

ALTERNATIVE REPORT  
TO THE UN COMMITTEE ON THE RIGHTS OF PERSONS  
WITH DISABILITIES

*On Albanian Government's Initial Report on the Convention on the  
Rights of Persons with Disabilities*

Albania, 2019

SUBMITTED BY- The Network of Disability Organizations:

The Albanian National Association of Deaf Persons (ANAD)

Albanian Labor Invalids Association (ALIA)

Disabled Paraplegic and Quadriplegic Association, Albania

Albanian Disability Rights Foundation (ADRF)

MEDPAK

Help the Life Association

Down Syndrome Albania

“Sëbashku” Foundation

Act Now Association

Darian Konomi

Jetmir Kallollari

The report is prepared within the framework of the EU funded and UNICEF co-funded project, “Protecting children from violence and promoting social inclusion of children with disabilities in Western Balkans and Turkey”.

This report has been produced with the assistance of the European Union. The contents of the report are sole responsibility of the authors and can in no way be taken to reflect the views of the European Union and UNICEF.

## Table of Contents

List of Acronyms .....	3
Introduction.....	5
Executive summary.....	6
Methodology.....	7
Specific Rights:	
Articles 1- 4: Purpose; Definitions; General principles; General obligations....	9
Article 5: Equality and Non-Discrimination.....	9
Article 6: Women with disabilities .....	10
Article 7: Children with disabilities.....	14
Article 9: Accessibility .....	18
Article 12: Equal recognition before the law .....	20
Article 13: Access to justice .....	22
Article 19: Living independently and being included in the community.....	25
Article 24: Education .....	26
Article 25: Health .....	29
Article 26: Habilitation and rehabilitation .....	31
Article 27: Work and employment .....	34
Article 28: Adequate standard of living and social protection.....	37
Article 29: Participation in political and public life .....	40
Article 31: Statistics and data collection .....	42

## **List of Acronyms**

<b>ADRF</b>	Albanian Disability Rights Foundation
<b>ALIA</b>	Albanian Labor Invalids Association
<b>ANAD</b>	Albanian National Association of Deaf
<b>CEDAW</b>	Convention on Elimination of Discrimination against Women
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>DCM</b>	Decision of the Council of Ministers
<b>EDF</b>	European Disability Forum
<b>EO</b>	Educational Office
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>HSE</b>	Higher Secondary Education
<b>IDA</b>	International Disability Alliance
<b>IED</b>	Institute of Education Development
<b>IEP</b>	Individual Education Plan
<b>INSTAT</b>	Institute of Statistics
<b>LSE</b>	Lower Secondary Education
<b>MCWCA</b>	Medical Commission for Work Capability Assessment
<b>MEDPAK</b>	Association for the Protection of the Rights of Persons with Disabilities
<b>MES</b>	Ministry of Education and Sports
<b>MHSP</b>	Ministry of Health and Social Protection
<b>MSWY</b>	Ministry of Social Welfare and Youth
<b>NAPPD</b>	National Action Plan for Persons with Disabilities
<b>NFHC</b>	National Fund of Health Care
<b>NMGE</b>	National Mechanism for Gender Equality
<b>NIPUE</b>	National Inspectorate of Pre-University Education
<b>NP</b>	Normative Provisions
<b>NSGE</b>	National Strategy on Gender Equality
<b>NSPUED</b>	National Strategy for Pre-University Education Development
<b>PUE</b>	Pre-University Education
<b>PSE</b>	Pre-school education
<b>RED</b>	Regional Education Directorate
<b>UNDP</b>	United Nations Development Programme

**UNICEF** United Nations Children's Fund  
**VET** Vocational and Educational Training

## Introduction

This report presents the views of several civil society organizations and disability activists in Albania, coordinated by the Albanian Disability Rights Foundation (ADRF), on the occasion of the Albanian Government's Initial Report to the UN CRPD Committee on the implementation of the Convention on the Rights of Persons with Disabilities.

The civil society organizations and persons with disabilities involved in writing the report are:

The National Association of Deaf Persons (ANAD)

Albanian Labor Invalids Association (ALIA)

Disabled Paraplegic and Quadriplegic Association

Albanian Disability Rights Foundation (ADRF)

MEDPAK

Help the Life Association

Down syndrome Albania

“Sëbashku” Foundation

Act Now Association

Darian Konomi

Jetmir Kallollari

The drafting of this report was preceded by a workshop led by EDF (European Disability Forum) and IDA (International Disability Alliance) with the aim to increase capacities of organizations for reporting to the UN Committee on the Rights of Persons with Disabilities. EDF and IDA closely monitored the whole process until the finalization of the report.

The purpose of this alternative report is to provide information to the UN CRPD Committee on how the UN Convention on the Rights of Persons with Disabilities, has been implemented by the Albanian Government, with particular attention on the gaps in the initial report submitted by the Albanian Government on December 4, 2015, and where necessary supplement it with additional information from the network of organizations involved in writing this report. It highlights main issues and concerns identified by the network of disability organizations as well as provides recommendations to improve implementation of the CRPD by Government of Albania and all relevant institutions, so as to realize the overall purpose of the UN CRPD - *to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities in Albania.*

## **Executive summary**

This Alternative report on the UN Convention on the Rights of Persons with Disabilities (UN CRPD) presents the perspective of persons with disabilities and their major DPOs and other organizations working for persons with disabilities in relation to Albania's fulfillment of obligation under this convention.

This network of organizations, acknowledges in this report that Albania has made some progress during the recent years, especially since 2012 towards realizing the obligations under CRPD. However, the participating organizations in the coalition stress that this progress is mainly related to the legal and political framework which was in fact improved but has not been implemented. People with disabilities in Albania remain significantly discriminated against in all spheres of life.

Current anti-discrimination laws do not protect effectively persons with disabilities against general discrimination. In relation to discrimination, it is confirmed in this report that a greater level of discrimination is faced particularly by women with disability who are not visible in legislation or policies. Children with disabilities face obstacles and challenges in the process of their social inclusion. It is noted that community-based services, social services, early intervention, accessibility in all areas, transport, education are not guaranteed for children with disabilities. The report calls for particularly in poor understanding of the concept accessibility, lack of its implementation in all areas of life and inconsiderable efforts on the government side to comply with article 9.

Crucial laws deny or diminish a person's ability to exercise legal capacity. Guardianship is in place and there are no safeguards guaranteed. Existing mental health legislation allows for involuntary treatment undermining the protection of persons with psycho-social disabilities. Access to justice is often denied due to lack of accessibility of court processes; lack of access to legal services.

Despite the introduction of legislation that guarantee independent living, no steps have been taken to enable it. People with disability continue to rely on their families or institutions. The government, despite the progress in increasing the number of support teachers, has failed to provide inclusive education system because no resources are available, the staff is not properly trained, there is still lack of accessibility and special schools still exist.

There is no access to habilitation services. Access to health care services for persons with disabilities is hampered by costs and lack of services, inaccessible premises, while transport to reach services remains a critical obstacle.

While there are various government initiatives to provide incentives to employment, employment rates are very low.

Social services provided are limited in terms of their typology, not enabling the full range of services that persons with disabilities are in need of, distributed unevenly and not accessible. Legislative provisions and subsidiary acts do not ensure in an adequate level the accessibility for all types of disabilities. Voting centers are largely inaccessible. People with restricted legal capacity to act cannot vote.

## **Methodology**

This report was prepared by an ad hoc coalition of organizations set up specifically for compiling this report. The organizations mentioned in the introduction of this report are membership organizations of persons with physical disabilities, persons with speech and hearing impairment (deaf community), representing the persons with disabilities who become as such for causes related to labour, organizations of parents of children and adults with intellectual disabilities, organizations working for persons with disabilities, cross disability and human rights organizations. More specifically, the coalition included:

*Five associations of persons with disabilities:*

The National Association of Deaf Persons (ANAD)

Disabled Paraplegic and Quadriplegic Association

National Association of Labors Invalids of Albania (ALIA)

“Sebashku” Foundation

Act now Association

*Two disability activists:*

Darian Konomi

Jetmir Kallollari

*A cross disability/human rights organization/organization for persons with disabilities:*

Albanian Disability Rights Foundation

*Three organizations of parents of children and adults with intellectual disabilities:*

MEDPAK

Help the Life Association

Down Syndrome Albania

For the compilation of this report were used the results of ongoing monitoring and evaluations by members of this coalition during the period of implementation of the CRPD till the end of 2018. There were also used reports of governmental and nongovernmental organizations as well as international organizations pertaining persons with disabilities in Albania. Although the government report covers the period up to 2015, this report tries to provide information beyond this period, in order to render a more complete picture of the situation when necessary.

This report aims to provide information on the implementation of the CRPD, to supplement, clarify and specify the information provided by the Albanian Government in its initial report. The report also intends to make recommendations for improving the implementation of the rights of persons with disabilities provided for in the CRPD.

The Coalition convened several times in order to exchange and collect information on drafting the report. The organizations involved and the activists gave their contribution to one or several areas or Articles of the CRPD, focusing on their domain of action and expertise.

The articles selected in the CRPD in this report are: Articles 1- 4 Purpose; Definitions; General principles; General obligations; Article 5 Equality and Non-Discrimination; Article 6 Women with Disabilities; Article 7 Children with Disabilities; Article 9 Accessibility; Article 12 Equal recognition before the law; Article 13 Access to Justice Bodies; Article 19 Living independently and being included in the community; Article 24 Education; Article 25 Health; Article 26 Habilitation and Rehabilitation; Article 27 Work and Employment; Article 28 Adequate standard of living Standards and Social Protection; Article 29:Participation in political and public life; Article 31: Statistics and data collection.

The drafting of this report was preceded by a workshop led by EDF (European Disability Forum) and IDA (International Disability Alliance) with the aim to increase capacities of organizations for reporting to the UN Committee on the Rights of Persons with Disabilities. EDF and IDA closely monitored the whole process until the finalization of the report.

## **Articles 1-4: Purpose; Definitions; General principles; General obligations**

Although a new definition of disability (same as the open definition of the CRPD) is included in the Law on Inclusion and Accessibility (p.28) or the Law on Economic Assistance, the Law on Social Services and other laws, there is still in use still a medical assessment and it is not clear what the definition contained in the CRPD means for the Albanian government. There are two regulations, which contain a list of diagnoses (a regulation for people with disabilities that are not related to employment<sup>1</sup> and one for labor "invalids", pertinent to persons with disabilities due to work-related reasons<sup>2</sup>). These regulations exclude from the assessment of disability certain diagnoses which greatly limit the livelihood of persons, such as those with hearing and speaking impairments (they only include them until the age of 7), hemiplegics, and persons with different conditions that face barriers which hinder their inclusion in the society. These regulations don't take into account barriers faced by persons with disabilities.

Terms such as "mentally disabled", "labor invalid", "retardation" and alike, are often encountered in Albanian laws, such as in the Albanian Constitution's Article 45), in the Law on Social Insurance, in the above-mentioned regulations etc.

The government reports (p. 50) about piloting a new assessment scheme, which is actually being implemented only in two local mini- units in the city of Tirana and which remains in the pilot phase since at least 2014, that is, about 4 years by now. In our knowledge, this scheme aims at assessing the needs of people with disabilities according to a bio-psycho-social model, but the community and organizations are not informed about it or when the testing/pilot phase will be completed.

The legal/ regulatory framework in Albania, despite the changes that have occurred over the last few years, continues to be fragmented and is far from establishing effective mechanisms that would enable the transition from the medical model to the social one. The assessment system is clearly oriented towards assessing loss of abilities (medical model) in order to determine disability.<sup>3</sup>

## **Article 5: Equality and non-discrimination**

In the Albanian government's report on article 5, are found mainly descriptions of the legal basis and institutions. The Law on Protection against Discrimination was adopted in fact in 2010, prior to the ratification of the CRPD and the Law on Inclusion and Accessibility (p.42) was adopted following the ratification of the CRPD. The government does not provide information on the level of implementation of these laws which based on the daily work of organizations remains low and ineffective. Based on the monitoring and experience of organizations, cases of discrimination based on disability continue to remain low and only in urban centers.<sup>4</sup> The

---

<sup>1</sup>Order no. 362 dated 26.02.2007 "On the adoption of the regulation on the medical criteria for the assessment of disability"

<sup>2</sup>Regulation dated 24.11.2010 "On the approval of revised criteria" (last available)

<sup>3</sup>Analysis of the situation of the Disability Assessment System in Albania, April 2014:  
<http://www.al.undp.org/content/dam/albania/docs/misc/Analyze%20e%20situates,Sistemi%20i%20Vleresimit%20te%20Aftesise%20se%20Kufizuar.pdf>

<sup>4</sup>(in rural areas the Commissioner for Protection from Discrimination has no offices. They can be found only in a few main cities).

reasons are numerous and complex. There is a lack of proactive role from institutions dealing with cases of discrimination, loss of community confidence in institutional solutions and lack of self-awareness about discrimination. The low level of discrimination cases before the Commissioner for Protection from Discrimination is also mentioned in the Resolution of the Parliament of the Republic of Albania of 19.4.2018<sup>5</sup>, which expresses the Parliament's concern about their low number.

The Albanian Government reports on specific measures, referring to special statuses of disability (and benefits under these statuses), such as the blind, paraplegic and tetraplegic, labor "invalids" and persons with disabilities (p.45- p.51). These statutes/laws because of a wholly medical model continue to be based just on diagnosis (not assessing barriers and needs) and due to their no amendment since the 1990s, have caused profound inequalities between persons benefiting from different statuses. For example, para and "tetraplegic" persons who are also "labor invalids", benefit from gas subsidy, while "paraplegics" and "tetraplegic" persons who are not "labor invalids" do not enjoy this benefit aimed at ensuring free movement. Caretakers of paraplegics and tetraplegics benefit social insurance, while no other grouping of caregivers benefits the same. Also, people that are labor invalids, paraplegic and tetraplegic and blind persons, benefit from reimbursement for electricity, free public transport<sup>6</sup>, tax incentives, stimulating quotas in education, while other groups which generally benefit from the Law on Economic Assistance, who are persons with intellectual disabilities, psycho-social disabilities and other physical disabilities, do not benefit from these conveniences, although they may often have even greater needs for support. Thus, the benefits of people with disabilities, besides being based on a medical model, are also dependent on belonging to a particular law or status. Persons with intellectual disabilities and psycho- social are the most discriminated against among the categories of disability when it comes to support.

## **Article 6: Women with Disabilities**

In paragraph 212, the State report, evidences the ratification of CEDAW, as well as the pertinence of the Constitution<sup>7</sup> and the Law on Protection from Discrimination<sup>8</sup> as a legal basis that ensures that women with disabilities enjoy equal rights in the Albanian society. In almost none of these documents are found any specific references for girls and women with disabilities, as is the case with CRPD that contains a special article on them.

The Law on Protection against Discrimination enumerates several categories at risk of discrimination, including gender and disability. There is no specific provision for discrimination based on several causes occurring simultaneously. Women with disabilities may be subject to multiple discrimination, at minimum, discrimination on the basis of gender and disability. The explicit mentioning would definitely create a clearer picture of the damage resulting from them being discriminated against and its gravity. This would be of use particularly for example in a claim for indemnity, in a court case, but is not addressed in our legislation.<sup>9</sup>

---

<sup>5</sup>Resolution on the evaluation of the activity of the Commissioner for Protection from Discrimination (CPD) for 2017  
<http://www.qbz.gov.al/Botime/Akteindividuale/Janar%202018/Fletore%2061/REZOLUTE,%20date%2019.4.2018.pdf>

<sup>6</sup> Since 2014, these categories do not benefit as they benefited from free transportation, as a Decision of the Council of Ministers is still pending, based on Article 85 of the Law on Transports, which has not yet been approved.

<sup>7</sup> <http://www.parlament.al/Files/sKuvendi/kushtetuta.pdf>

<sup>8</sup>Law no. 10221, date 04.02.2010 "For protection against Discrimination"

<sup>9</sup> Invisible Violence - An overview on the phenomenon of violence against women and girls with disabilities in Albania, ADRF and UNDP, 2015

The National Action Plan for People with Disabilities 2016-2020<sup>10</sup>, does not have specific measures and indicators for girls and women with disabilities. GREVIO<sup>11</sup> report for Albania, notes the fact that it found no evidence to prove that policies targeting certain vulnerable groups envelop sufficient measures to prevent and combat violence against women belonging to these communities.

The study conducted by UNDP/ADRF (2015)<sup>12</sup> evidenced that women with intellectual disabilities are discriminated against also in the laws/guidelines and regulations that guide the provision and access to services. According to the criteria set out in the standards of social care services for victims of domestic violence in public and private residential centers, women with disabilities can benefit from these services **only** when they are capable of caring for themselves, which in and of itself contradicts the principle of non-discrimination and ensuring reasonable accommodation.<sup>13</sup>

Ombudsman's report on monitoring of the CEDAW (2016)<sup>14</sup>, evidences that women with disabilities have faced a twofold discrimination, which is closely related to their particular living conditions. These women face challenges with regard to their access to justice, state bodies at central and local level, media and business, as well as delays in benefiting the disability payment. There is insufficient data on the actions taken by the Albanian government to address the special situation of women with disabilities, including special measures, to ensure that they have equal access to employment, social insurance, education, health, as well as social and cultural life. The CEDAW Committee recommends to the Albanian government to adopt laws, policies and programs that would enable equal rights, for women with disabilities in accordance with the CRPD<sup>15</sup>.

Paragraph 213 of the government report provides statistics on girls and women with disabilities. This data show that the MSWY (now MHSP) provides gender-based statistics only pertaining to women with disabilities, beneficiaries of the social security scheme, while there are no data on women beneficiaries from the social protection scheme. This situation highlights the urgent need for reorganization of detailed data collection method for this target group<sup>16</sup>. MHSP has established a national electronic system for recording domestic violence cases (REVALB) that has special sections for data on disability. However, the GREVIO report<sup>17</sup> on Albania (2017) quotes the existence of very limited data on violence against women that belong to marginalized

---

<sup>10</sup> Decision of the Council of Ministers no. 483, dated 29.6.2016 On the adoption of the National Action Plan for Persons with Disabilities, 2016–2020

<sup>11</sup> Council of Europe (2017). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Albania Report. <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

<sup>12</sup> Invisible Violence - An overview on the phenomenon of violence against women and girls with disabilities in Albania, ADRF and UNDP, 2015

<sup>13</sup> Decision of the Council of Ministers Nr. 505, dated 13.07.2011 "On the Approval of the Standards of Social Care Services for Domestic Violence Victims, in the Public and Non-Public Residential Centers"

<sup>14</sup> On the Implementation of CEDAW Convention in Albania, Ombudsman's Report, Tirana 2016  
[http://www.avokatipopullit.gov.al/sites/default/files/RAPORTET/RAPORTE\\_TJERA/Raporti%20mbi%20zbatimin%20e%20konvet%20C3%AB%20CEDAW%20n%20C3%AB%20Shqip%20C3%ABri.pdf](http://www.avokatipopullit.gov.al/sites/default/files/RAPORTET/RAPORTE_TJERA/Raporti%20mbi%20zbatimin%20e%20konvet%20C3%AB%20CEDAW%20n%20C3%AB%20Shqip%20C3%ABri.pdf), page 10

<sup>15</sup> CEDAW Committee, Concluding Observations on Albania, CEDAW/C/ALB/CO/4, para. 37

<sup>16</sup> Invisible violence—An overview on the phenomenon of violence against women and girls with disabilities in Albania, ADRF and UNDP study, 2015

<sup>17</sup> Council of Europe (2017). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

<https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

groups in Albania. Same is confirmed by most recent study of European Commission<sup>18</sup> and UN Women/ADRF/RWRC/LGBT Alliance Report (2018)<sup>19</sup>. One of the many factors that contributes to the non-collection and non-reporting of data concerning women and girls from these communities is the lack of specification for this group in the protocols approved by the MoH (now MHSP) that are to be filled out by healthcare institutions, in accordance to the Law no. 9669, dated 18.12.2006 "On Measures against Violence in Family Relations", amended by: Law no. 9914, dated 12.05.2008, Law no. 10329, dated 30.09.2010, Law no. 47/2018.<sup>20</sup>

## Gender Equality and Domestic Violence

Referring to paragraph 216, provisions regarding women and girls with disabilities, are almost nonexistent in the Law on Gender Equality<sup>21</sup>. Many challenges remain though when it comes to implementation. Due to weak infrastructure and lack of capacities, the most significant gaps remain in the area of adequate health services provision, particularly affecting the access to adequate and timely services for .... women with disabilities.<sup>2223</sup>

With regards to paragraph 217, the recent amendments to the Law "On Measures against Violence in Family Relations"<sup>24</sup> introduced novelties in the procedural aspect of protective measures against domestic violence in the form of Orders of Immediate Protection and Protection Orders for Domestic Violence Victims. Law 47/2018 has enshrined the principle of "reasonable accommodation" in setting up the supportive structures in co-operation with the referral mechanism, for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence, as well as their completion with the entire necessary infrastructure. It also provides for the exemption from the payment fees for acts of psycho-social expertise, sign language interpreter, forensic expertise, expert for the assessment of the risk of domestic violence or any other act of expertise pertinent to the victim of domestic violence, including women and girls with disabilities, and the revoking of custody when the perpetrator is the legal guardian himself. But in Albania, oftentimes even when there are legal provisions, there is a lack of specific actions or there is no functioning of the relevant mechanisms that are in charge of promoting and monitoring the fulfillment of these legal obligations. Thus, the prescription of the "reasonable accommodation" has been an obligation to

---

<sup>18</sup>There is not enough data on prevalence of different forms of VAW among groups of women who are or might be exposed to intersectional discrimination, such as women with disabilities, rural women, elderly women, migrants and asylum-seeking women, minority women, especially Roma, and other groups of marginalized/vulnerable women. Study- In depth analyses of European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs. (2018) Women's Rights in Western Balkans [http://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy\\_EN.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy_EN.pdf), pg 44

<sup>19</sup>Violence against women and girls from disadvantaged communities - An overview of the phenomenon of violence against women and girls from Roma, LGBT and disabled communities in the municipalities of Elbasan, Vlora, Tirana and Shkodra.

<sup>20</sup>idem.

[https://un.org.al/sites/default/files/Report%20on%20access%20to%20services%20for%20%20öomen%20from%20disadvantaged%20communities\\_0.pdf](https://un.org.al/sites/default/files/Report%20on%20access%20to%20services%20for%20%20öomen%20from%20disadvantaged%20communities_0.pdf)

<sup>21</sup>Law no. 9970, dated 24.7.2008, "On gender equality in the society".

<sup>22</sup> Study- In depth analyses of European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs. (2018) Women's Rights in Western Balkans

[http://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy\\_EN.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy_EN.pdf);

<sup>23</sup> UN Women & UNDP (2016). Gender Brief: Albania, available at [http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016\\_en\\_web.pdf?vs=5235](http://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/country/albania/unw%20gender%20brief%20albania%202016_en_web.pdf?vs=5235), pg 61

<sup>24</sup> Law no. 9669, dated 18.02.2006 (as amended with Law No. 9914 dated 12.05.2008 and Law 10329, dated 30.09.2010 and Law No. 47/2018),

be fulfilled also based on the Law on Inclusion and Accessibility, but an ADRF report (2017)<sup>25</sup> showed that although DCM no. 1074/2015<sup>26</sup>, adopted in compliance with the Law on Inclusion and Accessibility, obliges institutions to develop a plan for removing communication and infrastructure obstacles in the provision of public services for persons with disabilities, no institution, including those addressing violence, has fulfilled this liability.

Philips (2012),<sup>27</sup> addresses the phenomenon of violence against women and girls in Albania and quotes that girls and women with disabilities (especially those with intellectual disabilities and mental health problems) are at high risk of being abused by family members and society, precisely because of their disabilities. The fact that women with disabilities suffer multiple forms of violence is also evidenced by a BIRN article<sup>28</sup> on violence and sexual abuse of three sisters with intellectual disabilities, an article followed by a statement and press release which inter alia asks the government to take action to review and supplement the legal framework to eradicate discrimination and to establish specialized services as well as access to existing services for all categories of girls and women with disabilities.<sup>29</sup>

This concern is also evidenced in the GREVIO's report on Albania<sup>30</sup>. Council of Europe and UN Women (2015), in the report drawn up on the mapping of support services against violence toward women and girls in Albania (in which there is a situational overview of these services compared to the requirements or standards of the Istanbul Convention), as well as UN WOMEN and ADRF/RWRC/Alliance LGBTI (2018)<sup>31</sup>, the National Strategy for Gender Equality 2016-2020, clearly bring to the fore the difficulty of addressing the needs of women and girls with disabilities who are also victims of violence, evidencing that (a) there are no support services as well as services of independent living (b) service-oriented centers for abused/ violated women, virtually limited in number, are unprepared to accommodate women with disabilities that are abused (c) they completely lack the standards of accessibility to the premises, information and communication, as well as qualified staff to handle cases of violence against women with disabilities, according to their specific needs<sup>32</sup>. The lack of access to all its dimensions is evident in all state institutions in charge of addressing the problem of violence against women with disabilities, at central, regional and local level, impeding the access that the victims of violence, women with disabilities need to have to institutions defending their rights. These reports noted

---

<sup>25</sup> Monitoring Report - Accessibility for Persons with Disabilities. ADRF /USAID 2017

<sup>26</sup> DCM no.1074, date 23.12.2015 "On removing obstacles to communication and infrastructure in the provision of public services for people with disabilities"

<sup>27</sup> Women with Disabilities in Europe & Eurasia Region, 2012, S. Philips, USAID;

<https://www.usaid.gov/sites/default/files/Women-with-Disabilities-EE-Region-FINAL-2012.pdf>.

<sup>28</sup><https://www.reporter.al/viktima-te-braktisjes-tre-motra-me-probleme-mendore-ne-lezhe-abuzohen-seksualisht/>

<sup>29</sup>[https://www.facebook.com/permalink.php?story\\_fbid=807368379462039&id=213002485565301&\\_tn=K-R](https://www.facebook.com/permalink.php?story_fbid=807368379462039&id=213002485565301&_tn=K-R)

<sup>30</sup> Another issue of concern is the limitations to access to the shelters for women victims of domestic violence who come from marginalized groups and/or have special needs, such as women with health problems or disabled women, owing to the lack of specialized services offered in shelters, footnote 113, Council of Europe (2017). GREVIO's (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). <https://rm.coe.int/grevio-first-baseline-report-on-albania/16807688a7>

<sup>31</sup> Violence against women and girls from disadvantaged communities - An overview of the phenomenon of violence against women and girls from Roma, LGBT and disabled communities in the municipalities of Elbasan, Vlora, Tirana and Shkodra, pp 30-31

<sup>32</sup> Similarly, housing services remain ineffective for some of the women's groups, particularly women with disabilities, women with mental health problems, women with addictions, elderly women, LBT women, etc. due to the lack of infrastructure adequacy and the lack of qualified staff for dealing with these women's groups in existing centers ([https://awenetwork.org/wp-content/uploads/2017/01/STRATEGJIA\\_KOMBETARE\\_PER\\_BARAZINE\\_GJINORE-1.pdf](https://awenetwork.org/wp-content/uploads/2017/01/STRATEGJIA_KOMBETARE_PER_BARAZINE_GJINORE-1.pdf))

that the lack of reporting of cases of violence against women and girls with disabilities is due to factors mainly related to the lack of information available including in alternative and accessible forms on violence and where to report violence, lack of confidence that the relevant institutions will provide protection and support services, as well as fear of the consequences on spouses, family members or guardians in case of reporting the case to the police.

Referring to paragraph 218, the National Strategy for Gender Equality and the Reduction of Gender-Based Violence and Domestic Violence 2011-2015 has been followed by the adoption of the National Strategy for Gender Equality 2016-2020, which through 4 strategic objectives,<sup>33</sup> as well as through actions taken for their realization, indicates increased attention to women from marginalized communities including women with disabilities<sup>34</sup>. However, in its Action Plan, actions targeting specifically girls and women with disabilities are very few (No. 8), they are generic and uncoordinated. *Considering a complexity of intersectional discrimination, the problems of women with disabilities should not be addressed in general terms” jointly” (for instance, by referring to “vulnerable groups” as a whole) but through recognizing their specific needs and problems*<sup>35</sup>. While there are no specific indicators, including on the percentage of women and girls with disabilities in decision-making, to measure and then identify/report on gender equality for girls and women with disabilities in each of the four areas, in particular, there is a lack of measures for their empowerment, including economic empowerment and participation in decision-making processes and positions at all levels. The CEDAW Committee is concerned that women belonging to marginalized groups, such as ... women with disabilities, continue to face barriers that prevent them from participating in political and public life, including the exercise of the right to vote.<sup>36</sup>One of the measures provided for in the NSGE Action Plan (4.4.3) is updating of data that enable the (gender) analysis of the situation and of measures addressing the inequalities of different women's groups, the latter being considered virtually impossible to be realized while no specific indicators have been set for it in this action plan.

## Article 7: Children with Disability

1. The State report provides a description of basic legal documents that ensure the protection and respect of rights of children with disabilities. However, the necessary level of implementation of the obligations set out in these documents is not provided. (Paragraphs 220-221). The study carried out by UNICEF<sup>37</sup> shows that although the legal framework is being developed in line with the international and EU fundamental instruments, implementation is lagging.

---

<sup>33</sup>These are: (a) Economic empowerment of women and men; (b) Ensuring women's factual and equal participation and engagement in political and public decision-making; (c) Reducing gender-based violence and domestic violence; (d) Strengthening the coordinating and monitoring role of the National Mechanism for Gender Equality.

<sup>34</sup>The Albanian National Strategy Action Plan on Gender Equality 2016-2020,

<sup>35</sup> Study- In depth analyses of European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs. (2018) Women's Rights in Western Balkans

[http://www.europarl.europa.eu/meetdocs/2014\\_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy\\_EN.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/FEMM/DV/2019/01-23/WomenRightsinWesterBalkans-PolDepStudy_EN.pdf), pg 62

<sup>36</sup>Concluding observations on the fourth periodic report of Albania, Adopted by the Committee on the Elimination of Discrimination Against Women at its sixty-fourth session (4-22 July 2016).

<sup>37</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

The Law on Rights and Protection of Children No.18/2017 in its Article 32 sets forth a specific provision for children with disabilities and their right to receive services, "defined by the structures responsible for the assessment of disability", (Article 32.2). Even though the services are provided free of charge only formally, the same article leaves open the provision of services when the person is unable to pay for them "free of charge, whenever possible and taking into account the financial resources of the parent or legal guardian".

Likewise, the law places the responsibility on parents and guardians to follow mandatory legal procedures, "assisted by (unspecified) child protection bodies" (Article 32.3). This continues to be a burden for families in the context of limited service provision, extreme poverty and vulnerability, combined with stigma and discrimination on the basis of disability<sup>38</sup>.

Paragraph 5 of Article 32 holds the authorities liable for eliminating all infrastructure, social, environmental, institutional and legal barriers in the domain of education, employment and vocational training, health care, rehabilitation, cultural, recreational and sporting activities. However, studies and monitoring<sup>39</sup> by civil society organizations highlight a significant lack of social, health, rehabilitation, and cultural services for children with disabilities. This is due to the lack of services in areas where children with disabilities reside, lack of family income to cover the costs of accessible transport services and often also due to the lack of accessibility of the physical infrastructure of centers providing health and social services and the lack of specialists, providers of specific services based on type of disability and individual needs.

*Access to health services for children with disabilities is hindered by costs and lack of services, while transport (to access the services) remains a critical deficiency<sup>40</sup>.*

To ensure implementation of the Law on Children's Rights and Protection, a number of legal acts have been adopted<sup>41</sup> which regulate cross-institutional relations and the functioning of mechanisms for the protection of the rights of the child, but which do not specifically identify specific roles and tasks in the framework of guaranteeing adequate services for the protection/management of cases of children with disabilities, in accordance to their specific needs. Children with disabilities are not systematically and explicitly referred to when it comes to aspects of the fulfillment of all human rights, inclusiveness and participation.

---

<sup>38</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

<sup>39</sup> ADRF (2018). The situation with service provision for children with disabilities at the local level: Guiding document on interventions in terms of improving the state of social and health services for the community of people with disabilities. World Vision & Save the Children, Tirana (2018). Study Report "Disability in Children in Albania: Prevalence of disability, access to and quality of services"

<sup>40</sup> UNICEF (2018). We all are important. Situational Analysis of Children with Disabilities in Albania

<sup>41</sup>DCM No. 353, dated 12.06.2018 "On the rules of operation of the cross-sectoral child protection team in the municipalities and administrative units"

DCM No. 148, dated 13.03.2018 "On defining the rules of cooperation between institutional mechanisms, child protection structures at local level and non-profit organizations for the implementation of national and local policies, as well as for the services necessary for child protection"

DCM No. 91, dated 14.02.2018 "On the Procedures for Performing Controls and Imposing Sanctions by the State Agency for the Child Rights and Protection"

DCM No 54, dated 31.1.2018 "On the Adoption of the Regulation on the Functioning of the National Council for the Child Rights and Protection"

A new development in the implementation of the political and legal framework for the protection of children's rights, is the National Agenda for Children's Rights (2017-2020) in which children with disabilities are mentioned in only in some aspects of education and health services or early childhood development, but not made mentioned sufficiently<sup>42</sup> and actions are not envisaged for children with disabilities within the Agenda objectives, having in mind the specific needs that are required for the provision of protection and guarantee of the rights of children with disabilities.

2. The number of children with disabilities reported in paragraph 222 refers to the number of children certified by MCWCA, in line with medical criteria, leaving out of the assessment a significant number of children with disabilities who need to be referred to specialized services.

According to administrative and recent survey data, 2.5 to 4 percent of the children's population in Albania have a disability, which is certified by the Disability Assessment Commission. A quarter of these children do not have access to disability payments, and more than three-quarters have no access to social services<sup>43</sup>.

It is noticed that the data overall varies according to sectorial reporting mechanisms resulting in a lack of correlation between them. For example, data on the education sector related to children with disabilities use indicators other than those of the State Social Service<sup>44</sup>.

3. The report, in paragraph 223 simply lists institutional mechanisms for the protection of children's rights. Sub-legal acts adopted<sup>45</sup> recently on implementation of the Law "On the Rights and Protection of the Child" No. 18/2017 has specifically set out the rules for the functioning of these mechanisms but has not provided any specification on how they should guide and manage cases of children with disabilities, bearing in mind that their specific needs for accessible services and specialists deserve to be addressed specifically.

The Child Protection Unit plays a key role in the functioning of child protection mechanisms at the local level. From the assessments made within the projects implemented by NPOs<sup>46</sup> it is ascertained that although this unit plays a coordinating role with other institutions, mainly educational ones, for referral and management of cases of children with disabilities, there is no structured work program focusing on the protection and respect of the rights of children with disabilities.

4. Paragraph 224, in addition to early identification, underscores also the disability assessment. The disability medical model is in place, including the assessment for disability certification, to

---

<sup>42</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

<sup>43</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

<sup>44</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

<sup>45</sup>DCM No. 148, dated 13.03.2018 "On defining the rules of cooperation between institutional mechanisms, child protection structures at local level and non-profit organizations for national and local policy implementation, as well as necessary services pertinent to child protection "

DCM No. 353, dated 12.06.2018 "On the rules of operation of the cross-sectorial child protection group under municipalities and administrative units"

<sup>46</sup> ADRF (2018). Local orientation document to attain the inclusion of children with disabilities, in the Municipality of Berat

ADRF (2018). Local orientation document to attain the inclusion of children with disabilities, in the Municipality of Durrës

benefit disability payment. This has adverse effects on access to services and the involvement of children with disabilities. The medical assessment of children with disabilities can often be supplemented with educational assessment in order to determine the requirements for child support through inclusive education but there is not a systematic link between these two procedures<sup>47</sup>.

Also, assessment reports made by civil society shows that disability assessment procedures by the Medical Commission on Determination of Work Capability are still a major concern for children and their parents. Parents report that some pediatric specialties services are missing in cities other than the capital, and that often times they are forced to travel to Tirana or even abroad (if they can afford it) in order to address their children's needs<sup>48</sup>.

5. Referring to paragraph 225 of the report, it is evidenced that the government is taking actions to ensure that social services for children are accessible and qualitative but no concrete information and/or references to relevant documents are provided to substantiate these developments. Based on reports, studies by civil society organizations as well as based on the daily practice of these organizations as service providers, it is noticed that social services for children with disabilities are very limited in number and typology. Children's development centers meet the needs of a very small part of these children. Their location away from the area where children live (mostly living in areas distant from Tirana) makes these services difficult to afford due to the transport costs incurred and the long stay of children and their family away from home in order to receive regularly services at these centers. Parents' perception of the poor quality of service provided by these centers, underscores the need for significant improvement<sup>49</sup>. In the study conducted by World Vision and Save the Children, "Children's Disability in Albania: Prevalence of Disability, Access to and Quality of Services", parents identify the lack of specialists and specialized medical services at the local level, as one of the main obstacles to regular attendance of these services by children with mental or other disabilities.

The same study points out that specialized private or multidisciplinary services are not reimbursed from the economic aid scheme, thus becoming inaccessible for low- and middle-income households. There is a weak coordination between the departments of health, social services and educational ones, which has direct implications on the extent to which children with disabilities enjoy their rights to support and services<sup>50</sup>.

Half of the social services are provided outside the public sector, and civil society organizations report on the gradual withdrawal of foreign donor funding that is restricting service delivery capacities, a trend that is likely to persist<sup>51</sup>.

*In the study "Situational Analysis of Children with Disabilities in Albania" (UNICEF 2018) it is stated that: "... the data of the State Social Service do not provide any information whether the*

---

<sup>47</sup> UNICEF (2018). We all are important. Situational Analysis of Children with Disabilities in Albania

<sup>48</sup> Albanian Disability Rights Foundation, Tirana (2017). Rama.R. Evaluation Report. The Rights of the Child with Disabilities and Social Inclusion.

<sup>49</sup> World Vison & Save the Children, Tirana (2018). Study Report "Disability in Children in Albania: Prevalence of disability, access to and quality of services".

<sup>50</sup> Albanian Disability Rights Foundation, Tirana (2017). Rama.R. Evaluation Report. The Rights of the Child with Disabilities and Social Inclusion.

<sup>51</sup> UNICEF (2018). We all are important. Situational Analysis of Children with Disabilities in Albania

*provision of social services is meeting the requirements and serves only as further proof that there are large gaps in data that limit planning and monitoring at the national level and that the number of children with disabilities who are officially registered using social services paid by the state, is lower than the number of children who receive disability payment...". To increase the quality of services provided for children with disabilities, it is considered highly necessary to enhance the capacities of professionals/specialists providing these services<sup>52</sup>.*

Estimates show that parents of children with disabilities feel unsupported and disoriented and that they need specialized support to obtain the right legal and social information about how and where to benefit all kinds of appropriate services<sup>53</sup>.

6. Paragraph 226 in the report, refers to the obstacles and challenges that the process of social inclusion for children with disabilities faces. It is noted that community-based services for children with disabilities are still lacking both in quantity and variety in order to address the needs of children with disabilities and their inclusion in the community.

The Study on "The Rights of the Child with Disabilities and the Inclusion of Disability" (ADRF 2017) evidences that there are limited forms of activities benefiting children with disabilities, in activities such as participation in cultural events during leisure time, inclusion in sports or entertainment in communities. The obstacles they face stem mostly from the environment in which they live rather than due to their own disability.

## **Article 9: Accessibility**

The inaccessibility of the built environment and communication in Albania prevents persons with disabilities from actively and fully participating in society.

As a result of the Law 93/2014<sup>54</sup> "On the social inclusion and accessibility of persons with disabilities", a bylaw was passed with a Council of Ministers' Decision No. 1074, dated 23.12.2015<sup>55</sup> "For defining measures for the elimination of barriers in communication and infrastructure in offering public services for persons with disabilities". The act requires all public institutions (but also private ones that are open to the public), to draft a plan for the elimination of barriers, by establishing the budget and a timeline for doing so. Even though, the deadline for drafting the plan has passed long time ago, public authorities have not complied with this legal

---

<sup>52</sup> ADRF (2018). Local orientation document to attain the inclusion of children with disabilities, in the Municipality of Berat.

<sup>53</sup> Albanian Disability Rights Foundation, Tirana (2017). Rama.R. Evaluation Report. The Rights of the Child with Disabilities and Social Inclusion.

<sup>54</sup> Ligji Nr. 93/2014 "Për përfshirjen dhe aksesueshmërinë e personave me aftësi të kufizuara ", Available from: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/135-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/135-2014.pdf)

<sup>55</sup> Vendimi i Këshillit të Ministrave nr. 1074, datë 23.12.2015 "Për përcaktimin e masave për mënjanimin e pengesave në komunikim dhe infrastrukturë në ofrimin e shërbimeve publike për personat me aftësi të kufizuara". Available from: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2015/12/243.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2015/12/243.pdf)

obligation<sup>56</sup>. Three years since the adoption of this important act, no sanctions have been taken by the enforcing authority to ensure compliance<sup>57</sup>.

There have been attempts in the last years by the Municipality of Tirana to make the city more accessible for persons with disabilities, but what we noticed is that these interventions were often not complying with legal and technical standards<sup>58</sup> and therefore are not serving their purpose. In the newly urbanized areas of Tirana, we find absurd situations like pathways not wider than 20 cm making them unusable for anybody, let alone persons with disabilities. Screening mechanisms for infrastructure interventions are not efficient and complaint mechanisms are not present<sup>59</sup>.

The same can be said about the Municipality of Durres. There have been attempts to include accessibility elements mainly in the pathways, but often not complying with technical standards<sup>60</sup>. Accessibility elements for people with visual, intellectual and hearing disabilities are not included. The buildings of public institutions are extensively not accessible, often meaning that even a ramp in the entrance is missing<sup>61</sup>.

From a study<sup>62</sup> carried out by the National Association of Paraplegics and Quadriplegics of Albania in four regions: Korçe, Gjirokastër, Vlorë and Kukës, it resulted that barriers are everywhere evident in public buildings, pathways and other public spaces. The initiative of the Albanian government called "Urban Renaissance"<sup>63</sup> where big chunks of public money have been used to rebuild city centers throughout Albania, didn't result in a success story when it comes to accessibility elements because either they are partial or missing completely.

In response of Paragraph 66 of the first report on CRPD, it is true that as a result of that particular initiative some of the most representative public buildings<sup>64</sup> in Tirana i.e. the National Museum, the National Opera Theatre, the Palace of Congresses etc., were taken into consideration, but improving their accessibility oftentimes meant putting a ramp in the entrance to guarantee access in the main hall, but disregarding completely if that same hall had different

---

<sup>56</sup>Albanian Disability Rights Foundation. (2018), Raport Monitorimi Zbatimi i Aksesueshmërisë Për Personat Me Aftësi Të Kufizuara. USAID Albania, Tirana.

<sup>57</sup>Idem

<sup>58</sup>

Lala.S. (2016). Policy brief "Accessibility standards for persons with disabilities in the 2015-2016 infrastructure interventions of the Municipality of Tirana". Open Society Foundation and Akademia e Studimeve Politike, Tirana.

<sup>59</sup>Bashkia Tiranë dhe Ministria e Kulturës shkelin ligjin për aksesin tek Kalaja e Tiranës. Ja denoncimi. E mërkurë, Dhjetor 26, 2018, Available from: [www.faktor.al](http://www.faktor.al) /http://www.faktor.al/2018/12/26/bashkia-tirane-dhe-ministria-e-ckultures-shkelin-ligjin-per-aksesin-tek-kalaja-e-tiranes-ja-denoncimi/?fbclid=IwAR1y4VltX9mtEQumZ3RenVGGbxiGYT3Io4zIECLq1eseMLZWnP2HUZP9WGU

<sup>60</sup>Lubani, A. (2018). Durres for all - Guidelines on ensuring accessibility for persons with disabilities to assist decision-makers, designers and implementation specialists in the field of construction and other stakeholders in the Municipality of Durres. USAID Albania, Tirana.

<sup>61</sup>Idem.

<sup>62</sup>Shoqata e Para & TetraplegjikëvetëShqipërisë. (2018). SITUATA E AKSUESHMËRISË NË SHQIPËRI, FAZA I – Aksesueshmëria në Qarqet: Korçë, Gjirokastër, Vlorë dhe Kukës.

<sup>63</sup>Deklaratë e Avokatit tëPopullit, 27.05.2016, Available from: <http://www.avokatipopullit.gov.al/sq/content/27052016-%E2%80%9Casnj%C3%AB-investim-p%C3%ABr-infrastruktur%C3%ABn-q%C3%AB-mund%C3%ABson-l%C3%ABvizjen-e-personave-me-aft%C3%ABsi-t%C3%AB>

<sup>64</sup>Fondacioni "Sëbashku". (2016). Qyteti për personat me aftësi tëkufizuar - Ëndrra tëbarabarta, mundësi tëbarabarta, Friedrich Ebert Stiftung, Tirana.

levels, or for reaching upper floors, accessible toilets, seats reserved for persons with disabilities in these theatres, elements of accessibility for persons with visual and hearing impairments, etc.

Only in Tirana<sup>65</sup> there can be found buses that have ramps for wheelchair users but often overcrowding of the buses and bus stations that are not accessible make them impossible to be used by persons with disabilities. In Durres<sup>66</sup> and other regions, the situation is even more problematic. Urban and inter-urban bus lines in Albania lack completely itineraries' tables or information in audio version for people with hearing and visual impairments. In interurban transport, accessibility elements are lacking.

Paragraph 66 of the State report mentions that in Tirana there are reserved parking spaces for people with disabilities using cars. From our observation<sup>67</sup>, reserved parking spaces are very few in number and not complying with the 5% provision<sup>68</sup> and they are limited to certain areas in the center of Tirana. They often are not designed properly making it difficult for people with disabilities to use them. The municipality of Durres<sup>69</sup> has a similar problematic with reserved parking spaces but at a larger scale.

#### Access to communication

After the adoption of the Council of Ministers' Decision dated 03.12.2014 "For the recognition of Albanian sign language", there have been no other measures taken by the Albanian government in order to improve access to information in sign language for people with hearing impairments.

Persons with hearing disabilities don't have access to sign language professional interpretation. In the country, there are only four sign language interpreters.

The public television (TVSH) has only a transmission of news 5-15 minutes in sign language at 13:00 during weekdays.

Persons with hearing impairments don't have access to sign language interpretation in situations of emergency like with the police office, fire stations and medical and civil emergencies, also in services of employment, justice, education, or in accessing websites of public institutions either local or central and therefore no access to services<sup>70</sup>.

#### **Article 12: Equal recognition before the law**

---

<sup>65</sup>Lala.S. (2016). Policy brief "Accessibility standards for persons with disabilities in the 2015-2016 infrastructure interventions of the Municipality of Tirana". Open Society Foundation and Akademia e Studimeve Politike, Tirana.

<sup>66</sup>Qendra Konsumatori shqiptar (2017) "Raport Monitorimi mbi Shërbimin e Transportit Publik", projekti Përmirësimi I cilësisë së shërbimit të transportit rrethqytetas në Bashkinë e Durrësit, Tetor, Durrës.

<sup>67</sup>Lala.S. (2016). Policy brief "Accessibility standards for persons with disabilities in the 2015-2016 infrastructure interventions of the Municipality of Tirana". Open Society Foundation and Akademia e Studimeve Politike, Tirana.

<sup>68</sup>Neni 26, Vendim i Këshillit të Ministrave, Nr. 1503, 19.11.2008, "Për shfrytëzimin e hapësirave nga ana e personave me aftësi të kufizuar".

<sup>69</sup>Lubani, A. (2018). Durres for all - Guidelines on ensuring accessibility for persons with disabilities to assist decision-makers, designers and implementation specialists in the field of construction and other stakeholders in the Municipality of Durres. USAID Albania, Tirana.

<sup>70</sup> Albanian National Association of the Deaf. (2015). Study: Persons with hearing impairments in Albania.

The Albanian Government correctly reports the inconsistency of the Albanian legislation with the CRPD and expresses its readiness to take steps in guaranteeing the right to exercise legal capacity (p. 78). However, the government does not report on what specifically is implied with these measures and when it will start implementing them. The Albanian government still does not have a plan indicating the beginning of the implementation of any measure concerning equal recognition before the law.

The Civil Code in its **Article 9** deals with "psychological diseases" in relation to the legal capacity to act. It follows that even during the age of 14-18 years and for those over 18, if a person has "mental illness or mental development", by a court decision the person's legal capacity may be removed or restricted. Referring to **Article 10** of the Civil Code, the removal or restriction of the legal capacity (to act) can be decided only upon a court decision and is always accompanied by the placement under guardianship. The Civil Procedure Code (Article 382) establishes the procedure for the removal of the legal capacity to act, while the Family Code (Article 270) regulates the issue of guardianship.<sup>71</sup>

In 2016, the Albanian Government approved the National Action Plan for Persons with Disabilities 2016-2020<sup>72</sup> Several actions are also envisaged for achieving equality before the law, such as conducting a study on the supported decision-making, amendments to the Criminal Procedure Code for recognition as a party to the proceedings of persons with disabilities. None of these actions has been taken by the Albanian Government.

The Law on Inclusion and Accessibility (p. 80), in Article 7, point 1 provides the definition of support decision making and also provides for the adoption of a decision of the Council of Ministers on forms, procedures and the criteria for granting supported decision-making. This article is not compliant with CRPD. In this article, there can be found formulations such as "for the highest interest of the person", contrary to the recommendations issued by the Committee for the Rights of Persons with Disabilities, in the General Comment on Article 12. Also, the Albanian Government the decision of the Council of Ministers is not approved, contrary to what the law itself provides, which is its adoption up to 24 months after the entry into force of the law, which has actually entered into force since 2014.<sup>73</sup>

Another very disturbing aspect is the profound lack of knowledge or awareness of the part of government 's administration institutions and the judiciary institutions, about what Article 12 is all about and what it implies.

The Law on Mental Health adopted in 2012, despite the fact that the CRPD at that time was signed by the Albanian Government, also contains provisions allowing for involuntary placement

---

<sup>71</sup>Equal recognition before the law and independent living of persons with disabilities  
<http://www.al.undp.org/content/dam/albania/docs/Njohja%20e%20barabarte%20para%20ligjit-Vendimarrja%20e%20mbeshtetur-Jetesa%20e%20pavarur.pdf>

<sup>72</sup>The plan that was not included in its report since at the time of submission of the report the plan was not approved whereas the National Strategy for People with Disabilities was still in force, which has now been replaced by this plan. Decision of the Council of Ministers no. 483, dated 29.6.2016 On the adoption of the National Action Plan for Persons with Disabilities, 2016–2020: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2016/PDF-2016/124-2016.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2016/PDF-2016/124-2016.pdf)

<sup>73</sup> Law No. 93/2017, 24.7.2014, Articles 7 and 21: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/135-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/135-2014.pdf)

and treatment<sup>74</sup> in psychiatric hospitals, and removal of the legal capacity to act of the person with mental health problems.<sup>75</sup>

Also, the Constitution of the Republic of Albania contains several articles which support the removal of the legal capacity on the basis of a final court decision<sup>76</sup>. Persons with final court decision to have removed the legal capacity to act, cannot vote. Many public positions are conditioned by legal capacity (to act).

### **Article 13: Access to Justice**

In Albania, justice institutions do not fully guarantee physical access to all categories' of persons with disability<sup>77</sup>. In recent years, the construction of ramps has been provided in the premises of some district courts<sup>78</sup> which make it possible to facilitate access to *administrative services of persons with disabilities*. Meantime the full accessibility of court premises to be accessible for wheelchair users, as part in court process, still remains an issue. Buildings do not allow physical access to every floor (there is a lack of elevators) and furthermore, they do not meet any accessibility parameters for people with sensory or intellectual disabilities. The same situation occurs in the prosecution institutions and the police stations.

*Procedural and age-appropriate accommodations:* Persons with disabilities in Albania often face barriers regarding the implementation of the principle of "equality of arms" due to inaccessible documentation or procedures<sup>79</sup>. Consequently, the lack of "procedural accommodation" entails a violation of the "due legal process" principle and, moreover, an exclusion from the proceeding and/or the submission to unfair sentencing. Further, the Albanian legal framework, i.e. the procedural codes, does not explicitly define the right to "procedural accommodation" in respect to disability or age and to ensure the "right to an effective remedy" if this right is violated<sup>80</sup>.

Persons with sensory impairments, despite being legally guaranteed by the state that in the criminal process will be provided free of charge a sign language interpretation<sup>81</sup>, the limited number of interpreters of the Albanian sign language (4 interpreters throughout the country)<sup>82</sup> makes it impossible to cover the entire country with this service.

Problematic for this category are also cases of trial during civil proceedings, wherein persons with hearing and speech impairment are still required to individually cover court costs in terms

---

<sup>74</sup>Article 3, Item 11, Articles 20-24, Law on Mental Health: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2012/PDF-2012/53-2012.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2012/PDF-2012/53-2012.pdf)

<sup>75</sup>Article 9, Removal of the Legal Capacity to Act, Articles 20-24 on the Involuntary Treatment. The Mental Health Law: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2012/PDF-2012/53-2012.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2012/PDF-2012/53-2012.pdf)

<sup>76</sup>Article 45, paragraph 2, Constitution of the Republic of Albania:

<http://www.qbz.gov.al/Kushtetuta%20me%20pjese/Pjesa%20e%20dyte,%20Te%20drejtat%20dhe%20lireite%20themelore.pdf>

<sup>77</sup> ADRF, "Adapting Court Facilities and Services for Persons with Disabilities" December 2010

<sup>78</sup> Judicial District Court of Tirana, Mat, Lezha. Based on the observation of ADRF in the framework of the project "Effective Access to Justice for Persons with Disabilities"

<sup>79</sup> Not adapted to accessible formats for all categories of people with disabilities

<sup>80</sup> ADRF "Monitoring report on Albanian legal framework granting access to justice for people with disability" December 2018

<sup>81</sup> CCP Article 8 - Use of Albanian Language ... Deaf and mute persons, are entitled to use sign language. 3. The costs of translation and interpretation are covered by the state.

CCP - Article 34/a Rights of the Defendant 1. The person under investigation or the defendant is entitled: ... b) to use the language that speaks or understands or use the sign language, as well as to be assisted by an interpreter/translator if he/she has disability in speaking and listening;

<sup>82</sup> Referring to ANAD organization evidence

of sign language interpreter service throughout the stages of the judicial process<sup>83</sup>, as reported by ANAD. Moreover, the Code of Civil Procedure did not envisage mandatorily the right of a deaf person to be provided necessarily with "procedural accommodations" in terms of interpreter assistance and use of sign language during all phases of adjudication<sup>84</sup> which makes it even more difficult in judicial practice to ensure this right.

For the category of blind people, the provisions of the Civil Procedure Code and those of the Criminal Procedure Code do not explicitly foresee the application of the manner of notification with appropriate forms or formats in accordance with their disability (e.g. braille forms) or simple forms and formats/easy to read formats that can be understood by a person with intellectual disabilities or psychosocial disabilities<sup>85</sup>.

- On the other hand, "procedural accommodation" should be adapted also "due to age". In this respect, Albania has made progress in terms of the legal safeguards affirmed in the "Criminal Justice Code for Minors"<sup>86</sup>. The Code clearly provides for the concept of non-discrimination of juveniles, including juveniles with disabilities<sup>87</sup>. Also, the principle of "suitability of procedures" in order to ensure the juvenile's right to effective access to justice is best reflected in this Code in its articles, as regards the juvenile's notice but also his/her participation in the judicial process<sup>88</sup>. Also, the Code has provided for minors with disabilities the benefit free of charge of all the services they need for "suitability of procedures" throughout the trial stages. *The Code entered into force on January 1, 2018 but we still have no data on how effectively are put to practice the legal guarantees sanctioned in it.*

*The right to seek justice, to be tried and to testify:* The Albanian legal framework has in force provisions that are in conflict with the CRPD and in particular with the safeguards of Article 13 "Access to Justice". It is precisely the removal of legal capacity through a court decision, a provision which is still in force in the Civil Code of the Republic of Albania<sup>89</sup> as well as extensively applicable in Albanian judicial practice, that leads to exclusion from investigative and judicial processes and affects the exercise of the right of people with disabilities to a fair legal process<sup>90</sup>. Specifically, persons with intellectual disabilities or persons with psychosocial disabilities are generally limited on their right to initiate court proceedings, to be heard

---

<sup>83</sup> Despite the fact that the Law "On Legal Aid" no. 111/2017, dated 14.12.2017 entered into force on June 1, 2018, on the basis of which it is guaranteed exemption from court expenses (part of court expenses are also expenses for experts or interpreters) of all categories of persons with disabilities, the implementation in practice of this right has not yet been effective due to the lack of issuance of the relevant sub-legal acts.

<sup>84</sup> CPRC Article 27 "Use of the Albanian language at trial .... At all stages of the trial the Albanian language is used. People who do not know Albanian use their own language. They get acquainted with the evidence and the entire process of the trial through the interpreter."

<sup>85</sup> CPRC Article 130 Rules of written notification of acts. The written notification is made by the means of the court employee or the postal service of the summons or other acts that must be notified to the summoned person, wherever he is located. ....

<sup>86</sup> Law no. 37/2017, dated 30.3.2017, entered force on January 1, 2018

<sup>87</sup> Article 11 Principle of Protection from Discrimination 1. The rights deriving from this Code are guaranteed without any discrimination to any minor in conflict with the law ... genetic predisposition, disability ...

<sup>88</sup> Article 16 "Minor's Participation in the Proceedings"; Article 33 "General Principles"; Article 38 Notification of a minor victim or witness 1. If the minor is a victim or a witness, the proceeding authority shall take all necessary actions to inform the minor: a) *in such a way that the information is suitable and understandable, including cases of the juvenile's disability;*

<sup>89</sup> "Article 9 - A minor between the ages of fourteen and eighteen, who is unable to take care of his/her affairs due to mental illness or mental deficiency, may be deprived of his legal capacity by a court decision. These actions can be performed only through his/her legal representative."; Article 10 The adult who, due to a mental illness or deficient mental development, is wholly or partially unable to take care of himself/herself, may be deprived of the ability to perform legal actions, via a court decision.

<sup>90</sup> ADRF "Monitoring report on Albanian legal framework granting access to justice for people with disability" December 2018

personally (they themselves) in the role of a witness or as a party to the proceedings, to testify or to contradict the evidence, to appeal court decisions<sup>91</sup>.

The legal provisions that apply in the territory of the Republic of Albania favor these legal restrictions that lead to the violation of the principles of "equality of arms" and "non-discrimination". These restrictions are still in force and implemented under the Code of Civil Procedure<sup>92</sup>, Code of Criminal Procedure<sup>93</sup>, and Family Code<sup>94</sup> etc.

Also, in the Code of Criminal Procedure it is still upheld the principle of "exception from criminal liability due to mental incapacity"<sup>95</sup> (unfitness to stand trial) and by a court decision the person is subjected to examination in order to evaluate his capacity to act, which may be contrary to his will<sup>96</sup>. While it does not seem to be within the legal framework nor in the framework of policies that effective actions were taken for persons with intellectual disabilities and persons with psychosocial disabilities so that they are provided with the opportunity to enjoy the necessary support through "procedural accommodation" and/or "supported decision-making", rather than declaring these persons "without legal capacity to act"<sup>97</sup>.

*Free legal aid*<sup>98</sup>: Law no. 111/2017 "On State Legal Assistance" came into force on June 1, 2018 and ensures the right to receive primary and secondary assistance, regardless of the person's

---

<sup>91</sup>ADRF "Monitoring report on Albanian legal framework granting access to justice for people with disability" December 2018

<sup>92</sup> "Article 33 No lawsuit can be initiated by a person who is void of juridical capacity to act"; "Article 91 - Capacity to act .... Persons who do not have the capacity to act in a civil trial may participate in trial only when they are represented in conformity with provisions regulating their capacity."; Article 96 "Providing representatives with power of attorney";

<sup>93</sup> Article 155 "Capacity to Testify" 1. Every person has the capacity to testify, except for those who, due to mental or physical disabilities, are unable to testify. 2. When for the assessment of the statements is necessary to verify the physical or mental ability to testify, the court may also order the relevant verifications to be made.

Article 156 "Incompatibility with the duty of the witness" 1. Cannot be questioned as witnesses: 86 a) persons who, due to their physical or psychological disability, are unable to provide proper evidence; Article 44 "Suspension of proceedings due to the defendant's irresponsibility" ; Article 107 "The participation of deaf, mute and the deaf and mute person in the making of procedural acts" ; Article 108 "Witnesses in procedural acts" 1. Cannot be witnesses to validate the content of a procedural act: a) minors up to fourteen years of age and persons with obvious mental illnesses or who are in serious condition of drunkenness or intoxication with narcotic and psychotropic substances; Article 124 "Incapacity and incompatibility of interpreter"

<sup>94</sup> "Article 12 A person who suffers from a serious mental illness or has a mental retardation which makes him unable to understand the purpose of marriage cannot be married."; "Article 35 Marriage entered upon by a person suffering from a severe mental illness or having a defective mental development that renders him unable to understand the purpose of marriage, is invalid."; "Article 245 A person cannot adopt when: ..... ; b) they are affected by a psychiatric disease or have defective mental development or when they are affected by a disease that could endanger the health and life of the adoptee"; "Article 307 The Court, in a decision removing or limiting the legal capacity to act, shall appoint a guardian for the person whose legal capacity is removed."

<sup>95</sup> "Irresponsibility due to mental state" There is no criminal responsibility for a person who at the time of the commission of the offense suffered from a mental or neuro-psychic disorder that has completely ruined his mental balance and consequently has not been able to control his actions or omissions or to realize that he commits a criminal offense.

<sup>96</sup> Article 43 Verifying the culpability of the defendant 1. When there are reasons to believe that, because of mental disorder caused after the event, the defendant is not able to participate in the proceedings, the court orders expert examination even ex officio.

<sup>97</sup>ADRF "Monitoring report on Albanian legal framework granting access to justice for people with disability" December 2018

<sup>98</sup> Code of Civil Procedures Article 158 Preliminary actions of the single judge (Amended by law no. 122/2013, date 18.4.2013 and no. 38/2017, dated 30.3.2017) 1. The Court, after finding the claim lawful under Articles 154/a and 156 of the present Code, asks the defendant to issue a defense statement not later than 30 days after the notification of the claim. The same rules apply even in the case of a lawsuit filed by a third party in litigation or counterclaim. 2. The court shall inform the stage of criminal proceedings; c) minor victims and minors in conflict with the law, at any stage of criminal proceedings; ç) children who live in social care institutions; d) children under guardianship who seek to initiate proceedings without the approval of their legal guardian or against their legal custodian; dh) Persons benefiting from disability payments, in accordance with the applicable legislation in force on social assistance and services, including those who benefit from the status of blind people; e) persons subjected to involuntary treatment in mental health care institutions, in accordance with the provisions of the applicable mental

income and their financial situation for any person with disability<sup>99</sup> including specifically children who are placed in care institutions or individuals with psychosocial disabilities who have been removed or restricted their legal capacity to act, without the need to obtain the approval of their legal guardian. The current problem with this law is the lack of effective implementation and the Albanian Government is for more than 1 year late to issue the sub-legal acts needed to implement this law. Consequently, people with disabilities in Albania still find it impossible to exercise the right to free legal aid from the state.

*Training in the domain of administration of justice and legal education:* It seems that the Magistrates in training in the School of Magistrates do not have a specific topic in their continued training regarding the new concepts that have been introduced under Article 13 "Access to Justice" of the CRPD. While the CSO are more active in this process, ADRF has managed to provide informative sessions for around 70 judges and persecutors in five target regions in Albania during 2018<sup>100</sup>.

### **Article 19: Living independently and being included in the community**

The Law 93/2014<sup>101</sup> "On the social inclusion and accessibility of persons with disabilities" for the first time makes provisions about independent living for persons with disabilities and specifies also the services that need to be provided, in order for persons with disabilities to enjoy this right. Bylaws have to be drafted and approved for independent living services to become possible.

Independent living for people with intellectual disabilities is considered impossible for the time being and that it is coupled with a variety of barriers. Despite the readiness that persons with disabilities have to live an independent life, their decisions are made from the family or other guardians. Fear and disbelief about the skills from the part of their family and others; economic difficulties, little employment opportunities, alternatives that they have available for habitation, abandonment by family, gender, are among the main factors influencing the opportunities for them to live an independent life, enjoy a healthy emotional state, not be discriminated against and not isolated.<sup>102</sup>

---

health legislation; ë) Persons who are subject to voluntary treatment in mental health service institutions for serious mental illnesses; f) persons to whom removal or restriction of the ability to act is required at any stage in this process; g) persons who have been deprived or restricted in their capacity to act, seeking to initiate proceedings against their legal guardian for restoring to themselves the capacity to act without the approval of the legal guardian; gj) persons who are beneficiaries of social protection schemes; h) persons who have been wronged by an act or omission that constitutes discrimination, based on the decision of the competent body, according to the applicable legislation on protection from discrimination. respondent of the necessary content of the defense statement referred to in paragraphs 3 and 4 of this Article in respect of the possibility of seeking legal assistance and legal consequences in the event of failure to issue a defense statement

<sup>99</sup> Article 11 Special categories of legal aid beneficiaries. Legal aid is provided to the following persons, regardless of their income and wealth: a) victims of domestic violence; b) sexually abused victims and victims of trafficking of human beings at any

<sup>100</sup> ADRF in the framework of the project "Civic engagement for a functional judicial system and access to justice in Albania" with the financial support of "European Union" and implemented by "Save the Children" in partnership with the "Integrated Legal Services and Practice Center", is implementing the project to provide access to justice for all persons with disabilities in Albania. In this scope, during the period of March - June 2018, it managed to conduct a one-information session on the topic: "National and International Standards for ensuring access to justice for persons with disabilities" for the staff of Courts and Prosecutions in 5 regions: Tirana, Durrës, Gjirokastra, Lezha and Mat. The training focused specifically on Article 12 and 13 of the CRPD, with a special focus on the case law of the European Court of Justice in Strasbourg.

<sup>101</sup> Law No. 93/2014 "On Inclusion and Accessibility of People with Disabilities", Available from: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/135-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/135-2014.pdf)

<sup>102</sup> Independent living and inclusion in the community "Perspectives from persons with

So far, only the Council of Ministers' Decision No. 1074, dated 23.12.2015<sup>103</sup> "For defining actions for the elimination of barriers in communication and infrastructure in offering public services for persons with disabilities" has been approved, but as we have highlighted in the part about accessibility, no significant progress has been made to eliminate barriers, which in turn obstruct independent living.

In 2015, the Municipality of Tirana after a long time provided social housing opportunities and part of the beneficiaries were also persons with disabilities. The social housing buildings were inaccessible, and the disability beneficiaries handed back the keys of the apartments as they could not make use of them.

Article 8 of the Law "On social inclusion and accessibility of persons with disabilities" provides for the service of the personal assistant and a Council of Ministers' Decision has to be approved to define it better. No decision has been adopted, even though the deadline<sup>104</sup> for doing so has passed long ago. To this day, the state provides an amount of money which is less than half of the minimum salary in Albania for the service of "caregiving" to some categories of persons with disabilities. Being unable to employ someone with that amount of money, family members end up doing the job on their own. This service is also very paternalistic in nature and medical model oriented as the sum is designed to be withdrawn by the 'caregiver' which takes away choice and control from the person with disability.

The law 121/2016 "On services of social care in the Republic of Albania" provides for the homecare service<sup>105</sup> for persons with disabilities, which is a typical medical model type of service and that provides no choice and control for persons with disabilities. It remains to be seen how it will work in practice but people with disabilities are concerned that funds and attention will be drawn away from the personal assistant and are going to be put into the home caring service instead. The law and its bylaws were not properly consulted with disability organizations.

Article 9 of the law 93/2014 "On the social inclusion and accessibility of persons with disabilities" provides for assistive devices, but so far, nothing has been done to even remotely go down that path. The state doesn't provide even the most basic assistive device, the wheelchair.

It is obvious that there are no concrete engagements<sup>106</sup> to provide independent living services for persons with disabilities and instead of enjoying it as a right, it remains a dream for persons with disabilities. No step has been taken on the deinstitutionalization process.

## **Article 24: Education**

---

intellectual disabilities, their families and community service providers: <http://www.helpthelife.org/vet-advokuesit/36-raport-vet-advokues>

<sup>103</sup>Decision of the Council of Ministers no. 1074, dated 23.12.2015 "On the determination of actions to eliminate the obstacles in communication and infrastructure in the provision of public services for persons with disabilities". Available from: [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2015/12/243.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2015/12/243.pdf)

<sup>104</sup>Article 21 of the law 93/2014 "On the social inclusion and accessibility of persons with disabilities".

<sup>105</sup>Article 12 of the law 121/2016 "On the services of social care in the Republic of Albania".

<sup>106</sup>Lala, S. (2016). Independent living, a right, yet a dream for people with disabilities in Albania. [Internet]. Tirana Observer. Available from: <http://www.tiranaobserver.al/jetesa-e-pavarur-nje-e-drejte-por-ende-nje-enderr-per-personat-me-aftesi-te-kufizuar-ne-shqiperi/> [Accessed on May 5, 2016].

### School attendance by children with disabilities

The right to education is enjoyed by only 30% of children with disabilities, is what has been stated in the study of Save the Children and World Vision, published in April 2018, the first national study on the prevalence of disability in children 2 to 17 years old (for 10 municipalities with 4,896 children with disability, only 1,255 are enrolled in schools, which for these 10 municipalities it is 26 percent)<sup>107</sup>, which contradicts the data provided by the government in its report that 55.6% of people with disability over 15 years of age, have completed basic education, according to the census of 2011.

### Data Collection

Save the Children has built for MES a database for data collection pertaining children with disabilities in schools. However, MES is not utilizing it despite that according to their agreements it should have been using it from the end of the project in 2017.

The law PUE allows for both special and mainstream education of children with disabilities. Ultimately the parents choose whether their child will attend a special or mainstream school. This is not in line with article 24 of CRPD.

### Support teachers

The need for assistant teachers has turned into a government priority, however, their training is not sufficient or qualitative. There were appointed about 700 assistant teachers in September 2018, but they are only qualified as regular teachers and have no knowledge about the support they have to provide to children with disability. This figure is low compared to the needs of the country.

MES has adopted comprehensive teacher profile but very few teachers are trained and universities in their curricula for the new teachers' training, especially teachers preparing for LSE, include very few disability related school subjects.<sup>108</sup>

### Accessibility

The level of accessibility inschoolsis very low even though there is a law on accessibility and standards for the construction of schools, kindergartens and nurseries. Particularly there are no accessible toilets which causes that most children (girls) drop out of school.

### Students with sensorial impairments

There are no sign language interpreters and braille teachers. These teachers can be found in the only two specialized schools that cover all of Albania, namely: The Institute for Blind and The Institute for Deaf Students.

The Albanian sign language is not part of the school curriculum, students are taught through oral and doctrinal methods.<sup>109</sup>

97% of adults with hearing disability are functional illiterate. Illiteracy in the non-hearing population is five times higher than in other groups of people with disabilities (20%) and 35 times higher than in the population of people without disabilities (2.8 %).<sup>110</sup>

---

<sup>107</sup><https://www.worldvision.al/aftesia-e-kufizuar-te-femijet-ne-shqiperi-prevalenca-e-aftesise-se-kufizuar-aksesi-te-sherbimet-dhe>

<sup>108</sup>Order no. 195, dated 25.4.2016, "On approving the document 'Education and training of teachers for inclusion - Inclusive Teacher's Profile'"

<sup>109</sup> source: Study "Report on the situation of education of students who do not listen in Albania" 2016

Students with hearing disabilities cannot attend high school or university because of lack of interpretation in Albanian SignLanguage.<sup>111</sup>

### Transport

Transport for students with disability is not offered. Some students with disabilities can benefit from free transportation, but in rural areas there is not transportation means at all, or they are totally not accessible.

### Budgeting

Based on data from MES the Ministry of Finance and INSTAT, it does not appear that education for children with disabilities is budgeted.<sup>112</sup> Detailed budgets for the education of children with disability in MES are designated only for the special schools, in which according to the statistics for all these 8 schools (6 MMR schools and 2 Institutes) there are enrolled about 600 children with disabilities.

No steps were taken to eliminate special education and transformation of special schools to resource centres to help further inclusion in mainstream schools<sup>113</sup>. In rural areas it is harder to educate a disabled child.

The schools and kindergartens do not have a budget allocated for the purchase of a didactic material base for quality education of children with disability<sup>114</sup>.

It is true that during the implementation of the project by Save the Children with the MEDPAK, as stated in the government's report, there were established multidisciplinary commissions in 7 RED/EO, based on the Normative Provisions on Pre-University Education (Article 93), to assess educational needs of students with disabilities. However, with the completion of the project, these commissions became dysfunctional as there is none in the MES to monitor their work and the implementation of inclusive education.

Children in daily or residential centers (social care institutions) should be full or part time educated in the nearest school to the care institution or in a public school designate, but this rarely happens.

### Higher education

In higher education, there are no inclusive policies for students with disabilities<sup>115</sup>.

There is a DCM no. 517, dated 01.08.2014 which sets out quotas for students with disabilities admitted to public universities, but only for blind and paraplegics and quadriplegics.

In the MES there is only one person that is 50% of the time working to realize the inclusive education objectives in Albania, and that makes it impossible to attain this objective.

---

<sup>110</sup>Source: Study "People Do not Listen to Albania 2015"

<sup>111</sup> (source: Study "Persons Who Do not Listen to Albania 2015".

(source: "Report on the situation of education of students who do not listen in Albania" Tirana 2016

<sup>112</sup>[https://www.researchgate.net/publication/328465679\\_Financimi\\_i\\_...](https://www.researchgate.net/publication/328465679_Financimi_i_...)

<sup>113</sup><http://www.arsimi.gov.al/wp>

<sup>114</sup>Defined in NP, Article 94. RED/EO prioritizes the equipping of students with disability with learning tools and auxiliary devices that assist the learning process and their personal and inter-personal development.

<sup>115</sup><http://www.qbz.gov.al/Ligje.pdf/arsim/LIGJ%20Nr.%2080-2015.pdf>

## Article 25: Health

Even though the legal and strategic framework in the domain of health care provision has marked progress towards alignment with the CRPD guidelines and other international instruments, very little is done in Albania to take actions for its implementation. The National Health Strategy<sup>116</sup> 2016-2010, refers in particular to "Early Identification Programs Neonatal examinations of infants and children for potential hearing and visual developmental impairment, and examination for early diagnosis of autism spectrum disorders"<sup>117</sup>. It also aims at "lowering the infant and maternal mortality rate and ensuring a healthy start in life". Notwithstanding the foregoing, the document lacks well-defined activities or indicators pursuant to these objectives, which diminishes the ability of the Strategy to be translated into concrete actions that improve access to health services for persons with disabilities.

In the domain of Health Care, the Action Plan<sup>118</sup> for Persons with Disabilities 2016-2020, aims to ensure accessible and affordable health care for persons with disabilities through the implementation of the obligations it undertakes. Until now, there is no evidence of the implementation of the actions foreseen in this document. However, studies and analysis carried out, indicate that people with disabilities<sup>119</sup> and their family members, just as also the staff<sup>120</sup> of local and regional institutions, are still not familiar with this action plan and are not sensing its implementation.

Access to health services for persons with disabilities is hampered by costs and lack of services, while transport to reach services remains a critical drawback. Many families from different towns and villages in the country intend to receive services in Tirana, and even report having to travel abroad at considerable cost to diagnose and receive proper treatment for their child or their family member because they have no trust on Albania's health system<sup>121</sup><sup>122</sup>. A quantitative representative survey<sup>123</sup>, conducted in 2017, concluded that cost is an important obstacle to access the health services, especially for children with "profound /severe" disabilities (28 percent). families.

Persons with disabilities, "para and tetraplegics", run into difficulties in achieving and obtaining a health service in accordance with their specific needs. Over time, as a result of muscular weakening, lack of hygiene, lack of suitable mobility devices, often they are inflicted with decubitus wounds. The wound treatment service is in most cases not provided by the family

---

<sup>116</sup> DCM. No. 439, dated 17.5.2017, "*The National Health Strategy*".

<sup>117</sup> Objective 1.2 of the National Health Strategy (2016-2020), DCM no. 439, dated 17.5.2017.

<sup>118</sup> DCM No. 483, dated June 29, 2016, "*National Action Plan for Persons with Disabilities, 2016-2020*".

<sup>119</sup> UNDP & ADRF (2017). Evaluation Report, "Level of knowledge on the rights and participation of persons with disabilities in the lawmaking processes in the Municipalities of Përmet, Dibra and UraVajgurore".

<sup>120</sup> World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>121</sup> UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>122</sup> World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>123</sup> World Vison & Save the Children, Tirana (2018). Study Report "Disability and Children in Albania: Prevalence of disability, access to services and service quality".

doctor. The situation is even worse in rural and remote mountain areas where the nurse and the doctor are not present. In most cases, these persons do not undergo periodic health checks, they resort to the hospital system only when the disease or infection has progressed to an alarming condition, and this is due not to the neglect of the person with disabilities but to many obstacles which arise from the moment he decides to resort to the health system until the end of his/her checkup<sup>124</sup>. Many drugs needed for para and tetraplegic persons are not in the list of medicines reimbursed by NFHC. They are left out of the list of reimbursable drugs, medicines that cure urinary infections, decubitus wounds, etc.<sup>125</sup>

There is a lack of specialists/capacities<sup>126</sup><sup>127</sup> in terms of early identification and diagnosis of disabilities, regardless of the supporting applicable legal framework<sup>128</sup>. This is more present at the local level. Child health and development monitoring is carried out through visits that are described in the basic healthcare package. Healthcare staff carries out child development assessments based on the national child development protocol, approved by the Ministry of Health, however, the lack of capacity of health care providers to assess child development is a huge obstacle<sup>129</sup>.

The legal framework that ensures accessibility<sup>130</sup> in environments, communication, information, is unrecognizable and unenforceable in health centers and hospitals. Health institutions do not have a plan of measures to eliminate the barriers to information, communication and mobility for all disability groups, and moreover a dedicated budget line in this regard<sup>131</sup>. Moreover, there is limited knowledge of the legal framework and new concepts that it brings in this regard<sup>132</sup>.

In Albania, there is no reimbursement of costs for orthoses, prostheses, wheelchairs of different types, hearing aids and other auxiliary tools for persons with disabilities, nor do they have a database for children and adults with disabilities who are in need of them.

There is an initiative from the Albanian Government to support the wheelchair service in cooperation with organizations<sup>133</sup> civil society and donors. Since June 2017, 800 people with disabilities have been supplied with standard wheelchairs according to their needs. The legal framework<sup>134</sup> provides for the entering of wheelchair, crutches and other auxiliary equipment in the reimbursements scheme for persons with disabilities, but this is yet to happen.

---

<sup>124</sup> Document sent via email from the Association of Para and Tetraplegics of Albania, November 2018.

<sup>125</sup> Document sent via email from the Association of Para and Tetraplegics of Albania, November 2018.

<sup>126</sup> UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>127</sup> World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>128</sup> DCM No. 439, dated 17.5.2017, "National Health Strategy".

<sup>129</sup> UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>130</sup> Law no. 93/2014 dated 28.07.2014, "On Inclusion and Accessibility of Persons with Disabilities".

<sup>131</sup> as defined in the DCM no. 1074 dated 23.12.2015 "On Determining Actions to Eliminate Communication and Infrastructure Barriers in the Delivery of Public Services for Persons with Disabilities".

<sup>132</sup> World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>133</sup> ADRF has capacities and provides service under WHO standards; LDS offers a free ready-made product, 800 wheelchairs every year.

<sup>134</sup> Law No. 93/2014 dated 28.07.2014, "On Inclusion and Accessibility of Persons with Disabilities".

In our opinion, in conjunction with Article 159, the Law<sup>135</sup> “On Mental Health, 2012”, should be reviewed in order to ensure co-ordination with child protection laws<sup>136</sup>, inclusion and accessibility<sup>137</sup>, National Action Plan for Persons with Disabilities<sup>138</sup>.

There is a lack of support for parents and family members of persons with disability, in dealing with diagnosis, acceptance of the disability, orientation to make the right decision regarding treatment, training, rehabilitation and education of their family member. They feel excluded and need psychological support<sup>139</sup>.

Concerning Articles 161, 162, 163, we bring to attention the findings of a report<sup>140</sup>, which speaks of the inhuman and degrading treatment of the convict F.Z., who for years has not been offered specialized surgical interventions recommended by orthopedic doctors. The case is being represented at the Strasbourg Court<sup>141</sup>.

## **Article 26: Habilitation and Rehabilitation**

1. The State Report, in its paragraph 164 states that efforts have been made to enable the maximum independence of people with disabilities and their full physical, mental, social and professional ability through the development of comprehensive habilitation and rehabilitation services. Besides this statement, no information was provided on where these services were actually established. How many of such are there at the national level? Are there such for every disability category? In the same paragraph (164) in the Government Report it is evidenced that these services in most cases are not functional and are often unavailable for persons with disabilities. Again, there is no evidence on which to create a clear overview of the situation.

As noted in paragraph 164 of the government report, studies, evaluation reports as well as the work experience of civil society organizations<sup>142</sup>, with the focus on disability, have highlighted that; (1) habilitation and rehabilitation services are very limited in number and geographical extent; (2) they are mainly raised and supported by donor funds; (3) largely managed by NGOs; (4) there is a shortage in specialists to provide individual services/therapies in accordance with the needs of individuals with disabilities, according to the type of disability; (5) for the habilitation and rehabilitation services provided by non-public centers, the beneficiaries pay for the service (for the most part, people with disabilities and their families are unable to afford the cost of the enabling service because they are not reimbursed for it by the government) ; (6) physiotherapy services exist only in large regional hospitals, and therefore are not accessible by

---

<sup>135</sup> Law No. 44, 2012 “On Mental Health”.

<sup>136</sup> Law No. 18, 2017 “On Children's Rights and Protection”.

<sup>137</sup> Law No. 93/2014 datë 28.07.2014, “On Inclusion and Accessibility of Persons with Disabilities”.

<sup>138</sup> DCM No. 483, dated June 29, 2016, “National Action Plan for Persons with Disabilities, 2016-2020”.

<sup>139</sup> UNICEF (2018). We All Matter. A situation analysis for children with disabilities in Albania.

<sup>140</sup> AHC (2017). Human Rights Report, p. 18. [http://www.ahc.org.al/wp-content/uploads/2018/03/K.Sh.\\_Helsinki\\_Raporti-per-drejtat-e-njeriut.pdf](http://www.ahc.org.al/wp-content/uploads/2018/03/K.Sh._Helsinki_Raporti-per-drejtat-e-njeriut.pdf).

<sup>141</sup> The ECtHR is expected to issue a decision on the appeal of the convicted F. Z. regarding violation of Articles 3, 6/1, 13 and 14 of the ECHR

<sup>142</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

ADRF and World Vision (2018). The situation with service provision for children with disabilities at the local level: Guiding document on interventions in terms of improving the state of social and health services for the community of people with disabilities.

World Vision & Save the Children, Tirana (2018). Study Report "Disability in Children in Albania: Prevalence of disability, access to and quality of services”.

people with disabilities in need of them<sup>143</sup>, they are found to be not always functional due to the lack of trained specialists and the lack of proper equipment. The government has foreseen in its NAPPD the establishment of a central national rehabilitation center and the establishment of 3 other regional rehabilitation centers that have not yet been established<sup>144</sup>.

The Albanian Parliament in 2016 adopted the new law "On social care services in the Republic of Albania".<sup>145</sup> Even though this law provides for the provision of various social services, the situation in Albania continues to be very critical in terms of access to rehabilitation services compared to the needs, as well as the quality of those few existing ones.

As for the above, also in the UNICEF study "We all matter. Situational Analysis of Children with Disabilities in Albania", is stated that: "...*day care centers are the main providers of rehabilitation and habilitation services, although these services are also provided by some health centers ....*

*....rehabilitation and habilitation services for children are provided through health services at medical centers and hospitals, and through municipal centers, NGOs or community-based private centers, called 'Day Centers', 'Day Care Centers' or 'Community Day Centers'. According to the parents and children interviewed, Day Care Centers provide physiotherapy, speech therapy and other types of development therapies. Medical centers and hospitals offer some medicines and medical treatments, but do not offer any therapies. Although a group of specialists noted that the Ministry of Health and Social Protection has commenced the initiative of introducing a speech therapist into the health staff of each district hospital, not all districts have given priority to this element and the therapies offered in hospitals include only physiotherapy and are provided by a limited number of specialists ...*

*...parents pay privately for their child to receive therapy. They report having traveled to various European countries to get an accurate diagnosis, revitalization, treatment and rehabilitation. Moreover, all the expenses have been paid out of the family budget*

*... specialists who provide therapy at the Day Care Centers, confirm that transportation can pose a problem for children and their families and that the right materials and equipment are important for providing high quality services...*

Meanwhile, it is evidenced that training and up-to-date information for specialists is an important realm requiring empowerment and investment by state service providers, mainly by municipal authorities<sup>146</sup>.

---

<sup>143</sup> ADRF and World Vision (2018). The situation with service provision for children with disabilities at the local level: Guiding document on interventions in terms of improving the state of social and health services for the community of people with disabilities.

<sup>144</sup> Referring to the first para and tetraplegic association of Albania.

<sup>145</sup> Law no. 121/2016 "On social care services in the Republic of Albania",  
[http://www.qbz.gov.al/Ligje.pdf/ndihma%20dhe%20perkujdesja%20shoqerore/Ligj\\_121\\_24112016.pdf](http://www.qbz.gov.al/Ligje.pdf/ndihma%20dhe%20perkujdesja%20shoqerore/Ligj_121_24112016.pdf)

<sup>146</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

ADRF and World Vision (2018). The situation with service provision for children with disabilities at the local level: Guiding document on interventions in terms of improving the state of social and health services for the community of people with disabilities.

ADRF and World Vision (2017) The Local Plan of Inclusion of Persons with Disabilities in the Municipality of Shkodra

There is a lack of support for parents and family members in dealing with diagnosis, disability acceptance, guidance to making the right decision regarding treatment, habilitation, rehabilitation and education. They feel excluded and need psychological support<sup>147</sup>.

In Article 65, point 3, of the Law "On the pre-university education system in the Republic of Albania" is stated: "*Students with disability are provided with assistant teacher and rehabilitative service, according to the criteria defined by the minister's instruction.*"<sup>148</sup>

In addition to some changes to the appointment of assistant teachers, there are no data on other rehabilitation services for this category in educational institutions.

There is no Sign Language Interpreter for people with disability with speech and hearing impairment/loss. This service is an important component to ensure the inclusion of people with disabilities in rehabilitation services.

Also, there is evidence of massive lack of sustainable and long-term rehabilitation services for people with mental health disorders. The only benefit is cash payments due to disability, and thereafter, nothing is done to ensure rehabilitation, habilitation, employment, integration in everyday life activities, or the continuous treatment this community is entitled to.

As an important part of the habilitation and rehabilitation are the equipment and assistive technology. Access to them by people with disabilities is limited, unsystematic and not affordable due to fees<sup>149</sup>. In Albania, there is no reimbursement of costs for orthoses, prostheses, wheelchairs of various types, hearing aids and other aids for people with disabilities, nor is there any database for children and adults with disabilities who need them<sup>150</sup>.

2. Paragraph 165 of the government's report shows that based on the legal framework for mental health<sup>151</sup> the community mental health centers (outpatient services) and support homes (residential services) have been set up and are functioning for persons with psychosocial disabilities. This paragraph only identifies who may be the beneficiaries of the services provided by these institutions but does not relate any information on the number of these centers at the national level, the number of beneficiaries, the standards of services and the performance measurement of the provision of these services according to the issues the beneficiaries are faced with.

---

ADRF and World Vision (2017) The Local Plan of Inclusion of Persons with Disabilities in the Municipality of Dibra

<sup>147</sup> UNICEF (2018). We all matter. Situational Analysis of Children with Disabilities in Albania

<sup>148</sup> Law No. 69/2012 "For the pre-university education system in the Republic of Albania", [http://arsimi.gov.al/wp-content/uploads/2017/10/Ligji\\_Parauniversitar.pdf](http://arsimi.gov.al/wp-content/uploads/2017/10/Ligji_Parauniversitar.pdf)

<sup>149</sup> standard wheelchairs only are provided free of charge to physically handicapped persons across the country, for all age groups by ADRF

<sup>150</sup> ADRF and World Vision (2018). The situation with service provision for children with disabilities at the local level: Guiding document on interventions in terms of improving the state of social and health services for the community of people with disabilities.

<sup>151</sup> Policy Paper for the Development of Mental Health Services, 2003 and the Mental Health Services Development Plan for Albania, 2013-2022, Law no. 44/2012 "On mental health", the Regulation on Mental Health Services 2013 and other by-laws supporting the implementing the Law on Mental Health

According to the Ministry of Health and Social Protection, currently the system of mental health services includes: (1) services provided by the family doctor; (2) community-based mental health services such as; community mental health center; day centers; houses supported for chronic patients; (3) specialized outpatient services; specialized mental health services with beds; (4) special medical institutions. The records of the Ministry of Health and Social Protection currently provide information on the number of institutions/centers, part of the mental health services system by geographical location<sup>152</sup>.

Compared with the needs of individuals, the number of these centers is small. Although the Action Plan for the Development of Mental Health Services in Albania (2013-2022) foresees equipping all regions/districts with the integrated mental health services system, its implementing is yet to begin.

3. Paragraphs 166 and 167 of the report designate the respective functions that mental health centers and support homes have, based on the legal framework, however therein is not provided information on the number of beneficiaries; the standard, the quality of services and the impact they have on the beneficiaries or the level of cooperation and coordination of work with other health and social services in the community where these services have been established. There are no reports and evidence in this regard.

## **Article 27: Work and Employment**

Employment is one of the challenges faced by all categories of people with disabilities, regardless of whether they have received or not a relevant vocational training.

From the data provided by the National Association of Labor Invalids of the Republic of Albania,<sup>153</sup> it is reported that there are currently employed only 274 labor “invalids” in the public sector and 312 labor “invalids” in the private sector, while the total number of labor “invalids” for 2017 at urban level is  $n = 62,412$  and at rural level  $n=7,304$ <sup>154</sup>.

According to the National Employment Service data<sup>155</sup> from  $n=89,780$  unemployed jobseekers registered for 2017 at this entity,  $n = 479$  are registered as unemployed job seekers with disabilities, of which are evidenced as employed through the intermediary service only  $n = 18$  persons with disabilities whereas employed from the employment promotion program<sup>156</sup> only  $n=79$  people with disability.

The very low number of workers with disability is also due to the fact that there is a lack of the capacity of specialists in employment offices to welcome and guide people with disabilities who show up at employment offices. Current employees do not have the relevant profile and qualifications *to receive, evaluate and refer the case, in accordance with the job needs of any*

---

<sup>152</sup> 2 Psychiatric Hospitals (Elbasan and Vlora); 2 day centers; 2 Services / Psychiatric Wards (Tirana and Shkodra); 9 CCMH (3 Tirana, 1 Elbasan, 1 Shkodra, 1 Vlora, 1 Korça, 1 Berat, 1 Gramsh) + 1 CCMH in Kavaja (upcoming); 12 Supported Houses (2 Tirana, 2 Elbasan, 4 Shkodra, 3 Vlora, 1 Korça) + 1 Supported House in Kavaja (upcoming), e-mail: [emanuela.tollozhina@shendetesia.gov.al](mailto:emanuela.tollozhina@shendetesia.gov.al)

<sup>153</sup> Information also received from branches in the districts other than Tirana of this Association

<sup>154</sup> The total number of labor invalids in urban context for 2017 in Albania is  $n=62412$  information obtained from <http://www.instat.gov.al/al/temat/kushtet-sociale/mbrojtja-sociale/#tab2> dhe [http:// www.isshe.gov.al/ep-content/uploads/2014/02/Perb\\_12\\_17-web1.pdf](http://www.isshe.gov.al/ep-content/uploads/2014/02/Perb_12_17-web1.pdf)

<sup>155</sup> Evaluation Report for Albania "The Comprehensive Employment Service Participation in Albania" March 2018

<sup>156</sup> DCM 248 dated 30.04.2015

person with disability that is registered at employment offices<sup>157</sup>. There is still no entity under the Albanian regulatory framework to enable the performance assessment of each jobseeker with disabilities and to assess their needs for vocational training in line with skills and needs of the labor market.

In the data collected from the monitoring report prepared by ADRF,<sup>158</sup> it turned out that the employees of the employment offices do not have the sufficient professional capacity to assess the needs of unemployed jobseekers with disabilities in proposing a job as well as for assessing a reasonable accommodation in the workplace: *{ One of the interviewees states that: "There was a great difficulty in the first place to be understood by persons with disabilities, especially those with mental disabilities, about the type of program and the procedures to be followed"*

*"... The work-capacity evaluation of a person with disabilities has shortcomings .... I have no information on the categories of disability ... I rely only on what the person himself says ... we are not clear about who is defined as a person with disability according to the decision of MCWCA<sup>159</sup> .... }*<sup>160</sup>.

The law "On Promotion of Employment" foreseen the so-called "quota system", stated that *"every employer employing more than 24 employees is obliged to employ 1 (one) person with disabilities for every 25 employees of his staff..... The employer is given the opportunity to hire a person with severe handicap instead of five persons with a mild handicap (term used in the law)<sup>161</sup>*. For years this law has not been implemented by both public and private employers, as evidenced by a recent monitoring report of ADRF<sup>162</sup>. According to the data of this monitoring report, it is ascertained that out of the 72 public institutions contacted, 68 of them provided the required information. *Moreover, only 3 of these institutions had met the quota requirement for the employment of persons with disabilities.*

Reasonable accommodation in the workplace continues to be not guaranteed for employees with disabilities. This is also due to the fact that the administration employees *lack the necessary professional skills to assess the needs for reasonable accommodation/ adjustment in the workplace*. The Albanian regulatory framework still lacks a model for the type of adjustments and accessibility of the workplace and the work process so that each of the private or public institutions may be forced to adapt the working environments for the employment of the category of workers with disability in accordance with the required standards. *Also, the staff of employment offices emphasizes the need for capacity building / training provision in order for them to be clearer on the practical implementation of the concept of "reasonable accommodation*

---

<sup>157</sup> In this monitoring report, employees of employment offices emphasize that they: "... do not have the specific professional skills to determine which of the professions is most appropriate in relation to the jobseeker's disability, what elements of assistance will they need during the work process and of what nature. Respondents point out that a great deal of help in their work in this framework could be provided by the establishment of a body that would evaluate the work skills of this category ..... to suggest a list of potential job vacancies to be reserved for their employment, as well as other elements of assistance during the working process. This would not only facilitate the job of the employment offices, but it would be even easier for the people with disability themselves to navigate through the open labor market."

<sup>158</sup> ADRF, "Evaluation of the implementation of the Program for Promotion of Employment of Persons with Disabilities (DCM No. 248 dated 30.04.2014) "Monitoring Report, April 2017

<sup>159</sup> Medical Commission on Work Capability Assessment

<sup>160</sup> Footnote 41 page 29 ADRF, "Evaluation of the implementation of the Program for Employment Promotion for Persons with Disabilities (DCM no. 248 dated 30.04.2014) "Monitoring Report, April 2017

<sup>161</sup> Law no. 7995 Date 20.9.1995 "On Promotion of Employment" (amended), Article 15 "Obligation of the employer to employ persons with disabilities"

<sup>162</sup> ADRF, Monitoring Report "Implementation of the quota system for the promotion of employment of persons with disabilities by public institutions" September 2018

*in the workplace", what are the possibilities provided in the legal and sub-legal acts in this regard and how this obligation can be implemented in practice<sup>163</sup>.*

In the context of promoting employment, it is worth pointing out that the promotion of long-term employment of people with disabilities is "legally conditioned" precisely because the law "On Social Assistance and Services"<sup>164</sup> foresees forfeiture of disability payment/allowance 48 months from the moment of employment of a person with disabilities<sup>165</sup>. It is precisely this conditional provision that obstructs the principle and the general spirit of employment promotion, where people with disabilities due to this legal condition are not only not encouraged for long-term employment but are not even inclined to engage in the job search process.

The Republic of Albania Labor Code prohibits any discrimination in the employment and vocational training of persons with disabilities. This category has the right to work on appropriate job positions as assessed by the Medical Commission defining their job capability (MCWCA). According to this Code, the employer must provide appropriate jobs and facilities for persons with disabilities. Working hours for persons with disabilities are reduced to 6 hours per day or full 8 hours but with less demanding functions (supposedly adopted for their type of disability -only labor invalids). *These facilities defined by the Medical Commission of Work Capability Assessment (MCWCA) are neither monitored nor enforced.*

*Insufficient employers' awareness of the capabilities of persons with disabilities to work:* The pursuit of a job or the retention of a job position for a person with disabilities often passes through unpleasant situations related to the prejudices about the skills they can offer at work. Lack of employers' awareness of their skills and the opportunities they can show for contributing to society are a factor that curbs their employment. This lack of awareness on the part of employers can be manifested in forms of discrimination related to the employment of persons with disabilities such as prejudice, insults, slurs, and so on.

A real concern is also when workers are injured at work and the employer does not produce an Accident Report Paper within 72 hours, violating the rights of the worker in not treating the accident as a work-related accident but as a general illness, and that to avoid sanctions from state institutions to this employer. *For 2017, 2018, the National Association of Labor "Invalids" has 11 such cases that are not considered a work accident, denying entirely the right of the worker to acquire the legal rights related to the benefit of the "invalidity" pension.*

*Vocational training programs:* According to the data collected by an assessment report conducted by ADRF, it is found that<sup>166</sup> Vocational Training Centers face infrastructure and informational barriers in providing training courses for all categories of persons with physical, sensory or intellectual disabilities. Vocational Training Centers encounter difficulties during the teaching process for the categories of persons with disabilities, with particular emphasis on the lack of information and professional capacities on how to vocationally capacitate persons with

---

<sup>163</sup> ADRF, Report "Analysis of the needs assessment for capacity building of the National Employment Service staff to improve services to people with disabilities", August 2018

<sup>164</sup> Law No. 9355, dated 10.3.2005 (as amended) "On social assistance and services"

<sup>165</sup> Article 11 "... 2. *Beneficiaries, classified by decision of MCWCA in disability groups, get a termination of payments after 48 months of employment. Procedures in cases of return to disability benefit scheme are determined by a decision of the Council of Ministers.*"

<sup>166</sup> ADRF, Report "Analysis of Needs Assessment for Capacity Building of National Employment Service Staff regarding improving services to people with disabilities ", August 2018

disabilities. Current curricula are not standardized, tailored and overall are very technical, so that they are not accessible to be used by all categories of persons with disabilities.

Teaching curricula are inadequate for the category of blind persons who find it difficult to provide materials in the appropriate format (braille or audio) and for the category of persons with intellectual disabilities (simplified formats).

{Evidence of a representative of the regional directorate of public vocational training: *The instructors are competent for the topics they cover.... but they are not qualified to work with persons with disabilities .... there is no literature for this category .... the laboratory and the material base are not adjusted ... We ask a lot of support .... the material base ... The equipment as well as the material base for the trainees are not at such levels as to enable them to meet their specific needs. There are also no conditions for the technical safety of these target groups....* }<sup>167</sup>

Vocational training programs should be oriented towards the needs of the labor market with the aim of employing persons with disabilities. Public Employment Offices should play an active role in employment advising and establishing links between professional training centers, private employers, and associations of persons with disability.

## **Article 28: Adequate standard of living and social protection**

### Housing

The Government states in paragraph 186 that persons with disabilities benefit from an immediate grant of up to 10% of the value of the flat but does not provide information as to how many people with disabilities have benefited from this grant so far. One of the main obstacles to designing effective social housing policies and programs, is the lack of systematic data and analysis based on data.<sup>168</sup>

The ratio of the number of beneficiaries versus the number of applicants is for all municipalities lower than 0.7. This indicates that housing needs are much larger than the government's ability to meet them. Persons with disabilities are also not listed among the vulnerable groups that have benefited the most from the housing programs (other categories of beneficiaries have benefited in larger numbers), although they have the right to be treated with priority and in fact have lodged a high number of applications (n = 2,228)<sup>169</sup>

We strongly oppose the statement in the report that the National Entity of Housing in all constructions implements the measures for removing barriers in buildings for persons with disabilities on one hand, as well as the installation of assisting accessories/technology on the other (p. 186). For cases assisted by legal assistance from ADRF it turns out that at least two of them have successfully passed the application process for social housing in the Municipality of

---

<sup>167</sup> ADRF, Report “Analysis of the needs assessment for capacity building of the National Employment Service staff to improve services for people with disabilities”, August 2018

<sup>168</sup> Social Housing Strategy 2016-2025 June 2016

<http://www.al.undp.org/content/dam/albania/docs/Strategjia%20e%20Strehimit%20Social%20Shqip.pdf>

<sup>169</sup> Id. 15

Tirana but have lost it again because of lack of accessibility in the constructed social houses(both were wheelchair users). After an inspection carried out by ADRF in these flats, the accessibility standards were not respected, and no arrangements were made to designate the first-floor apartments for wheelchair users. There is a decision against the Municipality of Tirana, finding discrimination against persons with disabilities due to denial of access to social housing.

### Social protection

The National Action Plan for Persons with Disabilities<sup>170</sup>, 2016-2020, has tackled the social care provided to persons with disabilities as an important component that eliminates the institutionalization, promotes independent living and improves people's with disability integration in society. There is no data showing the progress of implementation of the activities set out in this document, however, in our judgment this plan is not familiar to the relevant stakeholders at the local level<sup>171</sup> nor from persons with disabilities or their family members<sup>172</sup>.

### Social Services for Persons with Disabilities

Administrative data suggest there has been an increase in access to services from children with disabilities, from 3 percent in 2015 to 8 percent in 2017. However, according<sup>173</sup> to parents' reports, 28 percent of children who receive a payment due to their disability have access to social services. In 10 of the country's municipalities<sup>174</sup>, only 2.59% of people with disabilities, determined as such by disability assessment commissions, receive services. Access to services for persons with disabilities in rural areas is significantly lower than those in urban areas<sup>175</sup>. Approximately half of the social services are provided outside the public state sector, and donor funding for providing services from NGOs is decreasing<sup>176</sup>. In particular, services for persons over the age of 21 are at very low levels. The establishment of the Social Fund<sup>177</sup>, through which local government units will procure services for their territory, is a good opportunity to bridge the donor funding gap. However, the correlation established within the legal framework between the Social Plans and the services to be supported, will call into question the support of services for persons with disabilities services that are completely superficially included in the Social Plans drafted to date.

The services provided are limited in terms of their typology, not enabling the full range of services that persons with disabilities are in need of. Law on Social Services<sup>178</sup> has expanded the typology of services, envisaging information as a service as well. A recent study

---

<sup>170</sup>DCM No. 483, dated June 29, 2016, "National Action Plan for Persons with Disabilities, 2016-2020".

<sup>171</sup>World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the level of social and health services for the community of people with disabilities.

<sup>172</sup>UNDP & ADRF (2017). Evaluation Report, "Level of knowledge on the rights and participation of persons with disabilities in the lawmaking processes in the Municipalities of Përmet, Dibra and UraVajgurore".

<sup>173</sup>World Vision & Save the Children, Tirana (2018). Study Report "Disability and Children in Albania: Prevalence of disability, access to services and service quality".

<sup>174</sup>World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>175</sup>UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>176</sup>UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>177</sup>Law No. 121/2016 "FOR SOCIAL CARE SERVICES IN THE REPUBLIC OF ALBANIA", [http://www.qbz.gov.al/Ligje.pdf/ndihma%20dhe%20perkujdesja%20shoqerore/Ligj\\_121\\_24112016.pdf](http://www.qbz.gov.al/Ligje.pdf/ndihma%20dhe%20perkujdesja%20shoqerore/Ligj_121_24112016.pdf), chapter III. Financing of social care services. Article 45 Sources of Funding and Article 47. The Social Fund.

<sup>178</sup> Law No. 121/2016 "FOR SOCIAL CARE SERVICES IN THE REPUBLIC OF ALBANIA",

(2018)<sup>179</sup> showed that people with disabilities and their families continue to be uninformed about legal and political changes, affecting people with disabilities and their families, especially those living in peripheral or remote areas, who end up not recognizing the possibilities and the alternatives that are out there for them, including those provided by law, and therefore do not request them. Many of the existing services for them are inadequate in time and do not address the needs of the individual in need of them. Due to above mentioned situation, they are forced to resort to private paid services, which are non-refundable so are covered by the budget of parents and families<sup>180</sup>. In the civil society perspective, there are questions about the quality and professionalism wherewith they are offered.

There are no specific structures for identifying and referring the needs for services of people with disabilities as well as coordinating and aligning the work with other local and regional institutions in charge of disability issues<sup>181</sup>.

Child Protection Units and Sections of Gender Equality and Domestic Violence, in the municipalities where they are established, have no tasks defined in the daily work dealing with and addressing the problems of children with disabilities and that of women with disabilities<sup>182</sup>. There is no efficient cooperation network between all institutions in charge of addressing disability issues at the local level (education, health, employment, vocational training, social services, housing, transport and infrastructure, organizations providing services and organizations of persons with disability), which makes it difficult to follow up the cases<sup>183</sup><sup>184</sup>. There is no systematic approach to capacity development of all staff and specialists working with persons with disabilities<sup>185</sup>. Social worker training curricula envelops only limited knowledge about disabilities and particularly about children with disabilities<sup>186</sup>.

## Social Insurance

The second scheme of disability payments supports persons who have contributed to the social insurance scheme, i.e. persons who have a history of employment (“work invalids”). This scheme is based on the assessment of "disability" for work. This scheme, just like the scheme of persons with disabilities (without contributions to the social insurance scheme) is a scheme entirely based on the medical model. Although there are some stipulations regarding rehabilitation in order to recover some skills<sup>187</sup> or about certain off periods which should in

---

<sup>179</sup>UNDP/ADRF(2018) Study report, Level of knowledge on the rights and participation of persons with disabilities in the lawmaking processes in the Municipalities of Përmet, Dibër and Ura Vajgurore

<sup>180</sup>UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>181</sup>World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>182</sup>World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>183</sup>Rama, R., (2016) Analysis of the situation of services for children with disabilities in Albania. Save the Children: Tirana

<sup>184</sup>World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>185</sup>World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.

<sup>186</sup>UNICEF (2018). We All Matter. A situation analyses for children with disabilities in Albania.

<sup>187</sup>Regulation dated 30.05.2005 “On the Organization, Rights, Duties and Functioning of the Medical Commission for Determining the Ability for Labor Invalids”, <http://www.iss.gov.al/wp-content/uploads/2017/04/Rreg-KMCAP-30-5-2005.pdf>, Part II/1. Special rights and duties of the regional MCWCA.

principle serve the return of the person to work, practice shows that the system in reality is not oriented to rehabilitation or re-entry into the labor market for persons with disability.

With the legal amendments of 2014, the imposition of having 12-month payments of insurances in the last five years (p. 195) brought a number of other problems. All "labor invalids" (persons with disabilities) who have benefited from the scheme up until before this amendment, who have not been able to get employed, are all brushed aside/excluded from the scheme. Many "labor invalids" continue to be unemployed, due to lack of rehabilitation or priority treatment for employment (recall here that promotion of employment applies to persons who are not part of the insurance scheme). For a lengthy period of time, these people did not benefit from any scheme. Based on the information the NGOs possess, the government states that it has taken action to include them in the social protection scheme, but no decision has been made by the government to corroborate these statements.

In our judgment, there should be a unified disability assessment system in Albania, which should be applied in both schemes, it should be based on the CRPD guidelines and should follow the bio-psycho-social model of the International Classification of Functioning of WHO (ICF).

With regard to paragraph 200, regarding the accessibility of the offices at the Social Insurance Institute, it is true that the headquarters of this institute are reconstructed, but with no complete accessibility provisions. The government limits itself to building ramps or lifts, while not caring about different types of disability, persons with sensory or intellectual disabilities find these premises not accessible. It must also be noted that the regional offices of the Social Insurance Institute, continue to remain inaccessible.

### **Article 29: Participation in political and public life**

With regards to the paragraph 201, it is stated that the Constitution of the Republic of Albania<sup>188</sup>, as well as its Electoral Code<sup>189</sup>, sanction the right to participate in electoral processes as voters and candidates, for all citizens, including the constituents with disabilities. However, according to Article 45, paragraph 1 of the Constitution of the Republic of Albania and Article 44, item c of the Electoral Code, persons with disabilities who by a final court decision have been deprived of their legal capacity to act, have therefore no right to vote. The stipulation for the abolition of the right to vote for persons deprived of their legal capacity to act via a final court decision is a restriction that affects persons with intellectual disabilities and persons with psychosocial disabilities. This provision contradicts the Convention on the Rights of Persons with Disabilities. Moreover, the legislation has provided facilities only for voters who make it to the polling station, whereas people with disabilities who are unable to leave home, are unable to participate in the electoral process, as they are presented with no alternative ways of voting.

Legislative provisions and subsidiary acts for their implementation do not ensure in an adequate level the accessibility of voting centers for all types of disabilities, including the physical and sensory ones<sup>190</sup>. The Albanian Helsinki Committee's Report<sup>191</sup> also pointed out that during the

---

<sup>188</sup> <http://www.parlament.al/Files/sKuvendi/kushtetuta.pdf>;

<sup>189</sup> <http://www2.cec.org.al/sq-al/kodi-zgjedhor>

<sup>190</sup> During the 2017 elections, it was ascertained that 19.1% of the monitored polling centers were in the upper floors, 62.3% of the polling centers on the first floors had stairs, which made it difficult to vote. 82.9% of centers did not have the conditions for

parliamentary elections of Albania (2017) was found that necessary actions were not taken as envisaged in the law so that persons with disabilities would be provided the necessary opportunities and facilities in the exercise of their right to vote.

### Participation in the public life

Referring to paragraph 203, within the framework of the public policymaking process, the Law on Inclusion and Accessibility of Persons with Disabilities<sup>192</sup> stipulates "*Participation of persons with disabilities* through individual consultation and active involvement of persons with disabilities and their representative organizations, including children with disabilities". Moreover, the process of inclusion in public life is also guaranteed by Law No. 146/2014 "On Notification and Public Consultation"<sup>193</sup> and the Law on the Right to Information<sup>194</sup>. Based on general principles, such as the non-discrimination or inclusion, these two laws also include persons with disabilities, but the level of protection and their involvement based solely on these general principles, turns out to be inadequate. Both laws are devoid of concepts such as accessibility, reasonable accommodation or even the term *persons with disabilities*.<sup>195196</sup>

Findings of the ADRF Report (2017)<sup>197198</sup> showed that a very low number of people with disabilities participated in public consultations held at the local and central level. They have been invited to consultation after a draft act or decision was issued. People say they have made recommendations in official form but that in very few cases. They claim that they always had problems with the time available to them, both in terms of prior notice and the time for drafting the recommendations. In all cases it is concluded that accessibility and reasonable accommodation was missing for persons with different types of disabilities. Although they acknowledge that there have been improvements in terms of ensuring it, they claim that standards are not being implemented and that accessibility is always partial, and this has affected their participation in the consultation processes.

---

people with disabilities to vote freely, independently and in privacy. 70.1% of the centers were not equipped with the ballot paper template for use by blind voters. Likewise, 93.2% of hearing-impaired persons did not have the assistance of the sign language interpreter to have additional information during the voting. ADRF (2017); Election Observation report "The right to vote for voters with disability"

<sup>191</sup> Regardless of the correct and facilitating attitude in VCCs, in some cases it was found that VCs were placed on the 2nd floor of the buildings, which made it difficult for people with disabilities to vote who were unable to enter and move in these premises, which even from the infrastructural point of view created difficulties and were not adjusted. Observers reported other instances in which VCs, even though they were in the first floors, again posed difficulties due to the stairs at the entrance of the polling station or inside the premise; <http://www.ahc.org.al/wp-content/uploads/2017/07/Raporti-per-Zgjedhjet-per-Kuvendin-25-Qershor-2017.pdf>

<sup>192</sup> Law no. 93/2014 dated 24.7.2014 For the inclusion and accessibility of persons with disabilities; [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/135-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/135-2014.pdf)

<sup>193</sup> Law on Notification and Public Consultation Number 146/2014 [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/178-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/178-2014.pdf)

<sup>194</sup> Law no. 119/2014 dated 18.9.2014 On the right to information; [http://www.qbz.gov.al/botime/fletore\\_zyrtare/2014/PDF-2014/160-2014.pdf](http://www.qbz.gov.al/botime/fletore_zyrtare/2014/PDF-2014/160-2014.pdf)

<sup>195</sup> ADRF (2017) Monitoring Report "The Right to Information and Consultation, and People with Disabilities"

<sup>196</sup> UNDP/ADRF (2018) Evaluation Report: Level of knowledge on the rights and participation of persons with disabilities in the lawmaking processes in the Municipalities of Përmet, Dibra and UraVajgurore.

<sup>197</sup> ADRF (2017) Monitoring Report "The Right to Information and Consultation, and People with Disabilities"

<sup>198</sup> UNDP/ADRF (2018) Evaluation Report: Level of knowledge on the rights and participation of persons with disabilities in the lawmaking processes in the Municipalities of Përmet, Dibra and UraVajgurore

Referring to paragraph 204, regarding the Law on Notification and Public Consultation, we conclude that although this law was adopted at the same time with the new law on the right to information, it is least recognized by the community of persons with disabilities. Regarding the procedures followed in cases where their recommendations were not taken into account by the institutions, in no case did they follow the procedure provided for in the Law on Notification and Public Consultation and state that they have not received explanations on the reasons for rejection of the recommendations or not including them in the final projects<sup>199</sup>

### **Article 31: Statistics and data collection**

Official Statistics for Persons with Disabilities in Albania are those from the administrative data of Ministry of Health and Social Welfare, and those from the Ministry of Education on the number of beneficiaries of disability payments and those of "invalidity" benefits, the number of beneficiaries from state social services as well as the number of children in inclusive and special education.<sup>200</sup> Studies have shown that the reliability and validity of statistical data for people with disabilities in Albania from different sources is not guaranteed. Also, data cannot be compared between sectors as there are discrepancies in the way they are collected and presented by different institutions, affecting efficient planning as well as allocation of resources.

The National Action Plan for Persons with Disability for 2016-2020<sup>201</sup> underscores that cross-sectoral data collection and information sharing is essential to achieving its strategic goals. Moreover, the plan presents the challenges of collecting and analyzing appropriate administrative data, in support of the effective implementation, monitoring and evaluation of the action plan and proposes the collection of empirical data. DCM no. 708, dated 26.08.2015 for the statistical data on disability, sets a good framework for data collection but the measures proposed in it have not yet been implemented by both ministries of the line and local and regional level employees, in charge of the collection of disability data<sup>202</sup>.

There is no integration of disability data throughout mechanisms of data collection, including national survey data and regular monitoring. Their integration can provide reciprocal linkage and cross-sectors data sharing and age and gender categorization. Integration into the 2020 Census of questions based on a definition of disability based on human rights, specifically the use of the Washing Group set of Questions, will provide accurately the prevalence of disability in Albania.

---

<sup>199</sup> ADRF (2017) Monitoring Report "The Right to Information and Consultation, and People with Disabilities"

<sup>200</sup> UNICEF (2018). We All Matter. A situation analysis for children with disabilities in Albania.

<sup>201</sup> DCM no. 483, dated June 29, 2016, "National Action Plan for Persons with Disabilities, 2016-2020".

<sup>202</sup> World Vision & ADRF (2018). Situation of implementation of services for children with disabilities at the local level: A guide to interventions aimed at improving the state of social and health services for the community of people with disabilities.