclusive Education for Children with Special Educational Needs in Pre-University Education in Kosovo 2010-2015*, 2010, available at http://www.mashtgov.net/advCms/documents/Strategic_plan%20for_organizing_inclusive_education_for_children_with_special_educational_needs_in_pre_university_education_2010_2015.pdf, accessed on 27/05/2012.

MEST, *Strategy for Development of Pre-University Education 2007-2017*, March 2007, available at http://www.mashtgov.net/advCms/documents/Strategy_for_Development_of_pre-university_education_in_Kosovo.pdf, accessed on 21/05/2012.

MEST, Strategy for Development of Higher Education in Kosovo 2005-2015, June 2004, available at http://www.masht-gov.net/advCms/documents/Strategy_EN.pdf, accessed on 21/05/2012.

Norwich, B., Dilemmas of Difference, Inclusion and Disability, New York and London: Routledge Taylor and Francis Group, 2008.

MEST, Teacher Training Review Board, available at http://www.see-educoop.net/education_in/pdf/standards-of-propractice2-yug-kos-enl-t03.pdf, p. 1, accessed on 29/05/2012.

MEST, Kosovo Education Strategic Plan 2011-2016, 2011, available at http://www.masht-gov.net/advCms/documents/KESP_2011_2016.pdf, p.111, accessed on 29/05/2012.

MEST, Finnish Support to Special Education in Kosovo, available at <http://www.masht-gov.net/advCms/?id=97&lng=Eng>, accessed on 08/06/2012.

The New Kosovo Curriculum Framework, 2001, available at <http://www.masht-gov.net/advCms/documents/New%20Kosova%20Curriculum%20Framework.pdf>, consulted on 16/06/2012.

Office of Good Governance, Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015, December 2008, available at http://kfos.org/wp-content/uploads/2011/10/Kosovo-Action-Plan-on-the-Implementation-of-the-Strategy-for-the-Integration-of-RAE_ENG.pdf, accessed on 21/05/2012.

OECD, Education Policies for Students at Risk and those with Disabilities in South Eastern Europe, 2006, available at

http://www.oecd.org/document/34/0,3343,en_2649_39263231_36507298_1_1_1_1,00.html, accessed on 26/05/2012.

OSCE Mission in Kosovo, Kosovo non-majority communities within the primary and secondary educational systems, 2009, available at <http://www.osce.org/kosovo/36978>, consulted 20/05/2012.

OSCE Mission in Kosovo, Communities Rights Assessment Report, 2009, available at <http://www.osce.org/kosovo/40779>, p. 28, accessed on 20/05/2012.

OSCE Mission in Kosovo, Implementation of the Action Plan on the Strategy for the Integration of the Roma, Ashkali and Egyptian Communities in Kosovo, May 2011, available at <http://www.osce.org/kosovo/77413>, accessed on 21/05/2011.

OSCE Mission in Kosovo, Catch-up classes help integrate Kosovo's minorities, 2005, available at <http://www.osce.org/kosovo/57412>, accessed on 23/05/2012.

Peters, S., Inclusive Education: Achieving Education For All By Including Those With Disabilities and Special Educational Needs, 2003, available at http://web.uam.es/personal_pdi/psicologia/agonzale/Asun/2006/Libros/Inclusive_Disab.pdf, accessed on 30/05/2012.

Peri , Tatjana and Demirovski, Martin, "Unwanted: the exodus of Kosovo Roma (1998 - 2000)" pp. 83-96, in Cambridge Review of International Affairs, vol.13, 2000.

Rouse, M., and Florian, L., "Effective Inclusive Schools: a study in two countries" pp. 71-85, in Cambridge Journal of Education, vol. 26, 1996.

Sassi, M., "The Role of Supporting University in Educational Development Process" pp. 23-28 in Marja Matero and Lulavere Kadriu (eds), Development of Inclusive Education in Kosovo Challenges and Outcomes, Anthology. Prishtina: Druckart.

Sing Guandra, J., Sharma, N., "Providing Access to Education: Intercultural and Knowledge Issues in the Curriculum" pp. 88-105, in Mattheou, D. (ed.) *Changing Educational Landscapes*, New York: Springer, 2010.

Slee, R., "Policies and practices? Inclusive education and its effects on schooling" pp. 194-206, in Daniels, H. and Garner, P. (eds), *World Yearbook of Education 1999, Inclusive Education*, London: Kogan Page Limited, 1999.

Stevens, Georgina, Minority Rights Group International, *Filling the Vacuum: Ensuring Protection and Legal Remedies for Minorities in Kosovo*, 2009, available at <http://www.unhcr.org/refworld/country,,MRGI,,SRB,,4a1ce86f2,0.html>, accessed on 15/05/2012.

UNESCO, *The Salamanca Statement and Framework for Action in Special Needs Education*, adopted 10 June 1994, available at http://www.unesco.org/education/pdf/SALAMA_E.PDF, accessed on 30/05/2012.

UNESCO, *Students with disabilities in regular schools, welcoming schools*, 1999, available at <http://unesdoc.unesco.org/images/0011/001184/118455eo.pdf>, accessed on 01/07/2012.

UNESCO, *Right to education, scope and implementation*, available at http://portal.unesco.org/education/en/file_download.php/c144c1a8d6a75ae8dc55ac385f58102erightededuc.pdf, accessed on 03/07/2012.

UNESCO, *Guidelines for Inclusion: Ensuring Access to Education for All*, 2005, available at <http://unesdoc.unesco.org/images/0014/001402/140224e.pdf>, accessed on 30/06/2012.

UNESCO, UNESCO's Work On Education for Peace and Non-Violence, available at <http://unesdoc.unesco.org/images/0016/001607/160787e.pdf>, accessed on 18/06/2012.

UNESCO, UNESCO's new Policy Guidelines on Inclusion in Education, 2009, available at http://www.unesco.org/en/inclusive-education/dynamic-content-single-view/news/unescos_new_policy_guidelines_on_inclusion_in_education/, accessed on 31/05/2012.

UNESCO, Parallel Worlds, Rebuilding The Education System in Kosovo, 2004, available at <http://www.unesco.org/iiep/PDF/pubs/kosovo.pdf> , accessed on 28/05/2012.

UNESCO, Policy Guidelines on Inclusion in Education, 2009, available at <http://unesdoc.unesco.org/images/0017/001778/177849e.pdf>, consulted on 12/06/2012.

UNCHR/OSCE, Assessment of the Situation of Ethnic Minorities in Kosovo (Period covering November 1999 through to January 2000), Pristina, 11 February 2000, available at <http://www.osce.org/kosovo/13307>, accessed on 15/05/2012.

UNICEF, Education of Minority Children in Kosovo, 2004, available at http://www.unicef.org/kosovo/kosovo_media_pub_educ.007.04.pdf, accessed on 14/06/2012.

UNICEF, Child Friendly School Initiative Project, Kosovo, available at http://www.unicef.org/evaldatabase/index_29512.html, accessed on 01/07/2012.

UNICEF, A Human Rights Based Approach to Education For All, 2007, available at http://www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf, accessed on 30/06/2012.

UNICEF, Quality Education For All in Kosovo, 2005, available at http://www.se-educoop.net/education_in/pdf/Unicef-QualityEducationforAllinKosovofinal.pdf, accessed on 25/05/2012.

UNICEF, Justice Denied: The State of Education of Children with Special Needs in Post-Conflict Kosovo, 2009, available at http://www.unicef.org/kosovo/Eng_-_Justice.pdf, accessed on 21/05/2011.

United Nations, Universal Declaration of Human Rights, 1948 (1948), available at <http://www.un.org/en/documents/udhr/>, accessed on 21/06/2012.

United Nations, Convention on the Rights of the Child, 1989 (1990), available at <http://www2.ohchr.org/english/law/crc.htm>, accessed on 21/06/2012.

United Nations, International Covenant on Economic, Social and Cultural Rights, 1966 (1976), available at <http://www2.ohchr.org/english/law/cescr.htm>, accessed on 27/06/2012.

United Nations, Convention on the Rights of Persons with Disabilities, adopted in 2006, open for signatures in 2007, available at <http://www.un.org/disabilities/convention/signature.shtml>, accessed at 28/06/2012.

United Nations, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992, available at <http://www.un.org/documents/ga/res/47/a47r135.htm>, accesses on 28/06/2012.

United Nations, General Comment No. 13 to the ICESCR right to education, 1999, available at <http://www.unhchr.ch/tbs/doc.nsf/0/ae1a0b126d068e868025683c003c8b3b?Opendocument>, accessed on 01/07/2012.

United Nations, International Covenant on Civil and Political Rights, 1966 (1976), available at <http://www2.ohchr.org/english/law/ccpr.htm>, accessed on 02/07/2012.

United Nations, Convention on the Elimination of All Forms of Racial Discrimination, 1965 (1969), available at <http://www2.ohchr.org/english/law/cerd.htm>, accessed on 03/07/2012.

United Nations, Convention on the Elimination of All Forms of Discrimination Against Women, 1979, available at <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>, accessed on 30/06/2012.

United Nations, Comprehensive Proposal for the Kosovo Status Settlement, S/2007/168/Add.I, 26 March 2007, available at <http://www.unosek.org/docref/report-english.pdf>, accessed on 20/05-2012.

Warnock, H., M., Warnock Report, 1978, available at <http://www.educationengland.org.uk/documents/warnock/>, accessed on 19/06/2012.

Wendelborg, Christian and Tøssebro, Jan, "Educational arrangements and social participation with peers amongst children with disabilities in regular schools" pp. 497-512, in *International Journal of Inclusive Education*, vol. 15, 2011.

Wendling, C., *Education and Reconciliation in the post-conflict Kosovo 1999-2009*, Thessaloniki: Aristotle University of Thessaloniki, 2009, unpublished Master thesis.

World Education Forum Dakar, Senegal, Dakar Framework For Action, adopted 28 April 2000, available at <http://unesdoc.unesco.org/images/0012/001211/121147e.pdf>, accessed on 30/05/2012

Yang, L., H., Kleinman, A., Link, B., G., Phelan, J., C., Lee, S., Good, B., "Culture and Stigma: Adding moral experience to stigma theory" pp. 1524 - 1535, in *Social Science and Medicine*, vol. 64, 2007.

Yoshida, R., "Setting Goals for mainstreaming programs" pp. 10-19, in Meisel, C.J, (ed), *Mainstreaming Handicapped Children: Outcomes, Controversies and New Directions*. New Jersey: Lawrence Erlbaum Associates, Inc. Publishers, 1986.

ANNEX 1 ó Interviews and Interview questions

Agostini, Cristiano, Director for Inclusion of children with disabilities in kindergarten and primary schools, Save the Children, Prishtina, 04/05/2012.

Arifi, Muhamet, director of Balkan Sunflowers, BSF ó NGO dealing with education of Roma, Ashkali and Egyptian children, Prishtina, 04/05/2012.

Asllani, Ferdane, mediator at Fushë Kosovë/Kosovo Polje Learning Centre, BSF, Fushë Kosovë 08/05/2012.

Bllaca, Artan, Programme Officer for Inclusion of Disabled and Minority Children, Save the Children, Prishtina, 04/05/2012.

Dobricik, Jasna and Yeroz, Gulcan, Senior Advisers in the Human Rights and Communities Department, OSCE, Prishtina, 03/05/2012.

Dragusha, Sahit, headmaster at Selman Reza School in Fushë Kosovë/Kosovo Polje, Kosovo, 08/05/2012.

Gashi, Ismet, headmaster at Milhal Grameno School, Fushë Kosovë/Kosovo Polje, 08/05/2012.

Kabashi-Hima, Ardita, project co-ordinator, Kosovo Education Centre, Prishtina, 04/05/2012.

Kastrati, Lendita, office manager, EU SWAp project, KEC, Prishtina, 03/05/2012.

Krasniqi, Drilon, project co-ordinator dealing with Roma, Ashkali and Egyptian communities and EURSIMRAES, KEC, 03/05/2012, Prishtina.

Leka, Besnik, programme co-ordinator, Care International, Prishtina, 02/05/2012.

Maloku, Bajrush, headmaster at Mustafa Bakija School, Gjakova/Dakovica, Kosovo, 05/05/2012.

Milosavljevi , Ivana, Education Officer at UNICEF Kosovo, UNICEF, Prishtina, 08/05/2012.

Maliqi, Afrim, director of Handikos, Handikos ó local NGO and implementing agency in the area of disability, Prishtina, 08/05/2012.

Murati, Velon, Director of the Human Rights Centre, University of Prishtina, Prishtina, 04/05/2012.

Osmani, Sadë and Tahiraj, Gazmend, MEST óFSDEK advisors on inclusive education, MEST, Prishtina, 02/05/2012.

Pasuli, Hunaida, legal advisor for disability, Ombudsperson Institution, Prishtina, 03/05/2012.

Peri , Dragan, program director, Care International ó NGO, Prishtina, 02/05/2012.

Rexha, Gezim, a graduate of the Peja/Pe SS/RC for visually impaired students, currently freelance translator and employee of OSCE, Prishtina, 07/05/2012.

Shala, Lume, psychologist from Përparimi Special School/Resource Centre, Prishtina, 07/05/2012.

Shatri, Saranda, inclusive education teacher in Ismail Qemail School, Prishtina, 07/05/2012.

Thaqi, Besmira, officer at the Special Education Unit, MEST, Prishtina, 02/05/2012.

Vitija, Osman, headmaster at Elena Gjika School, Prishtina, 07/05/2012.

Waller, Chris, professional officer dealing with national curriculum, MEST-KEC, 03/05/2012, Prishtina.

Interview Questions

INCLUSIVE EDUCATION QUESTIONS:

What is inclusive education in your opinion and how should it be implemented in the Kosovar context?

Do you think inclusive education has a clear advantage over special education? If so, in what ways is it superior?

What are major problems facing inclusive/special education in Kosovo in your opinion?

DISABILITY:

Would you say there was a general perception of disability in the Kosovar society or this perception varies from community to community?

Could you comment on general attitudes to disability in the Kosovar society?

Is there a stigma attached to disability? Is it considered to be shameful to have a disabled child?

Is there a difference in how Albanians/Serbs see disability and how e.g. Roma, Ashkali and Egyptian communities see it?

THESIS SPECIFIC:

What do you believe is a bigger obstacle to inclusion: disability or minority background?

Why would ethnicity be an obstacle to inclusion? Do you think there are any inherent cultural issues that cause the Roma, Ashkali and Egyptian communities to underperform compared to other communities?

Do you see disabled minority children as struggling with double stigma of disability and ethnicity?

Have you heard of any programmes (governmental or other) that would support inclusive education specifically of minority disabled children?

Are you aware of any initiatives to raise awareness amongst the Roma, Ashkali and Egyptian communities in terms of disability, education or inclusion?

Do you think it is harder for a minority disabled child to be included in mainstream schools than for other disabled children?

If so, what would be the specific difficulties facing disabled children?
Discrimination on the part of non-disabled students? Discrimination by the teachers?

Do you believe disability could actually help with the inclusion of disabled minority children because they are not looked at as a minority but just as any disabled child that has special needs? Could disability bridge the ethnical differences?

Do you think that post-1999 conflict the situation of Roma, Ashkali and Egyptians and other minorities changed in terms of educational opportunities? If so, why and in what ways?

ORGANISATION-SPECIFIC QUESTIONS:

Balkan Sunflowers:

What is your idea of inclusive education when you hear this term?

What are the psychosocial programs dealing with children in your organization?

Where are there concentrations of Roma, Ashkali and Egyptian communities?

How do you assess the benefits of the learning centres organized by the BSF in terms of ethnic inclusion?

What do you see as the main issues facing the community?

What government agencies and NGOs work with the community?

Are the centres dealing with minority disabled children as well?

What are your most successful programmes with regards to minority communities in Kosovo?

Do you also organize programmes for disabled children?

What do you think is the reason for low school attendance among Roma, Ashkali and Egyptian communities

How do you think access to education for Roma community could be improved?

What are the main issues facing inclusive education in Kosovo?

How important do you think human rights education for children is in the inclusion process? How important is human rights training for teachers in inclusive school settings?

Why would ethnicity be an obstacle to inclusion? Do you think there are any inherent cultural issues that cause the Roma, Ashkali and Egyptian communities to underperform compared to other communities?

Kosovo Education Centre:

What was the function of KEC in the past and what is its present function?

How were children with special needs incorporated into the policy of KEC in the past/in present?

Does/did KEC attempt to influence educational policy? If so, how and in which issues?

What are your plans for the future?

How was KEC involved in the development of the STRATEGY FOR INTEGRATION OF ROMA, ASHKALI AND EGYPTIAN COMMUNITIES IN KOSOVO: EDUCATION COMPONENT 2007-2017

What was your involvement in the minority teacher training?

What particular problems did you encounter with Roma, Ashkali and Egyptian teachers?

Have you carried out or heard about programmes aimed at minority disabled children?

How have you contributed to the implementation of the Child Friendly Schools initiative?

What is the main focus of the Step-by-Step initiative?

Does the Step-by-step programme also deal with inclusion of minorities?

How do you think the "Promotion of children's rights in education" project could contribute to the inclusion of disabled and minority children?

How has the "Advancing participation and representation of ethnic minority groups in education" project been implemented?

Does the project also include minority disabled children?

How inclusive is the Third Millennium school in terms of disability and minorities?

MEST/FSDEK:

What is the definition of inclusive education adopted by FSDEK? What were the stages in which FSDEK envisaged to introduce inclusive education and why?

What were the general aims of the FSDEK intervention?

What activities were carried out in order to realise these goals?

What succeeded? What did not? Why?

What were the elements of the in-service teacher trainings carried out by FSDEK?

Do you believe the duration and intensity of FSDEK I and FSDEK II has been enough to start the process of implementing and developing inclusive education?

What has been the trend in inclusive education in Kosovo since FSDEK's departure in 2008? Have the policies been continued? Has there been a decline or development in terms of inclusive education?

Was there financial aid involved in the intervention?

How have the finance issues been resolved after the departure of FSDEK?

Has FSDEK offered any programmes or special approach to inclusion of minority disabled children? Roma, Ashkali and Egyptian communities in particular?

Do you see attached classes and resource centers as main steps taken by FSDEK to introduce inclusive education?

How do you see the special education situation in Kosovo today?

How inclusive is special education in Finland?

How inclusive do you believe the system in Kosovo can realistically be in the next 10 years? And at what stage is it now?

What do you think the next steps should be in realizing your vision?

OMBUDSPERSON:

How successful/useful do you believe the OMBUDSPERSON institution in Kosovo is in addressing the problems of minorities, the disabled and access to education?

What has changed in this respect since the OMBUDSPERSON operates as a local institution (2007)?

Do Kosovars have a good access to the Ombudsperson institution? How about access for minorities and the disabled in terms of the language, physical access, etc.?

The OSCE Communities Rights Assessment Report says that the number of cases submitted to the Ombudsperson Institution by minorities remained high until 2007 and then started decreasing. What do you think are the reasons for this decrease?

What do you believe are the causes of school drop-outs among the Roma, Ashkali and Egyptian communities?

Have you had any complaints on behalf of minority disabled children? About access to education, physical access to schools, discrimination on behalf of fellow students/teachers?

Do you believe that the right to Education of the Kosovo minorities especially the Roma, Ashkali and Egyptian communities is ensured?

To what extent do you believe the country's judicial system is an obstacle to the protection of citizens' human rights?

What do you think is the reason for low school attendance among Roma, Ashkali and Egyptian communities?

Does OIK have a lobbying power to exert pressure on the government with regards to education, disability and minorities?

How do you think access to education for Roma community could be improved?

Save the Children:

What is SC's idea of inclusive education?

What are SC initiatives aimed at including minority (Roma, Ashkali and Egyptian communities) children?

What are SC initiatives aimed at including disabled children?

Did you have your role in teacher training within the FSDEK program?

Do you have any contribution in the of the New Kosovo Curriculum?

What do you think would be the best solution for inclusion of minority disabled children? Inter-cultural inclusive schools?

Do you believe in full inclusion? Or rather inclusion balanced with provision of special needs in special settings.

What would be the difference between inclusion of minority children and disabled children?

Which one do you believe is more challenging?

Have you dealt with inclusion of minority disabled children?

Is this twice as hard as including minority only or disabled only children?

Do you believe minority disabled children face a double stigma of disability and ethnicity?

How important do you think human rights education for children is in the inclusion process? How important is human rights training for teachers in inclusive school settings?

Is HRE included in the SC initiatives?

Do you believe disability could actually help with the inclusion of disabled minority children because they are not looked at as a minority but just as any disabled child that has special needs? Could disability bridge the ethnical differences?

What do you think is the reason for low school attendance among Roma, Ashkali and Egyptian communities?

Does SC have a lobbying power to exert pressure on the government with regards to education, disability and minorities?

UNICEF:

How many Child Friendly Schools are there in Kosovo at the moment?

How are they funded?

What have been the UNICEF initiatives to do with inclusive education/ disabled children and minority children?

How successful do you believe the UNICEF Child Friendly Schools have been in terms of inclusion? How do you estimate the progress made in the field?

How have you found the co-operation with MEST/FSDEK with regards to inclusive education?

Is Human Rights Education included in the Child Friendly Schools curricula?
How is it taught?

How are curricula created for CFS? Are they drawn up in consultation with MEST?

Are there any initiatives within CFS that are aimed specifically at minority disabled students?

Do CFS help with ethnic inclusion of all communities in Kosovo? Or is it only specific ones?

How do you think CFS are related to the ideas of UNESCO Welcoming schools?

University of Prishtina:

Is your role also to advise other institutions on human rights?

What are the most pressing human rights issues in Kosovo?

What is your idea of inclusive education when you hear this term?

What is the structure (components) of teacher training at the University of Prishtina?

What is the goal of teacher training in your eyes? What should teachers be trained to do? (difference between regular and special/inclusive education?)

What stakeholders are involved besides the University? (FSDEK, MEST)?

What, in your opinion, are the challenges ahead and how do you think to meet these challenges? (are financial limits involved?)

Annex 2 ó Inclusive education terms in the kosovar context

Source: MEST, Strategic Plan for Organising Inclusive Education for Children with Special Educational Needs in Pre-University Education in Kosovo 2010-2015, 2010, available at http://www.mashtgov.net/advCms/documents/Strategic_plan%20for_organizing_inclusive_education_for_children_with_special_educational_needs_in_pre_university_education_2010_2015.pdf, p. 21, accessed on 27/05/2012.

Attached classó is a class that functions in a regular school and children with special educational needs are learning in it. In these classes are placed children with different special needs and different impairments and of different ages. In these classes are working teachers who are trained to work with children with special educational needs. These classes are much closed, which means that children there are learning separated from their regular peers. When established at the beginning these classes were meant to be an opportunity for the increase of participation of children with special educational needs in school. It was meant for those children to stay for a short time in those classes until they are adapted and then to be integrated in regular classes. But, after a long time now and still those children are there. Very small number of those children was integrated in regular classes. In fact it happened the opposite, children were moved from regular classes to these classes. When these classes were established it was planned that children there some of the lessons, as much as possible, to attend with regular peers. This did not happen or it is happening rarely. This way of bad functioning of these classes is seen also from the research¹¹ made by Pedagogical Institute of Kosovo. It is planned in the future for these classes to be transformed into resource rooms and most of children to be integrated into regular classes and teachers who have been working in those classes will support these students with special educational needs in regular classes. In the future attached classes will serve only groups of deaf children and for children with severe impairments.

Special schools/Resource centers- These are schools where children with different disabilities are attending lessons and are organized based on the type of impairments. In 2006 with support of FSDEK (Finnish Support to the Development of Education Sector in Kosovo) started the transformation of these schools into Resource Centers i.e. transforming from closed to more open school. This transformation process is not yet over and is aiming that the staff working in special schools will not serve only children who are attending the school but will support also children with special educational needs in regular schools. The transformation of these schools is planned to be so that the school as Resource Center will have two units: The Unit of the special school who will organize teaching for children who have severe and multiple disabilities who are in the centre and the Unit or the Centre of Support Services which will support children with special needs in regular schools and their teachers. In the future is planned to happen the reorganization of the staff of Resource centers in that way that more staff will pass to the Unit of Support Services. It is planned also to employ new staff in these Centers in order to increase the capacity of Support Services to support children with special educational needs in regular schools.

Itinerant teachers - Are teachers employed in Special Schools/Resource Centers who support children with special educational needs and their teachers in regular schools.

Individual Education Plan -IEP ó Individual Education Plan (IEP) is an official pedagogical document that is made for children with special educational needs who have the decision on special needs education by Assessment Expert Team of different development fields. Individual Education Plan serves as for systematic planning of education, teaching, support and follow-up of child's individual progress in education. All children who have the decision on special needs education shall have IEP.

Assessment Support Teams ó These teams are planned to be established at the municipality level and are meant to consist of different professionals who will make professional assessment of children with special education needs, will bring the decision of special need education, will propose the placement for children and give recommendations for the support to be provided to the child. The assessment is based on strengths and abilities of the child and assessment reports should have more pedagogical language that will help teachers and other pedagogical staff who work with the child rather than a medical report.

Annex 3 - human rights documents pertaining to education of minority children and children with disabilities.

Source: Right to Education Project official website, available at <http://www.right-to-education.org/node/1079>, accessed on 18/06/2012.

INTERNATIONAL

Article 55, Charter of the United Nations

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

1. higher standards of living, full employment, and conditions of economic and social progress and development;
2. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
3. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56, Charter of the United Nations

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 2, Universal Declaration of Human Rights (UDHR)

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...

Article 26, Universal Declaration of Human Rights (UDHR)

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 5, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race,

colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (e) Economic, social and cultural rights, in particular:
- (v) The right to education and training;

Article 2, International Covenant on Civil and Political Rights (ICCPR)

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 6, International Covenant on Civil and Political Rights (ICCPR)

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7, International Covenant on Civil and Political Rights (ICCPR)

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 9, International Covenant on Civil and Political Rights (ICCPR)

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 18, International Covenant on Civil and Political Rights (ICCPR)

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19, International Covenant on Civil and Political Rights (ICCPR)

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 19, International Covenant on Civil and Political Rights (ICCPR)

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 22, International Covenant on Civil and Political Rights (ICCPR)

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 26, International Covenant on Civil and Political Rights (ICCPR)

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Article 2, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind

as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 4, International Covenant on Economic, Social and Cultural Rights (ICESCR)

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 6, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7, International Covenant on Economic, Social and Cultural Rights (ICESCR)

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of

national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9, International Covenant on Economic, Social and Cultural Rights (ICESCR)

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 12, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13, International Covenant on Economic, Social and Cultural Rights (ICESCR)

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational

secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14, International Covenant on Economic, Social and Cultural Rights (ICESCR)

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 23, International Covenant on Economic, Social and Cultural Rights (ICESCR)

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 10, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and wellbeing of families, including information and advice on family planning.

Article 2, Convention on the Rights of the Child (CRC)

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 4, Convention on the Rights of the Child (CRC)

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 24, Convention on the Rights of the Child (CRC)

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

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2. States Parties shall pursue full implementation of this right and, in particular, shall

take appropriate measures:

- (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 28, Convention on the Rights of the Child (CRC)

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
- (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of dropout rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account

shall be taken of the needs of developing countries.

Article 29, Convention on the Rights of the Child (CRC)

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30, Convention on the Rights of the Child (CRC)

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

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Article 38, Convention on the Rights of the Child (CRC)

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

Article 1, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

Article 30, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by

reason of the irregularity of the child's stay in the State of employment.

Article 5, Convention on the Rights of Persons with Disabilities (CRPD)

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 24, Convention on the Rights of Persons with Disabilities (CRPD)

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

(a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

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(b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

(c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without

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discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Rule 38, Rules for the Protection of Juveniles Deprived of their Liberty

Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

Rule 39, Rules for the Protection of Juveniles Deprived of their Liberty

Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes.

Article 40, Standard Minimum Rules for the Treatment of Prisoners

Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Article 77, Standard Minimum Rules for the Treatment of Prisoners

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

Article 22, Convention relating to the Status of Refugees

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 38, Geneva Convention Relative to the Treatment of Prisoners of War

While respecting the individual preferences of every prisoner, the Detaining Power shall encourage the practice of intellectual, educational, and recreational pursuits, sports and games amongst prisoners, and shall take the measures necessary to ensure the exercise thereof by providing them with adequate premises and necessary equipment.

Article 50, Geneva Convention relative to the Protection of Civilian Persons in Time of War

The Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children.

Should the local institutions be inadequate for the purpose, the Occupying Power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.

Article 14, Declaration on the Rights of Indigenous Peoples

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

UNESCO Convention against Discrimination in Education

Declaration on the Rights of Indigenous Peoples

ILO Minimum Age Convention

ILO Worst Forms of Child Labour Convention

ILO Indigenous and Tribal Peoples Convention

UNESCO Recommendation against Discrimination in Education

UNESCO Convention on Technical and Vocational Education

UNESCO Revised Recommendation concerning Technical and Vocational

Education

ILO/UNESCO Recommendation concerning the Status of Teachers

UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel

UNESCO Recommendation on Education for International Understanding and Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms

UNESCO Recommendation on the Development of Adult Education Principles relating the Status and Functioning of National Institutions for Protection and Promotion of Human Rights (The Paris Principles)

REGIONAL

Article 2, Protocol 1 to the European Convention on Human Rights

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 7, (Revised) European Social Charter

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;

Article 17, (Revised) European Social Charter

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Article 13, Framework Convention for the Protection of National Minorities

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

Article 14, Framework Convention for the Protection of National Minorities

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons

belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Article 8, European Charter for Regional or Minority Languages

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a

i to make available pre-school education in the relevant regional or minority languages; or

ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or

iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

b

i to make available primary education in the relevant regional or minority languages; or

ii to make available a substantial part of primary education in the relevant regional or minority languages; or

iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

c

i to make available secondary education in the relevant regional or minority languages; or

ii to make available a substantial part of secondary education in the relevant regional or minority languages; or

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

d

i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those

pupils who, or where appropriate whose families, so wish in a number considered sufficient;

e

i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

f

i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

ii to offer such languages as subjects of adult and continuing education; or

iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

2 With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number

of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 14, European Convention on the Legal Status of Migrant Workers

1. Migrant workers and members of their families officially admitted to the territory of a Contracting Party shall be entitled, on the same basis and under the same conditions as national workers, to general education and vocation training and retraining and shall be granted access to higher education according to the general regulations governing admission to respective institutions in the receiving State.

2. To promote access to general and vocational schools and to vocational training centres, the receiving State shall facilitate the teaching of its language or, if there are several, one of its languages to migrant workers and members of their families.

3. For the purpose of the application of paragraphs 1 and 2 above, the granting of scholarships shall be left to the discretion of each Contracting Party which shall make efforts to grant the children of migrant workers living with their families in the receiving State ó in accordance with the provisions of Article 12 of this Convention ó

the same facilities in this respect as the receiving State's nationals.

4. The workers' previous attainments, as well as diplomas and vocational qualifications acquired in the State of origin, shall be recognised by each Contracting Party in accordance with arrangements laid down in bilateral and multilateral agreements.

5. The Contracting Parties concerned, acting in close co-operation shall endeavour to ensure that the vocational training and retraining schemes, within the meaning of this Article, cater as far as possible for the needs of migrant workers with a view to their return to their State of origin.

Article 14, EU Charter of Fundamental Rights

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

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3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

OSCE Helsinki Final Act

Article 49, Charter of the Organization of American States

The Member States will exert the greatest efforts, in accordance with their constitutional processes, to ensure the effective exercise of the right to education, on the following bases:

a) Elementary education, compulsory for children of school age, shall also be offered to all others who can benefit from it. When provided by the State it shall be without charge;

b) Middle-level education shall be extended progressively to as much of the population as possible, with a view to social improvement. It shall be diversified in such a way that it meets the development needs of each country without prejudice to providing a general education; and

c) Higher education shall be available to all, provided that, in order to maintain its high level, the corresponding regulatory or academic standards are met.

Article 50, Charter of the Organization of American States

The Member States will give special attention to the eradication of illiteracy, will strengthen adult and vocational education systems, and will ensure that the benefits of culture will be available to the entire population. They will promote the use of all information media to fulfill these aims.

Article 26, American Convention on Human Rights (Pact of San José)

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and

cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

Article XII, American Declaration of the Rights and Duties of Man

Every person has the right to an education, which should be based on the principles of liberty, morality and human solidarity. Likewise every person has the right to an education that will prepare him to attain a decent life, to raise his standard of living, and to be a useful member of society. The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide. Every person has the right to receive, free, at least a primary education.

Article 7, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)

f. The prohibition of night work or unhealthy or dangerous working conditions and, in general, of all work which jeopardizes health, safety, or morals, for persons under 18 years of age. As regards minors under the age of 16, the work day shall be subordinated to the provisions regarding compulsory education and in no case shall work constitute an impediment to school attendance or a limitation on benefiting from education received;

Article 13, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)

1. Everyone has the right to education.
2. The States Parties to this Protocol agree that education should be directed towards the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace. They further agree that education ought to enable everyone to participate effectively in a democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups and promote activities for the maintenance of peace.
3. The States Parties to this Protocol recognize that in order to achieve the full exercise of the right to education:
 - a. Primary education should be compulsory and accessible to all without cost;
 - b. Secondary education in its different forms, including technical and vocational secondary education, should be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education;
 - c. Higher education should be made equally accessible to all, on the basis of individual capacity, by every appropriate means, and in particular, by the progressive introduction of free education;
 - d. Basic education should be encouraged or intensified as far as possible for those persons who have not received or completed the whole cycle of primary instruction;
 - e. Programs of special education should be established for the handicapped, so as to provide special instruction and training to persons with physical disabilities or mental deficiencies.
4. In conformity with the domestic legislation of the States Parties, parents should have

the right to select the type of education to be given to their children, provided that it conforms to the principles set forth above.

5. Nothing in this Protocol shall be interpreted as a restriction of the freedom of individuals and entities to establish and direct educational institutions in accordance with the domestic legislation of the States Parties.

Article 17, African Charter on Human and Peoples' Rights

1. Every individual shall have the right to education.

Article 12, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

1. States Parties shall take all appropriate measures to:

a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;

b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;

c) protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;

d) provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;

e) integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

2. States Parties shall take specific positive action to:

a) promote literacy among women;

b) promote education and training for women at all levels and in all disciplines particularly in the fields of science and technology;

c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely.

Article 11, African Charter on the Rights and Welfare of the Child

1. Every child shall have the right to an education.

2. The education of the child shall be directed to:

(a) the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and peoples' rights and international human rights declarations and conventions;

(c) the preservation and strengthening of positive African morals, traditional values and cultures;

(d) the preparation of the child for responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups;

(e) the preservation of national independence and territorial integrity;

(f) the promotion and achievements of African Unity and Solidarity;

(g) the development of respect for the environment and natural resources;

(h) the promotion of the child's understanding of primary health care.

3. States Parties to the present Charter shall take all appropriate measures with a view to achieving the full realization of this right and shall in particular:

(a) provide free and compulsory basic education;

(b) encourage the development of secondary education in its different forms and to progressively make it free and accessible to all;

(c) make the higher education accessible to all on the basis of capacity and ability by every appropriate means;

(d) take measures to encourage regular attendance at schools and the reduction of dropout rates;

(e) take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.

4. States Parties to the present Charter shall respect the rights and duties of parents, and where applicable, of legal guardians to choose for their children's schools, other than those established by public authorities, which conform to such minimum standards may be approved by the State, to ensure the religious and moral education of the child in a manner with the evolving capacities of the child.

5. States Parties to the present Charter shall take all appropriate measures to ensure that a child who is subjected to schools or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter.

6. States Parties to the present Charter shall have all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability.

7. No part of this Article shall be construed as to interfere with the liberty of individuals and bodies to establish and direct educational institutions subject to the observance of the principles set out in paragraph I of this Article and the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the States.