

Analysis for budget allocation for
Children with Disabilities in municipality
of Gjakova and Ferizaj

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II. Abbreviations

MLSW – Ministry of Labour and Social Welfare

MEST – Ministry of Education, Science and Technology

DSFP – Department for Social and Family Policies

CSW – Centre for Social Work

EU Commission – European Union Commission

KCSF – Kosovo Civil Society Foundation

USAID – United States Agency for International Development

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IV. Introduction

Children with disabilities are the category of population that are highly dependent from the support that they receive from the rest of the society. Children with disability mainly are unable to individually take care for themselves as well as to address their needs. Thus, state institutions are playing a crucial role in addressing needs of children with disabilities.

Aiming to address needs of children with disabilities different countries are using different approaches for that purpose. Institutions of Kosovo Republic have differentiated categories of children with disabilities in three categories: children with permanent disabilities, blind children and paraplegic tetraplegic children. According to the legal framework that is approved in recent years Kosovo institutions are providing support for children with disabilities. For that purpose are engaged several central and local level institutions together with a number of employees trying to identify children with disabilities and provide them necessary support foreseen by legal framework.

This report presents the analysis of current state of the budget allocated for children with disabilities, to identify legal framework that regulates institutional support for children with disabilities, identify challenges in this process as well as to provide recommendations to improve the situation of children with disabilities. Besides this, the report provides details on the professional and financial capacities of central and local level institutions dealing with the support to children with disabilities.

V. Methodology

Report on Analysis for budget allocation for Children with Disabilities in municipality of Gjakova and Ferizaj is drafted using different methods of drafting similar reports. In that regard was used following methodologies:

Questionnaires

Researcher has prepared specifically designed questionnaires for different central and local level institutions and NGO's dealing with children with disabilities. Questionnaires were developed in a way to collect precise information regarding the current situation of children with disabilities. For each of institution was developed specific questionnaire addressing

individually aspects of each institution regarding the support to children with disabilities. This questionnaire, upon the approval of Save the Children was submitted to all related representatives of central and local level institutions and NGO`s dealing with the support to children with disabilities. Responses received by respective institutions were used for the purposes of drafting this report.

Interviews

For the purposes of drafting this report, the researcher has conducted more than 20 meetings with different central and local level institution representatives and NGO`s dealing with the support to children with disabilities.

As proposed in the project proposal submitted to the Save the Children, MDA team to conduct interviews with relevant representatives' from:

- **Local Level:**
 - Municipality of Gjakova and Ferizaj
 - Centers for Social Work in the municipality of Gjakova and Ferizaj.
- **Central Level:**
 - Ministry of Labour and Social Welfare
 - Ministry of Finance:
- **Handikos**
 - Handikos headquarters in Prishtina
 - Handikos representatives' in the municipality of Gjakova and Ferizaj

In that regard were conducted meetings with representatives of the Ministry of Labour and Social Welfare, Ministry of Finance, Ministry of Education, Director of Health and Social Welfare in Municipality of Ferizaj and Gjakova, Director of Finance in Municipality of Ferizaj and Gjakova, Director of Education in Municipality of Ferizaj and Gjakova, Director and other staff of Centre for Social Work in Municipality of Ferizaj and Gjakova, representatives of Handikos in Prishtina, Ferizaj and Gjakova.

Focus groups

Two focus group meetings were conducted with the parents of children with disabilities in the Municipality of Ferizaj and Municipality of Gjakova. Present in these focus groups were 16 parents that have children with disabilities. The focus groups were conducted in semistructured methodology where parents the meeting was oriented based on predefined questionnaire and with the opportunity of adressing different experiences of parents of the children with disabilities.

Desk research

Researcher has conduted deep desk research aiming to identify relevant laws, documents, reports and statistics on children with disalibities. In that regard, were analyzed a number of legal and sublegal acts approved by the Kosovo Parliament and the Ministry of Labour and Social Welfare, were analyzed different documents and reports of local and international organization related to children with diabilities ans also were used data provided by the Kosovo Agency of Statistics.

VI. Key findings

- ❖ Kosovo has approved a number of law that are directly or indirectly regulating the situation of children with disabilities but has not completed legal framework with sublegal acts;
- ❖ There are significant differences in the number of children with permanent disabilities in terms of gender, age and municipality or region.
- ❖ Financial and material support is crucial for survival of children with disabilities and for their families;
- ❖ Central and local level institutions are not aware on the importance, relevance and necessity of providing financial and material support to children with disabilities;
- ❖ Central and local level institutions do not possess human, professional and financial capacities to effectively address needs of children with disabilities;
- ❖ There is low level of coordination among responsible central and local institutions in the issues related to children with disabilities;
- ❖ NGO`s dealing with children with disabilities are among key stakeholders for ensuring effective support for children with disabilities;
- ❖ Central and local institutions are not providing sufficient financial support to NGO`s dealing with children with disabilities;
- ❖ NGO`s dealing with children with disabilities are dependent from the financial and material support of international donor organizations and their fundraising capacities are very limited.

VII. Legal framework for protecting children with disabilities

Republic of Kosovo has set legal framework that enables provision of support for children with disabilities in Kosovo. Based on that, Kosovo Parliament has approved number of laws which are regulating the provision of support for children with different types of disabilities. In that regard were approved:

- Law on Social and Family Service
- Law on Material Support for Families of Children with Permanent Disability
- Law on Pension Schemes Financed by the State
- Law for Blind Persons
- Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia.
- Law on Preschool Education

On a similar note, Ministry of Labour and Social Welfare (MLSW) as a line ministry for provision of support for children with disabilities has approved a number of administrative instructions, regulations and decisions that are foreseeing detailed implementation of the respective laws adopted Kosovo Parliament.

1. Law on Social and Family Service

Law on Social and Family Service is basic law for social assistance and family service. This Law sets out and regulates the provision of Social and Family Services to persons who are in need and families who are in need in Kosovo. In that regard, in a situation where there is no family support or where this is not ensuring financial and material welfare of the family or individual, the State has a duty to provide support to those people who would not otherwise be helped. Unless there are overriding circumstances of need or of protection, these services will be provided to persons in need and families within a community setting and not in residential homes.

According to the Law on Social and Family Service, “person in need” mean any person found on the territory of Kosovo, regardless of status or place of origin, who is in need of social services because of:

1. children without parental care
2. children with antisocial behavior
3. juvenile delinquency

4. disordered family relationships
5. advanced age
6. physical illness or disability
7. mental disability
8. mental illness
9. vulnerability to exploitation or abuse
10. domestic violence
11. human trafficking
12. addiction to alcohol or drugs
13. natural or contrived disaster or emergency
14. or other cause that renders them in need.

Similarly, “a family in need” is the family where a parent or parents or other caregiver require help in caring for a child because of their own circumstance or those of the child or in circumstances where there is a child who is suffering serious harm as a result of the neglect or abuse of their parent or parents or other caregiver or their parent or parents’ or other caregivers’ inability to care for them adequately, or is exposed to the possibility of experiencing such.

The Law on Social and Family Service sets specific role and responsibility for different stakeholders including the role of the Ministry responsible for social welfare, the role of the department of social welfare, of the Institute for social policy, role of the Municipality, role of the Centre for Social Work and the role of the non-Government Sector. In cooperation with families, communities, Non-Government Organizations and other statutory bodied, a Municipality provides social care, counseling and, in exceptional circumstances, material assistance to children and their families who are in need and residing in, or are found in its territory, based on their assessed need for such services and the Municipality’s ability to reasonably provide them.

In fulfilling its responsibilities under the Juvenile Code, a Centre for Social Work (CSW), in its role as Guardianship Authority, ensures that services provided under this mandate will be in keeping with its obligations to children as set out in the United Nations Convention on the Rights of the Child. CSW will ensure the provision of social care and, or, counseling in circumstances where a child is in need of Social and Family Services because:

- a. she or he is without parental care
- b. her or his parents or parent, or other care giver, either because of lifestyle, physical or mental disability or illness, psycho-social problems, addiction or other reason, have difficulty providing adequate levels of care and supervision for him or her
- c. she or he has a mental disability or illness
- d. she or he has a physical disability or illness
- e. she or he has behavior difficulties
- f. she or he is delinquent
- g. she or he is suffering as a consequence of family conflict
- h. she or he has some other form of social problem that renders them in need.

The Law on Social and Family Service provides also details for child protection and alternative forms of child care, services for adults, protection of vulnerable adults, provision of expert advises to the courts and similar dispositions.

2. Law on Material Support for Families of Children with Permanent Disability

The Law on Material Support for Families of Children with Permanent Disability regulates the right to material support for families that protect and care for children with permanent disability and the realization form of this material support. According to this Law, “Permanent disabled children of physical, mental and sensory forms” are considered the children from their birth up to 18 years old with permanent residence in Kosovo, who are completely disabled for carrying out daily activities without the other person’s help. Permanent disabled children are considered:

- a. children`s
- b. blind children¹ and also,
- c. children who because of nature of any illness or permanent illnesses or, are not able that independently move in the apartment, or in places they need to, nor by using the corresponding helping tools, are not able to feed themselves, nor wear and taking off clothes, to carry out physiological needs and also keep the necessary personal hygiene.

¹ Provision of support for blind children is regulated with the Law for blind persons.

With a purpose of protecting children with permanent disability, MLSW, ensures the material support for families of children with permanent disability, in accordance with Kosovo budget capacities. Material support for families of children with permanent disability is offered from MLSW, through its Department for Social and Family Policies (DSFP). The support and care for fulfilling daily life activities belong to the children with permanent disability of the age 1-18 years old, that are Kosovo Residents and are permanently disabled that independently can not move and carry out daily life activities. This support aims to enable children with permanent disability to live a more normal life in conditions that guarantee their dignity and make their lives easier.

The request for material support will be submitted to SWC, in any time until the child with permanent disability reaches the age of 18 years old. The request is done by filling the form that is prepared from DSFP and will be attached to the documents that are required from MLSW.

Material support for children with permanent disability is paid on behalf of the parent or foster that offers help and takes care for the child with permanent disability for whom this right is acknowledged, through bank account. The right to material support for families of children with permanent disability realized in a form of material support in money. The level and deadline for giving material support is determined with sub legal act issued from MLSW. However, procedure for acknowledging material support for family of the child with permanent disability is developed by the SWC.

The process of evaluation of the type, level and severity of physical, mental and sensory impairment of permanent disabled children is done by specific medical committee which is established by the MLSW. Medical Committee consists from five experts (president, deputy president of committee, and three members, and the same number of their deputies). For the committee member are appointed as it is suitable for the occasional circumstances:

- a. social services official,
- b. specialist doctor of pediatrics;
- c. specialist doctor of ophthalmology – ORL;
- d. specialist physiatrist doctor;
- e. specialist doctor of neurology or neuropsychiatry;

- f. specialist doctor of psychiatry.

First level committee is obliged to submit to the SWC its opinion (which is treated strictly confidential) related to the case no later than 21 days from the day considered the completion of expertise. Dissatisfied party can appeal against the decision of the first level issued by SWC, a decision that was issued based on the report of first level Committee within 15 days of issuance. SWC all the materials submits to second level Committee for new expertise if this is necessary to decide in the second level. Experts' Committee of second level based on the existing and additional documentation on the concrete case according to appeal has a right to approve, reject or turn back the matter (subject) for examination to the first level Committee. MLSW within 30 days will issue a new decision related to appeal against the decision of first level organ. The decision of MLSW of the second level is the final act in administrative procedure. Dissatisfied party with a decision of MLSW second level respectively has a right to approach the Competent Court.

For the member of second level Committee is appointed it is suitable for the occasional circumstances:

- a. social services official,
- b. specialist doctor of pediatrics,
- c. specialist doctor of ophthalmology – ORL,
- d. specialist physiatrist doctor - orthopedist,
- e. specialist doctor of neurology or psychiatry.

MLSW guarantees the confidentiality for personal information, that have been gathered from requesters, in accordance with the applicable Law in Kosovo including even those that are related to the protection of personal data. The family that realizes the material support for care and help of the children with permanent disability is obliged to inform all changes that effect the realization of this right. Monitoring the right realization is done from DSFP through SWC and is exposed to regular reporting.

3. Law on Pension Schemes Financed by the State

The Law on Pension Schemes Financed by the State regulates and determines basic age pensions, age contribution-payer pensions, disability pensions, early pensions, family pensions and work disability pensions. Simultaneously, this Law includes the Basic Age

Pension Scheme, Age Contribution-Payer Pension Scheme, Disability Pension Scheme and Early Pension Scheme. The Law on Pension Schemes Financed by the State foresees these categories of pension:

1. the right to basic age pension;
2. the right to age contribution-payer pension;
3. the right to disability pension;
4. the right to early pension;
5. the right to work disability pension;
6. the right to family pension.

Even though this Law directly is not related to the children with permanent disability, it regulates their pathway after the age of 18. Permanent Disability pension is a regular monthly pension paid to citizens of the Republic of Kosovo, based on the decision of relevant body of the responsible Ministry, who are at the age of 18 to 65.

The application for permanent disability pension should be submitted to the relevant bodies of Ministry which are installed in Municipalities of Kosovo. Applications for permanent disability pension shall be reviewed and assessed by the Medical Commissions, in the Regional Centers of the Pension Administration.

According to the Law on Pension Schemes Financed by the State, a person shall be considered with a permanent disability if he/she:

1. provides evidence that is with the permanent disability before he/she applies for pension, by providing all the medical evidence;
2. Medical Commission considers that there is the permanent work disability of the applicant;
3. Medical Commission assesses the disability during a period time of 1, 3 or 5 years;

After the deadlines set out above, the person is subject to reassessment medical procedure. On a similar not, Ministry or the relevant authority may authorize responsible officers for the random or systematic inspections of persons that receive permanent disability pension, in order to verify the facts given in the application and continuation of the selection to use the disability pension. Application and evaluation procedures for the permanent disability

pension should contain rules set forth in order to protect confidential medical information of applicants which shall be determined by sub legal acts.

4. Law for Blind Persons

Law for Blind Persons regulates the legal status, the rights and benefits and determines the criteria for categorizing the blind persons in the Republic of Kosovo. By this Law, blind person is described as a person with full loss of vision born or developed determined according to medical criteria assessed by the Medical-Social Commission. Furthermore, the beneficiaries of this law are categorized into two groups:

- the first group, are persons who do not distinguish light from darkness, until the clarity of sight 0.02.
- the second group, are persons who have partial loss of vision, over 0.02 to 0.05.

Law for Blind Persons treats equally all blind persons regardless their age and it provides numerous facilities for that category including employment, housing, health care, education, access to information, rehabilitation, transportation and taxation. On a similar note, Law for Blind Persons foresees that the blind persons shall receive compensation based on the minimum salary in Kosovo but not less than one hundred (100) Euro monthly. Material benefit due to blindness shall receive persons regardless of the age and the same amount shall receive the accompanying of blind persons of the first group, and the necessity for them shall be determined by the medical-social commission. However, material benefiter due to blindness, cannot be users of any compensation from other pensional schemes applicable in Kosovo.

Medical-Social Commission evaluates the level of blindness of the persons who have provide written request to benefit from the Law for Blind Persons. The Medical-Social Commission consists of 3 oculist experts, 1 tiflolog expert, 1 expert from the social labor field, 1 representative of the Kosovo Association of Blind Persons and 1 representative of the MLSW, who is the chairperson of the commission. Mandate of the experts shall be one (1) year with no right for re-election.

5. Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia

Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia regulates the status and rights of persons belonging to this category. In this category are considered the

ones who due to illness or injury have lost permanently the opportunity of relocation and movement of lower extremities or persons who due to illness or injury have lost permanently the possibility of relocation and movement of upper and lower extremities. According to the Law, Paraplegics are persons who due to illness or injury of the central or peripheral nervous system have lost permanently the possibility of movement and movement of the lower extremities. On a similar note, Tetraplegics or (quadriplegics) are persons who due to illness or injury of the central or peripheral nervous system have lost permanently the possibility of movement and movement of the upper and lower extremities.

Paraplegic and/or Tetraplegic persons, regardless of age receive compensation, receives compensation in a certain degree based on the minimum salary in Kosovo. The amount will be determined by secondary legislation issued by the Government according to the proposal of MLSW². Based on the assessment by the evaluation committee, who continuously have permanent and full consequences, use medicaments on daily basis, have complete loss of sensitivity of extremities and in order to prevent decubital injuries receive an additional amount of 50% of compensation. Employment, self-employment or any other form of employment, will not be the reason for exclusion from compensation. Paraplegic and/or Tetraplegic persons are entitled to have accompanying person, based on the assessment by the evaluation committee, with the aim of providing the necessary care and daily services, and who shall be compensated in the same amount as direct beneficiaries of the Law.

Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia also provides numerous benefits for these categories including education, health care, taxation, transportation and housing. On the other hand, the Law provides an unusual legal disposal which enables Government to reduce or eliminate any privilege ensured by this law, including benefits related to financial payments even if funds are appropriated by the Law on Budget applicable at that time if deems necessary to address the circumstances that create unforeseen fiscal strain on public budget.

² The Government of Kosovo did not set yet the amount for compensation for Paraplegics and Tetraplegics although the respective Law was approved on May 2016.

6. Law on Preschool Education

The Law on Preschool Education aims to regulate the process of education of the children at preschool age. The goal of this Law is to achieved the following:

- a) to encourage skills in order to understand and accept yourself and others;
- b) to encourage capacity on conversation, accept changes and take part in groups;
- c) to encourage capacity in order to identify emotions and stimulate expression and manifestation of emotional experiences;
- d) to encourage interest, spirit research, intuits and imaginations, and develop independent critical thinking;
- e) encourage language development and other communications on using the language effectively and creatively in order that later help in reading and writing;
- f) Encourage artistic experience and expression;
- g) Transfer knowledge in different field of science and daily life;
- h) Encourage physical and psychic development;
- i) Encourage children's independence in personal hygiene and take care for their health;
- j) encourage positive report toward life environment and consciousness on ecological environment.

According to the Law on Preschool Education, preschool education is a constituent link of unique system of education that includes children untill their enrollment in primary school and attending preschool education is voluntary.

Preschool education is the right for all children including those with special needs which will be carried out in compliance with this Law and relevant sub legal acts. Children with special needs include children with mental impairment, blind, visual impairment, deaf and hearing impairment, children with speech impairment, children with motorized impairment, and emotional and behavior difficulties, children with combined impairments, and other children in risk of being in an unfavorable education position, in need of separate instruction with added professional assistance, or special program. The Law on Preschool Education defines education of children with special needs as special education of slow children and children with feeling impairments, physical impairment, learning impairment, social-emotional impairment, and communication disorders.

VIII. Responsible institutions to support children with disabilities

Along the legal framework that has been approved by the Parliament of Kosovo, there are several central and local institutions responsible to provide support to children with disabilities. All these institutions are somehow involved in provision of different type of financial, material or professional support to the children with disabilities or to the families of the children with disabilities. However, most of these institutions are facing difficulties with regards to the human and professional capacities to provide such a support for this category of children. Within the MLSW with the category of children with permanent disabilities is appointed only one civil servant. Within the Centers for Social Work none of civil servants are specifically appointed for the children with permanent disabilities or for blind children. Similarly, central and local level institutions are lacking financial capacities to respond to requests and needs of the children with disabilities and their families. Almost in each meeting with the representatives of central and local level institutions have raised the difficulties that they are facing on providing more qualitative services to children with disabilities due to lack of financial capacities.

1. Ministry of Labour and Social Welfare (MLSW)

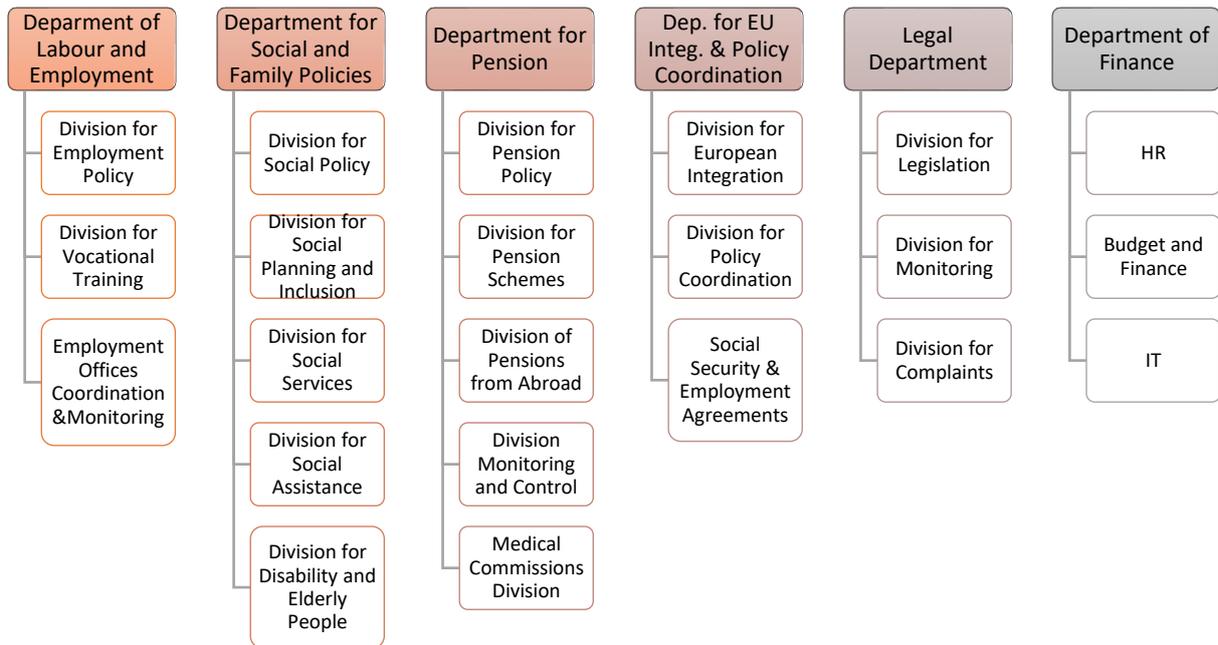
The Ministry of Labour and Social Welfare (MLSW) is the most important central level institution responsible for setting policies regarding all issues related to the labor and social welfare in the Republic of Kosovo. Some of the most important competencies and responsibilities of the MLSW are:

- To develop work and social welfare policies and draft and implement the legislation in these areas;
- To support action policies and work practices of social welfare to protect families and minors;
- To manage and supervise public administrative institutions of Labour and social welfare and cooperates with municipalities, social welfare offices and other institutions involved in the implementation of work and social welfare policies;
- To provide financial assistance from the allocated funds for families and individuals in need.
- Administer and support the development of a social insurance system, including pensions and unemployment benefits;

- Provide financial and social emergency and permanent support through the institutions established for this purpose to the citizens in need, etc.

The organizational structure of the MLSW consists from 7 departments including the Department of Labour and Employment, for Social and Family Policy and the Department of Pensions. Within all 7 departments of the Ministry are established 25 divisions that are carrying for different fields and sectors of employment and social welfare.

Figure 1: Organogram of the Ministry of Labour and Social Welfare



2. Department for Social and Family Policies (DSFP)

Within the Ministry of Labour and Social Welfare is established the Department for Social and Family Policies (DSFP) which directly cares for the all issues related to the social and family policy issues. In this Department are working 48 staff members.

Tasks and responsibilities of the DSFP include:

- Proposes, develops and ensures implementation of policies/strategies in the field of social and family policies;
- Proposes, develops and ensures implementation of legislation in the field of social and family policies;
- Proposes, develops and monitors implementation of social and family policy standards;
- Addresses requests for licensing of social and family service providers;
- Manages in-cash benefits schemes for poor households, children with disabilities and payments for family sheltering;
- Carries out analysis in the field of social and family policies;
- Planning and participation in administering EU-funded Projects and other supporting local and international organizations.

Out of 5 divisions established within DSFP, Division for Disabled and Elderly People is directly dealing with children with permanent disabilities and with other categories of people with disabilities as well as with elderly peoples. Only 1 staff member within the MLSW is working with children with permanent disabilities.

3. Municipal department responsible for social welfare

Municipalities are nearest institutions for citizens dealing with the citizens' requests on a daily basis. As such, municipalities are playing an important role also in the meaning of provision of support for children with disabilities. Service provision in municipalities is provided through the municipal directorates. While the municipal directors are appointed by the mayor, the number of directorates and their name differs from municipality to municipality. However, the Municipality of Ferizaj and the Municipality of Gjakova have similar organizational structure when it comes to social welfare. In both of them is established Directorate for

Health and Social Welfare which is responsible for public health and all issues related with social welfare that are in the competency of local governance.

The responsibilities of the Directorate for Health and Social Welfare include:

- Plans and implements the strategy for primary health care;
- Monitors provision of primary health care;
- Manages primary health care institutions;
- Oversees the work of the Centre for Social Work;
- Plans and allocates subsidies;
- Reviews requests for social housing, etc.

4. Centre for Social Work (CSW)

Centre for Social Work (CSW) is a public institution that offers social protection and social services for families, financial and material assistance for cases in need within the administrative territory of the municipality. CSW is established by the municipality and its assets belong to the municipality.

Some of the competencies and responsibilities of the CSW are:

- Provision of direct social care, counseling, financial and material aid for cases in need within its territory;
- Develop activities aimed at providing funds or other material assistance to non-governmental organizations with relevant activities;
- Ensures the provision of social and family services within its territory, according to standards specified by the Ministry;
- Administers and cares for the functioning of the Social Assistance Scheme;
- Keeps records and statistics, which show activity data for social care and family;
- Works closely with the Municipal Department for Health and Social Welfare and MLSW, in order to successfully implement the care and welfare, etc.

Centre for Social Work is organized into the following services:

- Social Service;
- Social Service Assistance;
- Administrative and Financial Service.

CSW has also the Council of Experts, which raises the director of CSW and consists of all social services officials employed in SWC. The Council of experts reviews and gives opinions and proposals on matters relating to the progress of the works in the scope of social services. Supervision and monitoring of social provision of professional services by CSW is conducted by the Ministry of Labour and Social Welfare.

5. Handikos

Handikos is a local NGO which is one of the key non-institutional players when it comes to the people with disabilities, including children with disabilities. Its objective is to improve the rights and living standards of people with disabilities in Kosovo through action in the field of health protection, social and employment. Field of activities of the Handikos, among others, are: rehabilitation program, service provision to people with disabilities, informal education and increase of capacities of people with disabilities, culture and sport activities, advocacy and lobbying activities and similar.

Handikos currently develops its activity in the territory of Kosovo with 13 offices and 14 Community Based Rehabilitation Centers, including the northern part of Kosovo. It has around 87 staff employed, 7 of which are working in Handikos office in Ferizaj and other 7 staff are working in its office in Gjakova. Activities of Handikos are mainly implemented with the support of different donor organizations such as Save the Children, EU Commission, KCSF, USAID, MLSW, municipalities and embassies.

Handikos representatives have expressed that they have very good cooperation with international organizations. However, they have underlined their unhappiness with the level of communications and collaboration with central and local level institutions and with the support received from these institutions. They have argued that there is a need for an extensive collaboration of both parties with the benefit of people with disabilities.

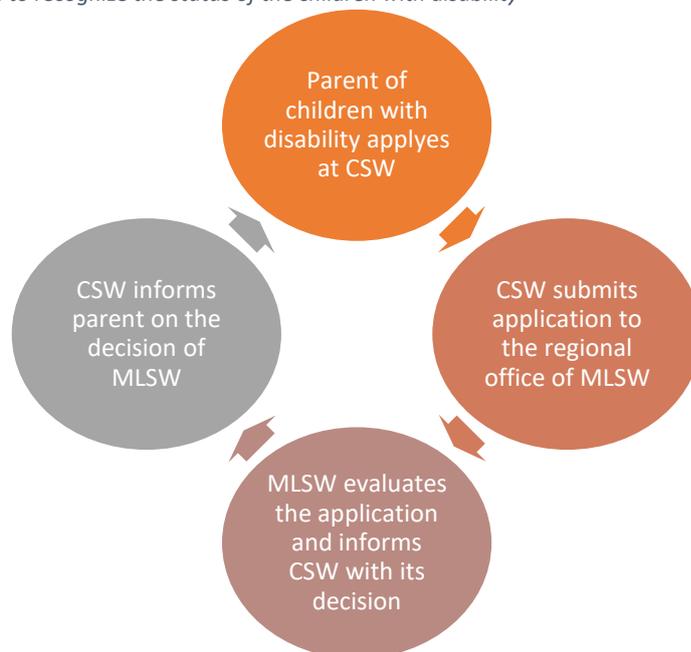
IX. Categories of financial support for children with disabilities

Legal framework of the Republic of Kosovo presents specific alternatives for financial and material support to children with disabilities. According to it, children with disabilities are generally treated in three categories:

1. Children with permanent disabilities;
2. Blind children; and
3. Paraplegia and tetraplegia children.

Procedures that should be followed in order to recognize the status of the children with permanent disability, of blind children and/or paraplegic and tetraplegic children are similar. Initially, parent of the children should apply on CSW, then the application is sent to regional office of the MLSW which are evaluating the application. Regional office of MLSW decides for or against the application and informs the CSW with the decision. Finally, CSW informs applicant parent on decision.

Figure 2: Procedures to recognize the status of the children with disability



All three categories of children with disability have different legal treatment and different level of financial support from state. Thus, children with permanent disability (family of the children with permanent disability) receives monthly financial support from 100 €. Children with permanent disability nor his family does not receive any other financial support from the

responsible institutions. Also, family with children with permanent disability does not have any other benefit deriving their status.

Figure 3: Categories of children with disability and their benefits

Categories of children with disability		Monthly compensation	Accompanying	Other benefits derived
Children with permanent disability		100 €	No	No
Blind children	1 st category	125 €	Yes 125 Euro monthly.	Yes ³
	2 nd category	125 €	No	
Paraplegia or Tetraplegia children		75 € ⁴	Yes ⁵	Yes ⁶

Blind children have a better position in comparison to the children with permanent disability. 1st and 2nd category of blind children receives monthly financial support from 125 €. Blind children from 1st has also the right to have accompanying person who also receives monthly financial from 125 €. While blind children from 2nd category do not have right to have an accompanying person. Both categories of blind children are foreseen to benefit from different cases according to the respective legislation including Exemption from taxes, priority in housing, exemption from fees for health care, education in Braille alphabet, access to information in Braille alphabet, rehabilitation, travel cost reduced for 50%, support for electricity and telephone expenses. However, central and local institutions did not take serious steps to ensure proper implementation of the respective law and did not succeed to ensure provision of most of the benefits foreseen by Law for Blind Persons.

Paraplegic and tetraplegic children are in a more difficult situation. Although Kosovo Parliament has approved respective Law for that category, provision of financial and material support has not started to be provided. To this category of children also is provided financial

³ Employment, Exemption from tax, Housing health care, Education, Access to information, Rehabilitation, Travel, Electricity, Telephone.

⁴ Monthly compensation from 75 Euro is received on behalf work disability pension according to the Law on Pension Schemes Financed by the State and not based on the Law for that category of the children.

⁵ Government of Kosovo still has not developed necessary administrative instructions for material support to paraplegic and tetraplegic children and for accompanying persons of these category of the children.

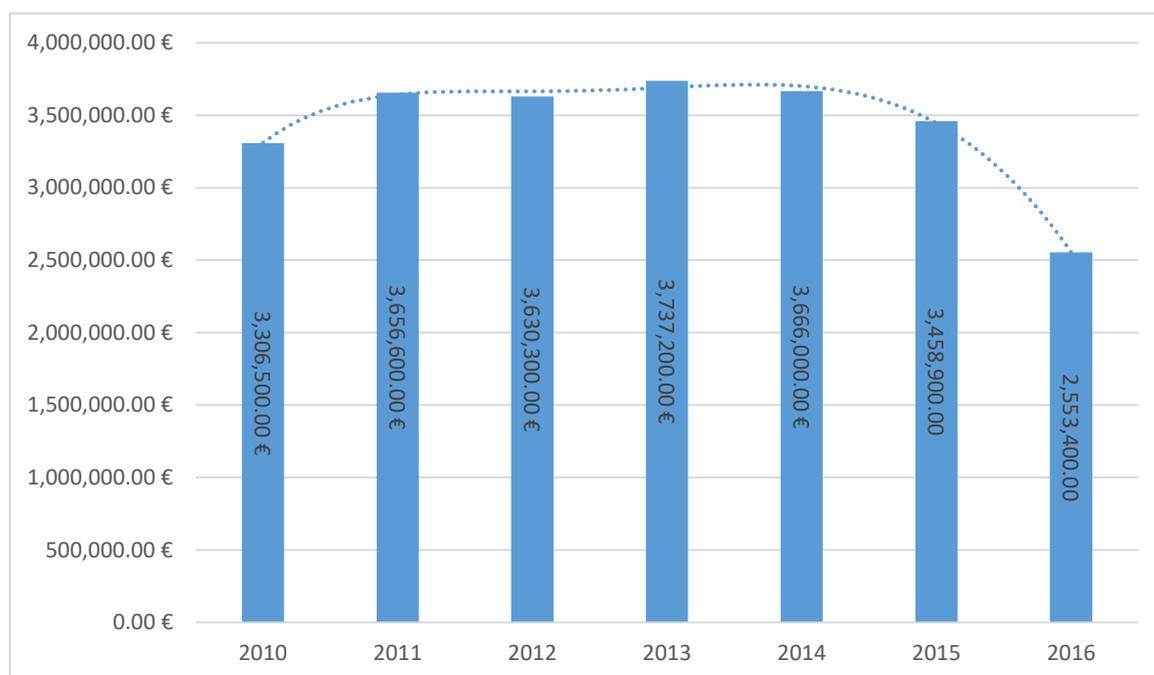
⁶ Employment, Exemption from tax, Housing health care, Education, Access to information, Rehabilitation, Travel, Electricity, Telephone.

support for accompanying person which they have the right to have according to the Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia. Also, the benefits foreseen by this Law are not provided to paraplegic and tetraplegic children.

X. Budget allocation for children with disabilities in Kosovo

Financial support to children with disabilities is provided mainly by the central level institutions, respectively from the side of MLSW. Municipalities, through CSW are mainly coordinating and facilitating this process. However, municipalities are also providing financial support to NGO's dealing with people with disabilities including also children with disabilities. They are also subsidizing in different way children with disabilities including their transportation or similar.

Figure 4: Allocated budget for children with permanent disabilities 2010 - 2016

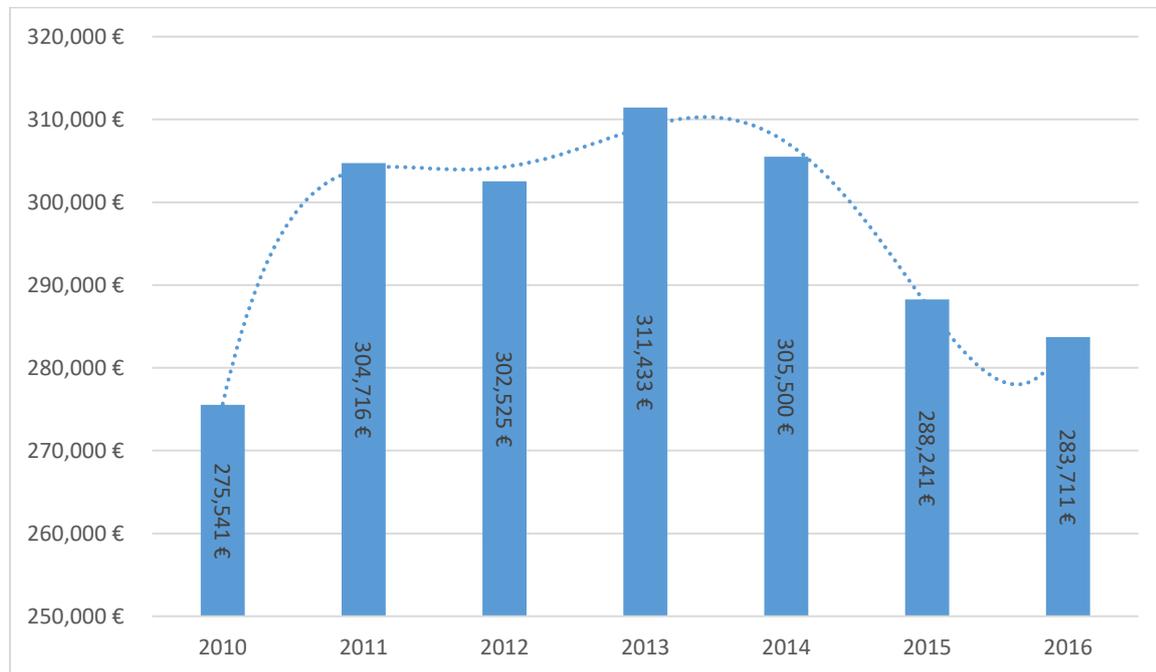


According to the reports provided by MLSW, financial support for the children with permanent disabilities in Kosovo for the period of January 2010 – September 2016 was around 24 million euros with approximate annual amount from around 3.43 million euro. Higher amount of financial support for children with disabilities within this period was recorded in 2013 with a total amount of 3,737,200.00 €. However, the values are differing from year to year based on the final number of beneficiaries, the final number of children with permanent disabilities in particular year.

Similar picture is seen also when it comes to average of monthly allocated budget for children with permanent disabilities during the same period. Figures are showing a substantial increase of average of monthly payments for children with permanent disabilities in the period of 2011 – 2014. Higher average was noticed in 2013 when the average of the payment

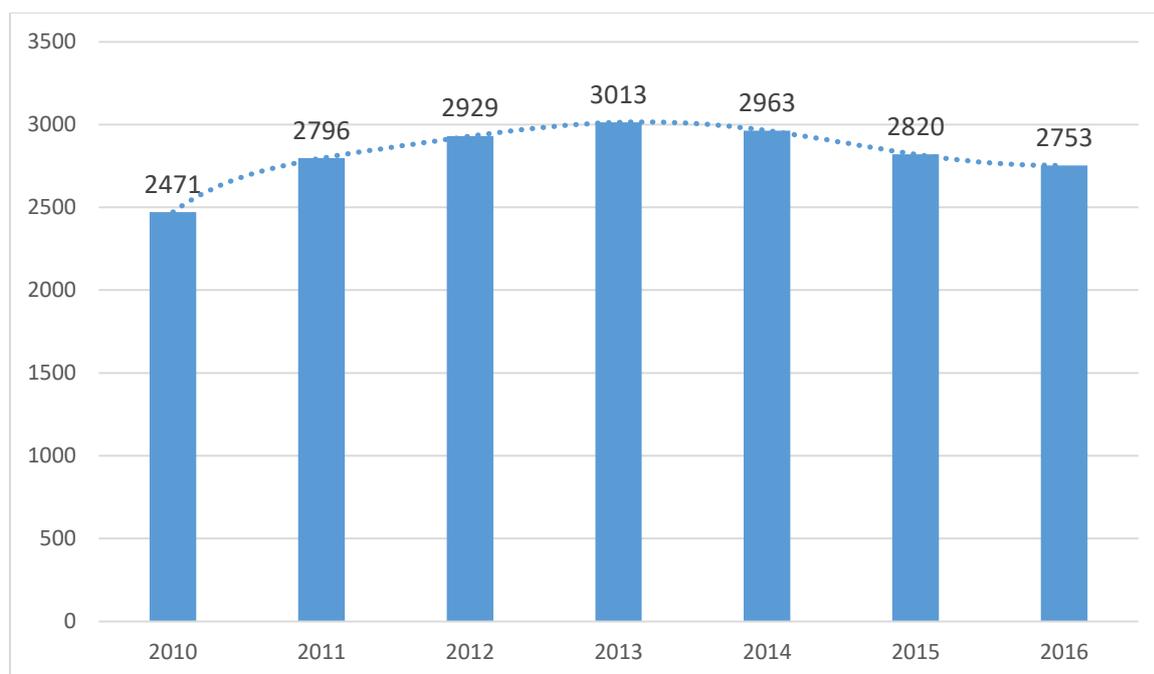
was 311,433 € per month. Interesting fact is also eye-catching difference between 2010 and 2011 when the monthly average for only one year jumps from 275,541 € (2010) to 304,716 € (2011). Similar situation is noticed also in the period of 2014 and 2015 when it has decreased from 305,500 € (2014) to 288,241 € (2015).

Figure 5: Average of monthly allocated budget for children with permanent disabilities 2010 - 2016



Representatives of MLSW have argued that these rapid changes are caused from the constant changes of the number of the children with disabilities. The changes on budget within years occurs as a result of changes in the number of children with permanent disabilities. The changes within years on the number of children with permanent disabilities are occurring as a reflection of reaching age foreseen by the respective Law that is 18. Another reason for the changes is also the decreasing or increasing the number of newly registered children with permanent disabilities within years. Since the payment of the financial support is directly linked with the number of children with permanent disabilities, the difference among year in financial expenditures for this purpose are more visible.

Figure 6: Number of children with permanent disability 2010 - 2016



Visible change can be seen also when it comes to the number of children with permanent disabilities during the period of January 2010 – September 2016. Smallest number of children with permanent disabilities was noticed in 2010 with 2471 children. Fast increase was noticed in following years resulting with the higher number of the children within permanent disabilities in 2013 with a total number of 3013 children.

1. Budget allocation for children with disabilities in Municipality of Ferizaj

Municipality of Ferizaj has a total budget of 25,155,871 € in 2016 resulting with a stable increase comparing to 2012 when it had 19,925,871 € annual budget. In this manner, Municipality of Ferizaj has showed good performance on increase of municipal budget throughout this period. Ironically, the budget allocated for the Directorate for Health and Social Welfare during this period has shown contrary dimension to the increase of municipal budget. The budget of this directorate in 2016 (55,000 €) is more than a half then it was in 2012 (130,000 €).

Figure 7: Budget allocation for children with disabilities in Municipality of Ferizaj

FERIZAJ	2012	2013	2014	2015	2016
Municipal Budget	19,925,871 €	20,750,262 €	23,256,296 €	25,659,532 €.	25,155,871 €

Budget of Directorate for social welfare	130,000 €	115,000 €	115,000 €	110,000 €	55,000 €
Budget for social policy	130,000 €	115,000 €	115,000 €	110,000 €	55,000 €
Budget for Center for Social Welfare	85,883 €	77,083 €	86,978 €	99,006 €	110,444 €

Municipal representatives have tried to argue this with a decrease of the amount available for Municipality of Ferizaj in the category of subsidies. However, in none of other municipal directories was not noticed the decrease of the budget of this scale. This decrease has direct impact on the level of financial and material support of Municipality of Ferizaj social cases including to children with disabilities. Having less budget in the Directorate for Health and Social Welfare in Municipality of Ferizaj means less possibilities to support children with disabilities and organizations providing support to them.

When it comes to the budget allocated for social policy, representatives of Municipality of Ferizaj have provided similar figures with the budget of Directorate for Health and Social Welfare meaning that this budget was spent for social policy issues. But, the situation might not be as such having in mind that the large amount of the budget of directorate is spent for salaries of the staff of directorate and also for goods and serviced for the need of directorate. On a similar note, representatives of CSW in Ferizaj have underlined in many occasion difficulties that they are facing in financial and material meanings preventing them from effective and efficient provision of social services to potential beneficiaries. It has to be noted that the Directorate of Education has planned to spent 90,000 € to eliminate physical barriers for access in school buildings for children with disabilities.

However, representatives of Handikos in this city although are satisfied with collaboration, they are not satisfied with financial and material support received from the Municipality of Ferizaj. According to them, Municipality of Ferizaj regularly supports them with annual subsidizing, registration and repair of the vehicle of Handikos, fuel from 800 € annually. Based on that, Municipality of Ferizaj has allocated for Handikos office in this city, a total budget of

5000 € in 2012 and 2013, 2000 € in 2014 and 3000 € in 2015. During 2016 Handikos did not receive yet similar support from the Municipality of Ferizaj.

Handikos branch in Ferizaj receives substantial financial and material support from international organization including Save the Children, US Embassy, EU Commission and Finland Embassy. Symbolic support is provided also by UNDP, Rotary Club and from their fundraising activities.

According to the Centre for Social Work in Municipality of Ferizaj, number of children with permanent disability in this Municipality currently is 138.

2. Budget allocation for children with disabilities in Municipality of Gjakova

Municipality of Gjakova has a total budget of 19.973.982 € for 2016 which is very similar to the budget of 2012 when it was 19.624.022 €. The constant increase of municipal budget that is noticed in Municipality of Ferizaj during this period is not a situation with Municipality of Gjakova. Nevertheless, the budget of Directorate of Health and Social Welfare was not decreased. Contrary to the Municipality of Ferizaj, Directorate of Health and Social Welfare in the Municipality of Gjakova has small but constant increase of its budget.

Figure 8: Budget allocation for children with disabilities in Municipality of Gjakova

Gjakova	2012	2013	2014	2015	2016
Municipal Budget	19.624.022 €	18.783.538 €	19.429.426 €	20.104.201 €	19.973.982 €
Budget of Directorate for social welfare	2.418.308 €	2.457.366 €	2.596.095 €	2.780.699 €	2.759.500 €
Budget for social policy	4.000 €	1.500 €	3.100 €	13.024 €	9.500 €
Budget for Center for Social Welfare	109.500 €	95.000 €	96.628 €	126.509 €	129.300 €

According to the representatives of the Municipality of Gjakova, the budget allocated for social policy in this municipality for 2016 is 9.500 € comparing to the period of 2010 when it was only 4.000 €. This amount of money has served for supporting activities of several organizations dealing with people (including children) with disabilities in last two years such as Handikos (7100 €), Association of Deaf (4300 €), Association of Blind Persons (4000 €) and other similar organizations.

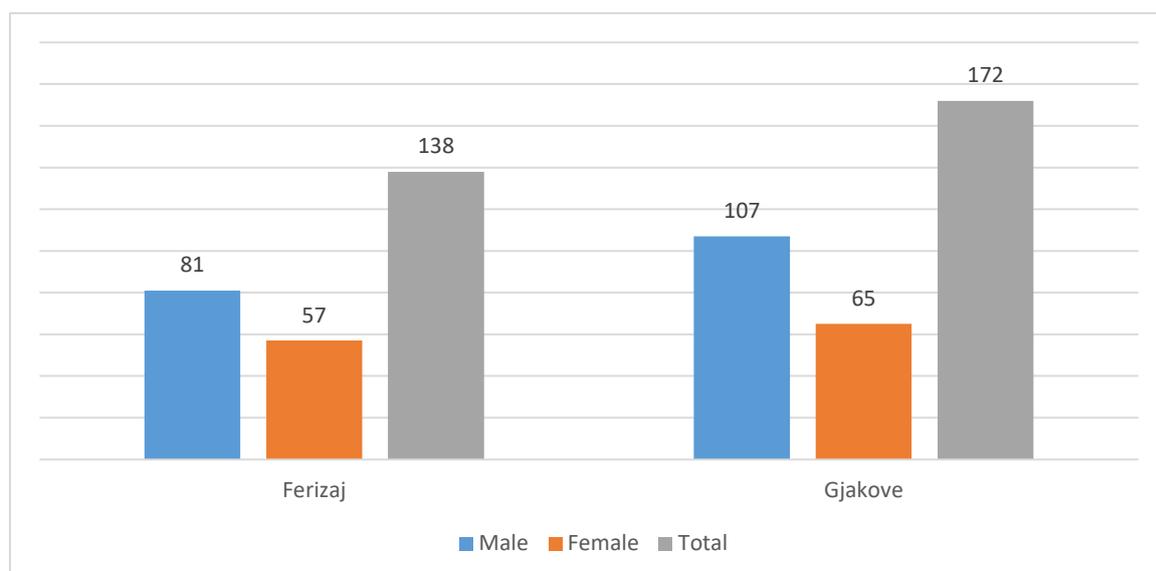
According to the Centre for Social Work in Municipality of Gjakova, number of children with permanent disability in this Municipality currently is 172.

XI. Structure of children with permanent disabilities in Municipality of Ferizaj and Municipality of Gjakova

1. Structure of children with permanent disabilities in terms of gender

Structure of children with permanent disabilities differs in the Municipalities of Ferizaj and Municipality of Gjakova. According to the data collected in both municipalities, the number of children with permanent disabilities in Municipality of Ferizaj is 138 while this number is higher in Municipality of Gjakova with a total current number of 172 children with permanent disabilities.

Figure 9: Number of children with permanent disability in Municipality of Ferizaj and Municipality of Gjakova in terms of gender

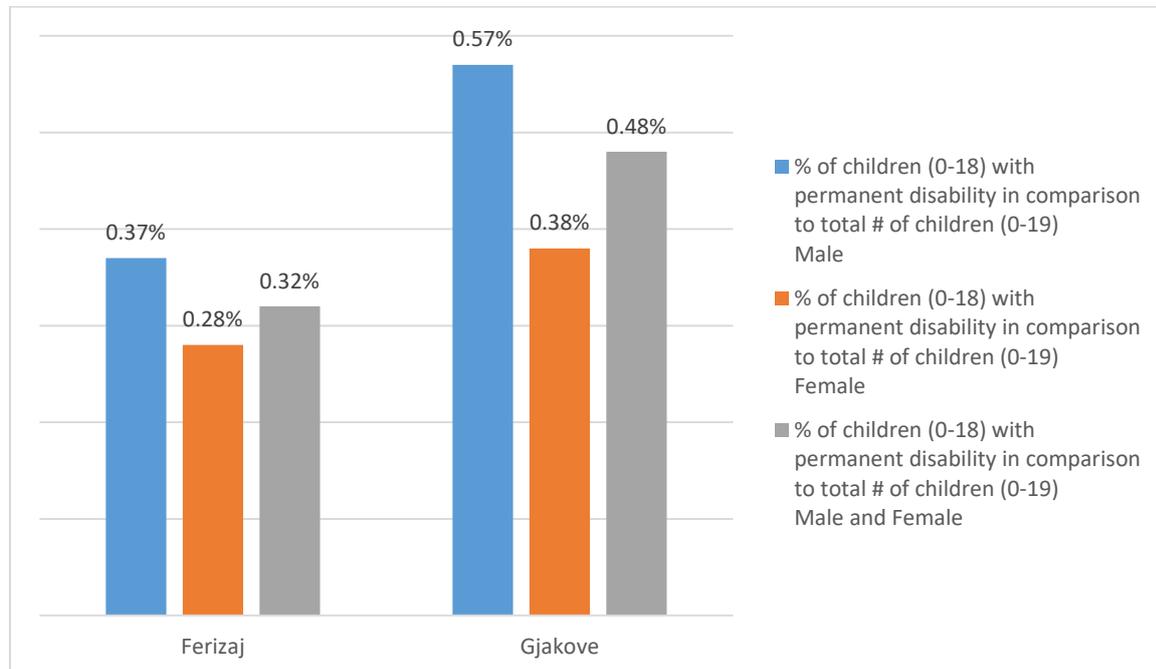


When it comes to the number of children with permanent disabilities in terms of gender, there is a clear indicator that the number of males is higher than the females. In Municipality of Ferizaj, out of 138 children with permanent disabilities, 81 are males while 57 are females. Simultaneously, out of 172 children with permanent disabilities in Municipality of Gjakova 107 are male and 65 are female.

When it comes to the comparison of the number of children with permanent disabilities with overall number of children in Municipality of Ferizaj and Municipality of Gjakova, we see an important difference between those municipalities. Number of 138 children with permanent disabilities in the Municipality of Ferizaj presents 0.38 % of total number of children in this Municipality. This number in the Municipality of Gjakova is almost 0.15 % higher than in the

Municipality of Ferizaj. The number of 172 children with permanent disabilities in the Municipality of Gjakova presents 0.48 of the total number of children in this Municipality.

Figure 10: Comparison of the percentage of children with permanent disability with the total number of children in terms of gender in Municipality of Ferizaj and Municipality of Gjakova



This difference simultaneously is evident in terms of gender of the children with permanent disabilities. The percentage of male children with permanent disabilities in comparison to the total number of male children in the Municipality of Ferizaj is 0.37 % and the percentage of females is 0.28 %. The percentage of male children with permanent disabilities in comparison to the total number of male children in the Municipality of Gjakova is 0.57 % and the percentage of females is 0.38 %. These figures are clearly showing that the number of male children with permanent disabilities is higher than the number of female children with permanent disabilities. This fact is evident in both Municipality of Ferizaj and Municipality of Gjakova.

Another clear evidence is that the number of children with permanent disabilities in the Municipality of Gjakova is higher than the number of children with permanent disabilities in the Municipality of Ferizaj. According to Census 2011, the total number of population in Municipality of Ferizaj is 108,610. The number of 138 children with permanent disabilities presents 0.13 % of the total population of the Municipality of Ferizaj. While the total number of population in the Municipality of Gjakova is 94,556, the number of 172 children with permanent disabilities presents 0.18 % of the total population of the Gjakova Municipality.

Figure 11: Percentage of children (0-18) with permanent disability in comparison to the total number of population in Municipality of Ferizaj and Municipality of Gjakova

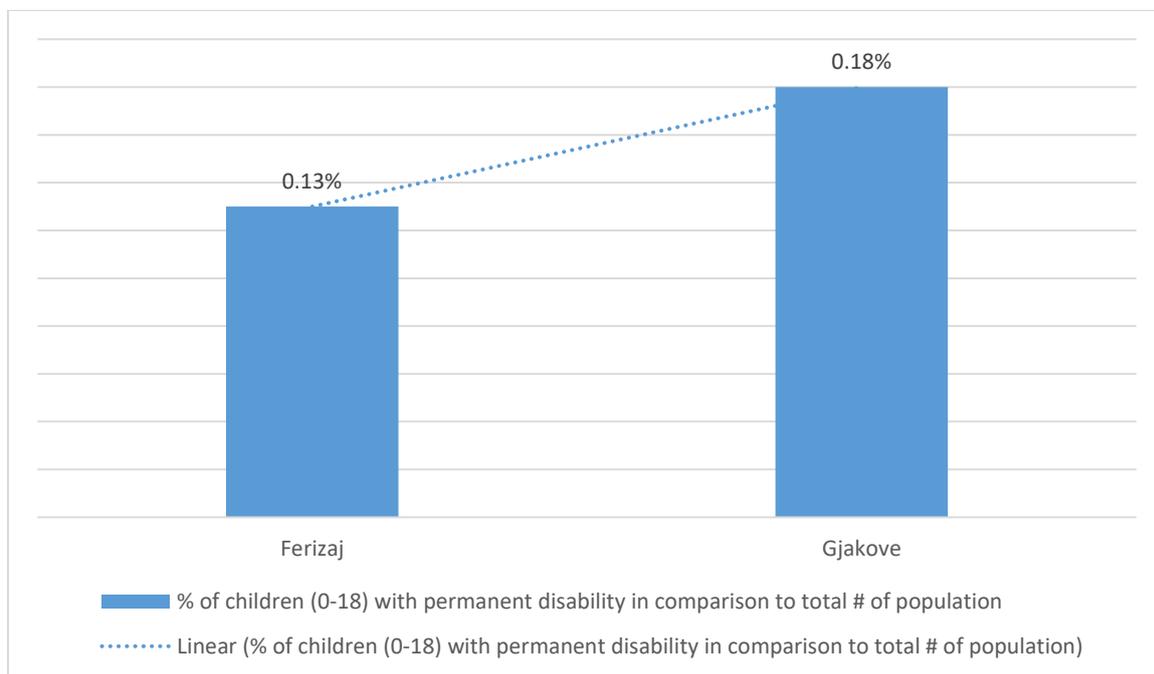
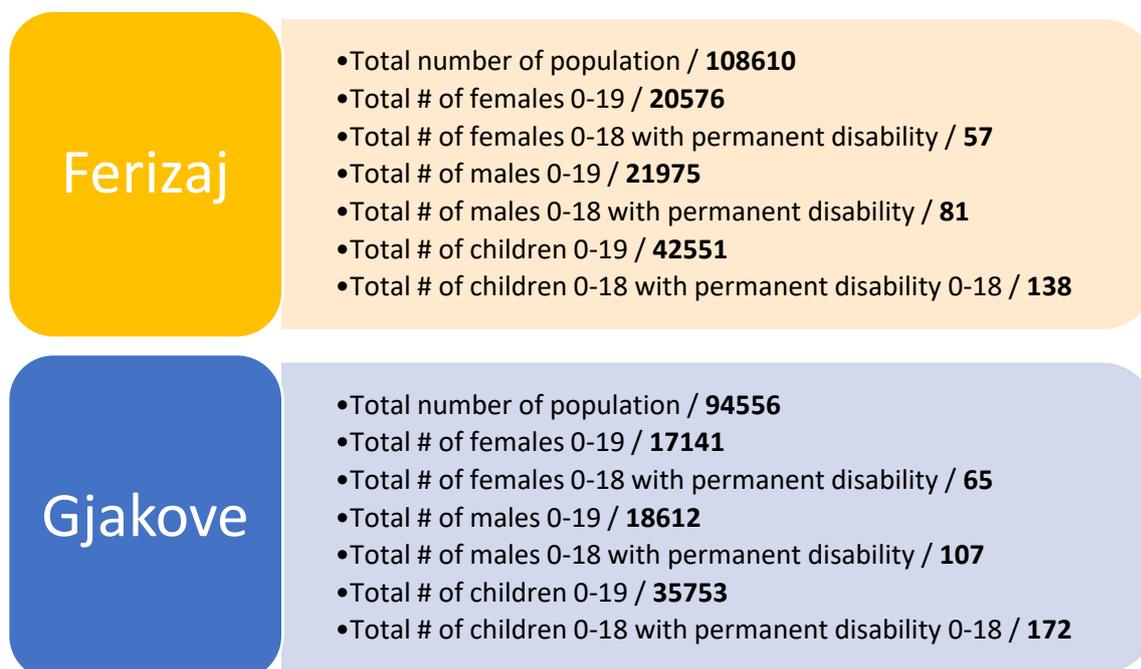


Figure 12: General information related to population and the number of children with permanent disabilities in Municipality of Ferizaj and Municipality of Gjakova

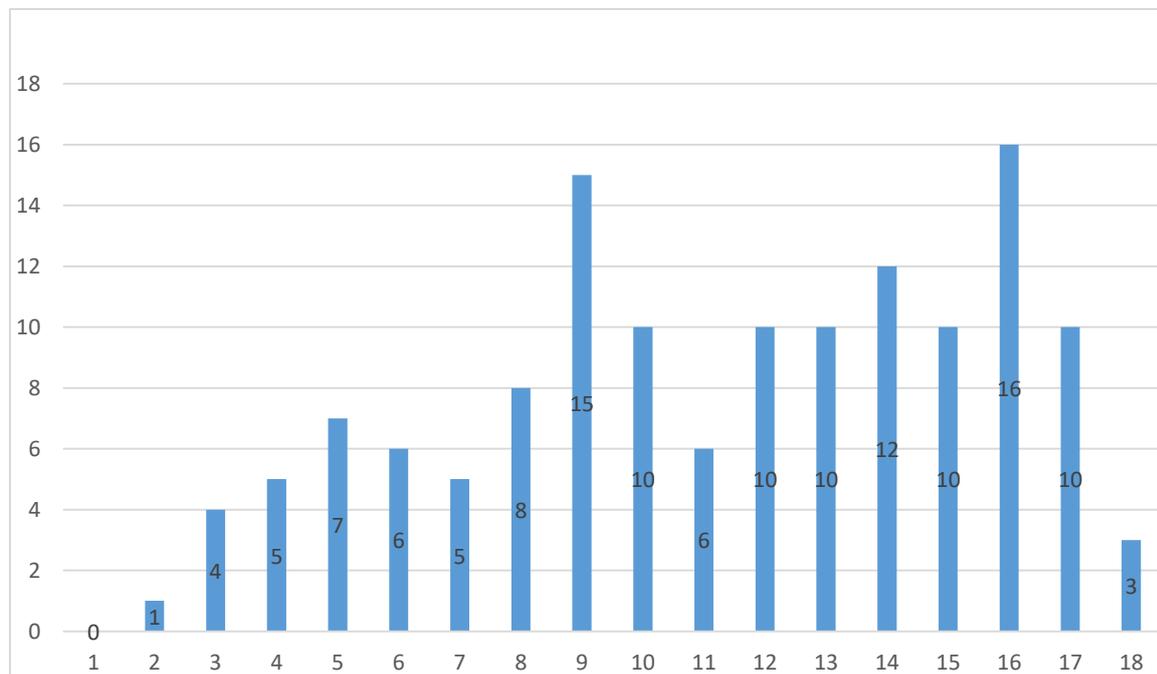


2. Structure of children with permanent disabilities in terms of age

Analysis of the structure of children with permanent disabilities in terms of age shows unusual differences among the ages. The number of children with permanent disabilities varies almost for each age in both Municipality of Ferizaj and Municipality of Gjakova.

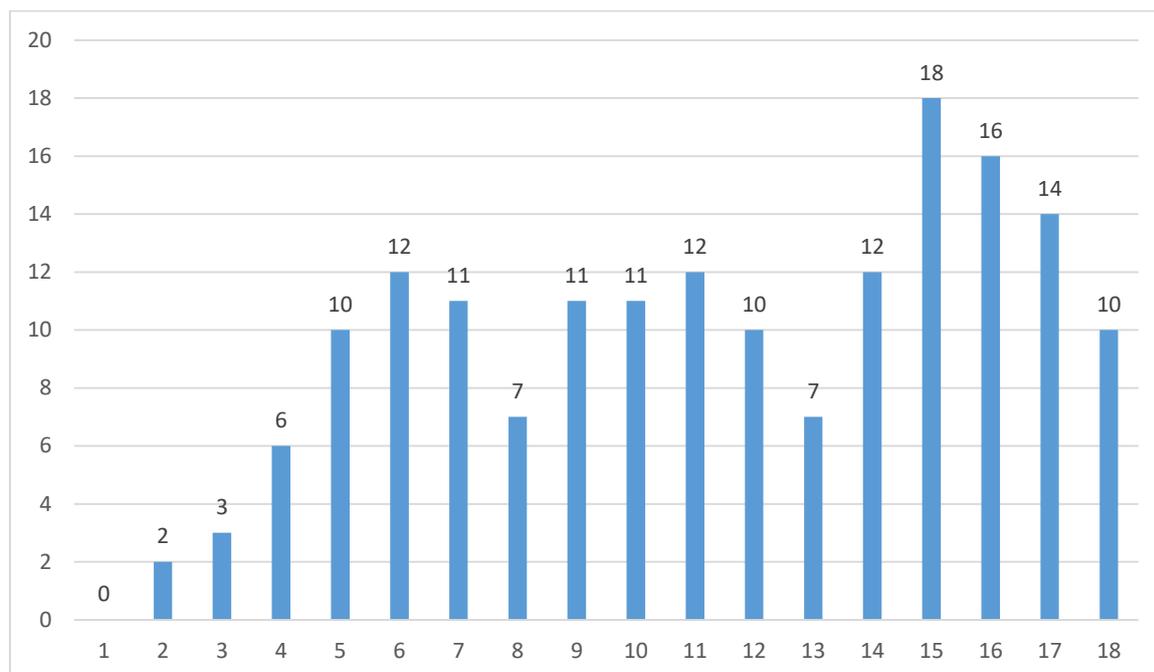
While the number of children with permanent disabilities in Municipality of Ferizaj at age of 1 year is 0, at age of 9 years it increases in 15 children, at age of 11 years it again decreases in 6 children, at age of 16 year the number of children with permanent disabilities is increasing in 16 while reaching highest number of children with permanent disabilities at similar age. At age of 18 years the number of children with permanent disabilities again decreases in only 3 children with permanent disabilities.

Figure 13: Number of children with permanent disability in terms of age in Municipality of Ferizaj



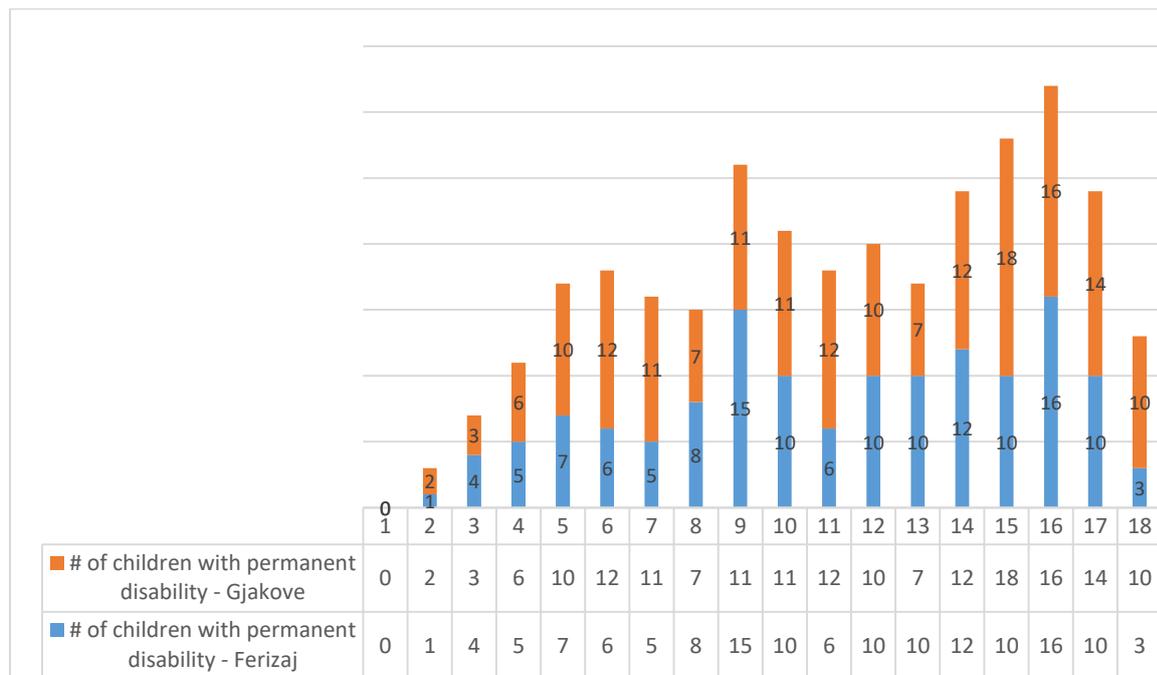
The number of children with permanent disabilities in Municipality of Gjakova at age of 1 year is 0, at age of 6 years it increases in 12 children and at age of 8 years it again decreases in 7 children. At age of 15 year the number of children with permanent disabilities is increasing in 18 reaching the highest number of children with permanent disabilities at similar age. At age of 18 years the number of children with permanent disabilities again decreases in 10 children with permanent disabilities.

Figure 14: Number of children with permanent disability in terms of age in Municipality of Gjakova



Data presented in the tables above are showing significant relation between the increase and decrease of the number with permanent disabilities in terms of age in the Municipality of Ferizaj and the Municipality of Gjakova. In both municipalities is clear that the age of 9 to 17 is very critical in terms of the number of children with permanent disabilities. In both municipalities is seen immediate increase of the number of children with permanent disabilities lower than at age 18, similar trend of the number of children with disabilities in following years and finally notable decrease of children with permanent disabilities recently.

Figure 15: Comparison of the number of children with permanent disability in Municipality of Ferizaj and Municipality of Gjakova



These figures might have higher sense if we recall that the war in Kosovo have take place exactly 17 years before. Thus, the number of children with permanent disabilities is notable lower at the age of 18 years (1 year before the war) it enoursmusly increases at age 17 (during the year of intensive war). Further, the number of children with permanent disabilities keeps almost similar trend for the period of 5-6 years and as much as leave the period of war there is eye-catchad decrease in the number of children with permanent disabilities.

Although the trends of number with permanent disabilities in the Municipality of Ferizaj and Municipality of Gjakova are similar in terms of age, there are significant differences on the number of children with permanent disabilities for each age. This is naturally reflection of the percentage of children with permanent disability in comparison to total number of population presented in previous captures. One of potential reasons for such significant difference might be directly related with the period of war itself when the intensity of war and his damages was far higher in the region of Municipality of Gjakova than in the region of the Municipality of Ferizaj.

However, there is an extensive need for professional, deeper and multidimensional research to identify concrete reasons of these significant differences in the number of children with permanent disabilities in terms of gender, age and municipality or region.

XII. Challenges in the processes related to financial support to children with disabilities

1. Challenges in legislation

Although the State of Kosovo has set an appropriate legal framework related to the children with disabilities, there is a lack of effective and efficient implementation of respective legal framework. In many cases, State institutions are not acting according to the laws that the Kosovo Parliament has approved. There is also lacking adoption of needed administrative instructions and regulations that would provide further details for effective implementation of the laws.

As a consequence, many benefits foreseen to belong to children with disabilities are not possible to be reached by this category of children. In addition to this, the Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia provides very an unusual legal disposal. According to this, Government has the right to reduce or eliminate any privilege ensured by this law, including benefits related to financial payments, even if funds are available by the Law on Budget if deems necessary to address the circumstances that create unforeseen fiscal strain on public budget.

2. Challenges in financial meaning

State institutions of the Republic of Kosovo are being highly modest when it comes to the budget allocation for children with disabilities. Central and local level institutions are hesitating to increase the level of financial and material support to the children with disabilities. Although they have set a legal framework that could be considered as advanced ones for the living standards of Kosovo, their implementation is not satisfactory and is forces children with disabilities to live under the living standards of Kosovo. Most of material benefits foreseen for children with disabilities by the respective legal framework is not implemented in the field.

The Government of Kosovo did not set yet the amount for compensation for Paraplegics and Tetraplegics although the respective Law was approved on May 2016. Thus, the Government of Kosovo did not take step to implement the Law on the Status and the Rights of Persons with Paraplegia and Tetraplegia putting this category in difficult position. Similarly, children

with permanent disability who reaches age of 18, ironically receives less amount of financial support (75 €) even though his/her needs are higher.

3. Challenges in human and professional capacities

Parallely to the financial challenges, central and local level institutions are facing also with the lack of human and professional capacities to effectively answer to the needs and requests of the children with disabilities. MLSW, DSFP, CSW and municipal directorates for social welfare are having very limited capacities to work with all social categories and all categories of children with disabilities.

4. Coordination issues

Besides legal, professional and financial challenges, central and local level institutions of Kosovo are facing also troubles on coordination issues with regard to the children with disabilities. There is visible lack of coordination among MLSW, DSFP, CSW`s and municipal departments responsible for social welfare. There was noticed also lack of exchange of information among responsible institutions dealing children with disabilities. Especially CSW`s and municipal departments responsible for social welfare are lacking appropriate informative systems and data related to the children with disabilities. As a consequence, they do not have clear picture of a current situation in their territory of competency. As a tough example of lack of coordination among responsible institutions is the fact that CSW`s in the Municipality of Ferizaj and Gjakova, municipal directorates for health and social welfare of both municipalities and the DSFP have different statistics about the number of children with permanent disabilities. And the final number was possible to understand only upon the clarification of the beneficiaries of financial support to children with permanent disabilities.

XIII. Recommendations

1. Recommendations to MLSW

- MLSW should undertake concrete steps to fully implement legal framework in place related to children with disabilities,
- MLSW should urgently undertake concrete steps to allocate needed budget for the category of paraplegic and tetraplegic children,
- MLSW should undertake concrete steps to make possible the use of beneficiaries from children with disabilities foreseen by respective laws such as benefits on education, transportation, taxation and other benefits presented above.
- MLSW should develop administrative instructions deriving from the laws that are directly related with children with disabilities;
- MLSW should increase its human and professional capacities working with children with disabilities,
- MLSW should initiate closer communication with municipalities aiming to coordinate effectively support for children with disabilities,
- MLSW should establish closer communication and increase support to NGO's providing support to children with disabilities,
- MLSW should establish specific formal coordination forum (Task Force) with the membership of all relevant local and international actors working on supporting children with disabilities aiming to effectively coordinate support in that regard,
- MLSW should establish closer communication with the MEST to ensure inclusion in education process of children with disabilities.

2. Recommendations to municipalities

- Municipalities should understand the importance and the relevance of the support for children with disabilities and to act accordingly,
- Municipalities should increase amount of allocated budget for children with disabilities,
- Municipalities should increase support for NGO's providing services for children with disabilities,
- Municipalities should increase support for CSW in terms of staff and finance,

- Municipalities should establish coordination body for effective support of children with disabilities.

3. Recommendations to NGO`s working with children with disabilities

- NGO`s should establish closer communication with central and local level institutions responsible to provide support to children with disabilities,
- NGO`s should increase their professional capacities for fundraising activities,
- Accordingly, NGO`s should increase their fundraising activities,
- NGO`s should increase the level of communication and collaboration among them to effectively coordinate and maximize support provided to children with disabilities.

XIV. Annex

List of Intervied persons

Institutions	Interviewed persons	Positions
Ministry of Finance	Mevlude Shamolli	Head of Division for social welfare and health
Ministry of Labor and social welfare	Muhamet Gjocaj	Director of department for social policies
	Ibush Fazliu	Officer for material support for of familYES with CWD
	Sokol Krasniqi	Database officer
Ministry of Education Science and technology	Lulavere Kadriu – Behluli	Head of Division for education of CWD
Municipality of Ferizaj	Burim Karameta	Head of directorate for health and social welfare
	Ibrahim Musliu	Head of social welfare section
	Merima Islami	Social Worker
	Ismail Bekteshi	Social Worker
	Lirie Syla	Head of Directorate for budget and finance
	Afrim Labjani	Senior officer for education
Municipality of Gjakove	Basri Komon	Head of directorate for health and social welfare
	Gjon Luli	Head of centre for social work
	Teki Shala	Head of Directorate for budget and finance
	Xhavit Uka	Senior finance officer
	Diana Qarkaxhija	Director of Education Directorate
Handikos	Afrim Maliqi	Director of Handikos
	Behxhet Binaku	Project Manager
	Xhemile Murseli	Manager of HANDIKOS in Ferizaj
	Brilanda Ballata	Manager of HANDIKOS in Gjakove

Focus group participants

Ferizaj –	Gjakove
Vjollca Asllani	Met Leniqi
Valbona Jashari	Murat Kastrati
Dashurie Tahiri	Luljeta Berisha
Prindi i Rinor Mustafes	S.Avdullahu
prindi i Ylli i Rexhes	Elida Balaja.
Elmedina Bytyqi	Lumturie Vorfi
Valdete Tersena	Teuta Bujqinca
prindi Mineta Dergutit	
Ilire Bytyqi	