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MONITORING REPORT ON GUARANTEEING ACCESS TO JUSTICE FOR PEOPLE WITH DISABILITIES

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Acronyms

ACRPD	Committee on the Rights of Persons with Disabilities
CRPD/C/ALB	Committee on the Rights of Persons with Disabilities
AKSHI/ NAIS	National Agency for Information Society
ANAD	Albanian National Association of Deaf
UN	United Nations
EU	European Union
UNCRPD	UN Convention on the Rights of Persons with Disabilities
NAPPD	National Action Plan for Persons with Disabilities
MSHMS	Ministry of Health and Social Protection
MD/ MJ	Ministry of Justice
KLGG/HJC	High Judicial Council
GJEDNJ/ ECHR	European Court of Human Rights
FLA	Free Legal Aid
DFLA/DNJF	Directorate of Free Legal Aid
DPB/GDP	General Directorate of Prisons
CPD/ KMD	Commissioner for Protection from Discrimination
KSHNJ/SCLA	State Commission for Legal Aid
PLASC/QSHNJP	Primary Legal Aid Service Centers
NGO	Non Governmental Organization
DCM	Decision of the Council of Ministers
KMCAP	Beneficiaries of Disability Payment
UNDP	United Nations Development Programme
PWD	Persons With Disability
ADRF	Albanian Disability Rights Foundation
FLAD	Free Legal Aid Directorate
FLA	Free Legal Aid
NPOs	Non-Profit Organizations
HJC	High Judicial Council

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I. EXECUTIVE SUMMARY

The monitoring report “Access to Justice for Persons with Disabilities” focuses on evaluating the available policies, legislation, and practices aimed at ensuring equality before the law and access to justice for persons with disabilities. The collection and analysis of both qualitative and quantitative data, reported by responsible institutions and stakeholders, enabled an assessment of the extent to which persons with disabilities are guaranteed access to the justice system. This includes access to free legal aid and the recognition of equal standing before the law, both in relation to what is foreseen in the legal framework and from the perspective of procedural aspects and practical implementation measures.

The monitoring report focused on assessing the compliance of Albanian legislation with the Convention on the Rights of Persons with Disabilities (CRPD), particularly regarding access to justice, as expressed specifically in Articles 12 and 13 of the Convention. The level of compliance was analyzed based on the recommendations of the UN Committee on the Rights of Persons with Disabilities, following Albania’s submission of its initial implementation report on the Convention (CRPD/C/ALB/1), which was reviewed during the Committee’s 477th and 478th meetings¹ held on August 27 and 28, 2019.

The report’s findings highlight that the Albanian legal framework in the field of disability rights remains only partially aligned with the CRPD, indicating the urgent need for full legal alignment. At the same time, Albania has yet to ratify the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities.

The report notes that since 2019, following the recommendations of the Committee, Albania has made some efforts in the context of policies and strategies to fulfill these recommendations. However, significant steps are still required to fully align the legal framework with the CRPD. In this context, the monitoring report emphasizes that the recommendations issued by the CRPD Committee in 2019 have not yet been fully implemented in Albania, despite the country having entered the second reporting phase for the Convention’s implementation.

As highlighted in the conclusions and recommendations section of this monitoring report, equality before the law and access to justice for persons with disabilities has not yet achieved full alignment with the legal guarantees affirmed by the Convention.

Progress has been made regarding accessibility in physical environments and information for persons with disabilities, but it remains insufficient. The failure to take comprehensive measures to guarantee full accessibility in physical environments for persons with disabilities remains a problematic issue. This is a fundamental prerequisite to enable access to justice for persons with disabilities.

Regarding access to and quality of information and digital services, it is recommended that Albania aligns itself with Directive 2016/2102 on the accessibility of websites and mobile applications and develops guidelines for public institutions to ensure full access to justice for persons with disabilities. These guidelines should be based on those developed by the United Nations in accordance with the “International Principles and Guidelines on Access to Justice for Persons with Disabilities.”²

^{1.} For more, refer to: CRPD/C/SR.477 and 478 <https://documents.un.org/doc/undoc/gen/g19/254/44/pdf/g1925444.pdf>

^{2.} United Nations, 2020: International Principles and Guidelines on Access to Justice for Persons with Disabilities

On the other hand, within the framework of accessibility to information, access to assistive technologies and qualified, registered sign language interpreters must be legally and practically ensured and guaranteed without discrimination. This also includes the provision of Braille writing, simplified reading through sign language, and other alternative formats in judicial procedures and notary services.

The report highlights that regarding the guarantee of access to free legal aid for persons with disabilities, both primary and secondary legal aid have been progressing well and have achieved satisfactory results. This is evident both from the considerable number of legal aid offices operating nationwide and from the significant number of cases handled involving persons with disabilities and their family members.

The report notes that the Action Plan for Persons with Disabilities 2021-2025 foresees the revision of several legal acts by 2025, including the Civil Code, Civil Procedure Code, and Family Code, with the aim of guaranteeing the right of every person with disabilities to equal recognition before the law, as well as ensuring access to justice. To date, drafts proposing changes to certain legal provisions in these codes have not been circulated for public opinion.

A swift revision of procedural codes is essential and must go hand in hand with guaranteeing procedural rights during judicial processes (civil or criminal) for all categories of persons with disabilities.

It is important to emphasize that the lack of alignment or harmonization of Albanian legislation with the legal guarantees of the Convention limits the rights of persons with disabilities, particularly those with intellectual or psychosocial disabilities, to make choices about their lives and to enjoy the right to equal recognition before the law.

In this context, the institution of supported decision-making (whose establishment is a duty under the Convention and the Law on Inclusion and Accessibility for Persons with Disabilities, with direct effect for persons with psychosocial or intellectual disabilities) must be established as a mechanism

that supports and respects the person's autonomy, will, preferences, and implements transparent legal instruments for persons with disabilities who have had their legal capacity removed. This mechanism aims to replace the institute of legal guardianship, which is applied under the current Civil Code provisions regarding the removal or limitation of legal capacity.

Another important aspect that emerged during the writing of this report was the low number of trainings or awareness campaigns on disability issues, both in relation to the judicial system—such as judges and prosecutors—as well as notaries and lawyers. The lack of information and capacity in this area was also observed among persons with disabilities and their family members. This clearly demonstrates the necessity of taking immediate measures to raise awareness and to develop training curricula for judges, prosecutors, and administrative staff on access to justice for all categories of persons with disabilities.

In conclusion, the monitoring report recommends that the “International Principles and Guidelines on Access to Justice for Persons with Disabilities,” a document developed by the Special Rapporteur of the Convention/CRPD, be used as a guiding framework and valuable tool to be followed and implemented by the justice system in Albania. This would ensure that persons with disabilities are part of the system in the same way they are part of society, so that they can fully exercise their rights. Additionally, this document can serve as a foundational resource for expert groups involved in drafting and improving the procedural legal framework, aiming to guarantee equality before the law and access to justice for all categories of persons with disabilities.

Finally, it is worth emphasizing that this monitoring report was made possible thanks to inclusive cooperation and consultation with both local actors and the targeted groups. The data collected in the five regions of Albania, where the project was implemented, served as the foundation for identifying the findings and recommendations aimed at addressing these issues more effectively in practice.

II. METHODOLOGY

The methodology used in this monitoring report focused on the analysis of both qualitative and quantitative data. The analysis and processing of qualitative data was mainly based on core documents in the field, with the aim of evaluating the progress made by Albania since its accession to the Convention and its subsequent implementation of the recommendations from the CRPD Evaluation Committee.

Within this framework, the documents analyzed through the “desk review” method included: the UN Convention on the Rights of Persons with Disabilities, Articles 12 and 13 of the Convention; the recommendations of the CRPD Evaluation Committee; the International Principles and Guidelines on Access to Justice for Persons with Disabilities; and the National Action Plan for Persons with Disabilities 2021–2025.

Also, an important role in the analysis and identification of recommendations, that Albania should follow as a country aspiring to join the European family, were playing the European Strategy for the Rights of Persons with Disabilities 2021–2030 and the 2023 European Commission Report on Albania.

Part of the methodology of this monitoring report, was also the collection and analysis of data from institutions within the justice system and public administration, which are responsible for ensuring equality before the law and access to justice for persons with disabilities, as well as from private sector actors—namely, notaries and lawyers—as key players in securing access to justice for people with disabilities.

In this context, specific questionnaires were prepared for institutions of the justice system and certain public administration bodies, through which information was obtained. A dedicated questionnaire was also prepared for persons with disabilities, which was distributed and completed by 250 persons with disabilities and their family members across five regions of Albania where this project is being implemented. Efforts were made to ensure that respondents represented all categories of disabilities.

The questionnaires were distributed during the period from June to September 2024, as follows: 13 questionnaires for First Instance Courts of General Jurisdiction; 13 questionnaires for General Jurisdiction Prosecutor’s Offices attached to these courts; 1 questionnaire for the Commissioner for Protection from Discrimination; 1 questionnaire for the Ministry of Justice and the Directorate of Free Legal Aid; 1 questionnaire for the Ministry of Health and Social Protection; 250 questionnaires for persons with disabilities and their family members in the five regions of Albania; 10 questionnaires distributed to notaries and lawyers, as part of the liberal professions.

The questionnaire consisted of a series of questions grouped into five main areas: (i) Accessibility; (ii) Access to justice for persons with disabilities; (iii) Guarantee of procedural rights during court proceedings (civil or criminal); (iv) Guarantee of administrative services by justice system institutions and public bodies; (v) Participation in training or awareness-raising activities.

The analysis of both qualitative and quantitative data is presented in the chapters that constitute the core of this monitoring report.

III. THE INTERNATIONAL LEGAL AND POLICY FRAMEWORK REGARDING ACCESS TO JUSTICE AND EQUALITY BEFORE THE LAW FOR PERSONS WITH DISABILITIES

III.1. UN Convention on the Rights of Persons with Disabilities

The Convention clearly emphasizes that access to justice is one of the fundamental rights that must be guaranteed and exercised by persons with disabilities on an equal basis with other members of society.

Article 5 of the Convention highlights that states must take all necessary steps to ensure that persons with disabilities are provided with reasonable accommodations to enable equality and to eliminate discrimination. According to the Convention, reasonable accommodation means necessary and appropriate adjustments that do not impose a disproportionate or undue burden on persons with disabilities. This article must be read and applied in conjunction with Articles 12 and 13 of the Convention, which focus on equality before the law and how effective access to justice should be ensured.

Article 12 of the Convention requires states to take all measures related to the recognition and exercise of legal capacity by persons with disabilities to provide appropriate and effective protection in case their rights are violated. These safeguards must be proportional to the extent to which the rights and interests of the individual are affected. This provision requires the state to respect the rights, will, and preferences of the affected party and to take measures regarding the exercise of legal capacity without undermining the interests and rights of the person with disabilities. These safeguards must be appropriate to individual circumstances and should be taken as promptly as possible by a competent, independent, and impartial judicial authority.

While Article 5 focuses on reasonable accommodations for persons with disabilities to promote equality, Article 13 charges states with the responsibility to provide appropriate procedures and facilities, in accordance with the age and type of disability, to ensure this. Article 13 also places special emphasis on the need for adequate training for all actors within the justice system, including judges, prosecutors, administrative court and prosecution staff, judicial assistants, judicial police officers and staff of the penitentiary system, as well as professionals of the liberal professions, including notaries and lawyers.

III.2. International Principles and guidelines on access to justice for persons with disabilities³

The International Principles and Guidelines on Access to Justice for Persons with Disabilities (UN 2020) serve as a practical tool to assist States in designing and implementing justice systems that ensure equal access to justice for persons with disabilities, in accordance with international human rights standards.

These principles and guidelines were developed through collaboration between the Special Rapporteur on the rights of persons with disabilities, the Committee on the Rights of Persons with Disabilities, and the Special Envoy of the Secretary-General on disability and accessibility. The process involved consultation with disability rights experts, organizations of persons with disabilities, States, academics, and other practitioners working in the field of disability rights protection.

³. https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/SR_Disability/GoodPractices/Principles_A2_Justice.pdf

For the first time, States Parties to the Convention have a practical guide on how to develop and implement justice systems that provide equal access to justice for persons with disabilities, regardless of their role in the legal process. This ensures compliance with the Convention on the Rights of Persons with Disabilities and other international standards.

This document outlines 10 core principles for ensuring access to justice for persons with disabilities, along with detailed guidance on how to implement each principle. The 10 core principles presented below The ‘International Principles and Guidelines on Access to Justice for Persons with Disabilities’ are included in this monitoring report due to their significant importance.

It is essential to emphasize that these principles are detailed with specific measures that must be taken into account by relevant institutions and law enforcement agencies to ensure full and effective access to justice for persons with disabilities.

Principle 1 All persons with disabilities have legal capacity, and consequently, no one should be denied access to justice on the basis of disability.

Principle 2 Buildings and services should be universally accessible to guarantee equal access to justice without discrimination for persons with disabilities.

Principle 3 Persons with disabilities, including children with disabilities, have the right to appropriate procedural accommodations.

Principle 4 Persons with disabilities have the right to timely and accessible legal information on an equal basis with others.

Principle 5 Persons with disabilities have the right to exercise all essential procedural and substantive safeguards recognized in international law on an equal basis with others, and States must provide necessary accommodations to guarantee a fair trial.

Principle 6 Persons with disabilities have the right to free or affordable legal assistance.

Principle 7 Persons with disabilities have the right to participate in the administration of justice on an equal basis with others.

Principle 8 Persons with disabilities have the right to report complaints and initiate legal proceedings regarding human rights violations and criminal offenses, to have their complaints investigated, and to have the right to an effective remedy.

Principle 9 Appropriate and effective monitoring mechanisms play a critical role in supporting access to justice for persons with disabilities.

Principle 10 All those working in the justice system should be provided with awareness-raising and training programs that address the rights of persons with disabilities, particularly in the context of access to justice.

This document is specifically suggested to serve as a guiding tool for the justice system, ensuring that persons with disabilities are fully included in the system, just as they are in society, and that they can fully exercise their rights.

Additionally, this document can serve as a valuable reference for expert groups involved in drafting and improving the provisions of the Civil Code, the Family Code, and procedural codes, in order to guarantee equality before the law and access to justice for all categories of persons with disabilities.

III.3. European Disability Strategy 2021-2030⁴

In March 2021, the European Commission adopted the Disability Rights Strategy 2021-2030.

The strategy builds on the achievements of the previous European Disability Strategy 2010-2020, which laid the foundation for a barrier-free Europe and aimed to empower people with disabilities to

⁴. <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

fully enjoy their rights and participate in society and the economy.

The strategy is structured into eight chapters, each addressing different areas where the EU seeks to enhance the lives of persons with disabilities. The last three chapters focus on the practical implementation of the strategy and how its impact will be measured.

Below are the eight chapters outlined in the strategy:

- Accessibility – enabling rights, autonomy and equality
- Enjoying EU rights
- Good quality of life and independent living
- Equal access and non-discrimination
- Promoting the rights of persons with disabilities globally
- Delivering the strategy effectively
- Practical guidance and typology
- Awareness, governance and measuring progress

The strategy places special emphasis on improving access to justice and legal protection for persons with disabilities, particularly under 5.1. ‘Improving access to justice, legal protection, freedom, and security.’ This includes initiatives related to the digitalization of justice systems⁵, protection of victims’ rights, and training of legal professionals. The digitalization of justice systems⁶ is recognized as essential for improving access to justice, including for persons with disabilities, provided that accessibility is ensured. The European Commission will give particular attention to women with disabilities, who are two to five times more likely to experience violence compared to other women, as well as persons with disabilities

living in institutions. As part of its training strategy for justice professionals, the Commission will focus on protecting individuals’ rights in the digital space and on training legal professionals on EU disability legislation, including the UNCRPD.

Some of the Commission’s key priorities reflected in this strategy for ensuring access to justice for persons with disabilities are:

- work with Member States to implement the 2000 Hague Convention on the International Protection of Vulnerable Adults in accordance with the UNCRPD, by conducting a study on the protection of vulnerable adults in cross-border situations, particularly those with intellectual disabilities, to facilitate the ratification of this Convention by all Member States.
- conduct a study on procedural safeguards for vulnerable adults in criminal proceedings and assess the need for legislative proposals to strengthen the support and protection of vulnerable adults who are victims of crime, in alignment with the EU Victims’ Rights Strategy (2020-2025).
- develop guidelines for Member States on access to justice for persons with disabilities in the EU, based on international guidelines prepared by the United Nations in accordance with the ‘International Principles and Guidelines on Access to Justice for Persons with Disabilities.’⁷
- develop measures to support Member States in increasing the participation of persons with disabilities as professionals in the justice system and collect good practices on supported decision-making.

⁵. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0710>

⁶. Commission Communication (COM(2020) 710 final): Digitalisation of justice in the European Union; Commission Communication (COM/2020/258 final)

⁷. United Nations, 2020: International Principles and Guidelines on Access to Justice for Persons with Disabilities

IV. THE LEGAL AND POLICY FRAMEWORK IN ALBANIA REGARDING ACCESS TO JUSTICE AND EQUALITY BEFORE THE LAW FOR PERSONS WITH DISABILITIES

IV.1. European Commission Report on Albania for 2023⁸

The European Commission's 2023 Country Report for Albania has outlined several recommendations for the responsible Albanian institutions to follow and implement in the next reporting period. The 2024 report is expected to be published in October.

Below are some of the key recommendations from the 2023 report concerning the guarantee of equality before the law and access to justice for persons with disabilities.

Regarding accessibility for persons with disabilities in terms of access to information and the quality of digital services, the progress report recommends that Albania align its legal framework with Directive 2016/2102 on the accessibility of websites and mobile applications of public sector bodies.⁹

Albania needs to develop a comprehensive monitoring and data collection system to assess the implementation of human rights legislation, policies, and strategies, enabling the country to fully benefit from its observer status in Europe.

Albania remains a party to most international human rights instruments; however, it has not yet signed the

Optional Protocol to the Convention on the Rights of Persons with Disabilities or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Albania's framework legislation on the rights of persons with disabilities remains only partially aligned with the UN Convention on the Rights of Persons with Disabilities, and existing gaps must be addressed. Further action is needed to combat discrimination, improve accessibility, promote employment opportunities, and enhance the collection of statistical data.

Above, we have intentionally highlighted the recommendations addressed to Albania in the European Commission's annual progress report. The primary objective is to ensure that these recommendations remain in the focus of the relevant Albanian institutions for their timely implementation.

With the opening of negotiations for Albania, the fulfillment of these recommendations and the alignment of the Albanian legal framework with that of the European Union, has become both a necessity and an obligation for all institutions within their respective areas of responsibility.

⁸. https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf

⁹. Directive (EU) 2016/2102 of the European parliament and of the council of 26 October 2016 "On the accessibility of the websites and mobile applications of public sector bodies" ... 12) By respectively ratifying and concluding the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006 ('the UN Convention'), the majority of Member States and the Union have committed themselves to taking appropriate measures to ensure access for persons with disabilities, on an equal basis with others, to, inter alia, information and communication technologies and systems, to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public, and to promote access for persons with disabilities to new information and communications technologies and systems, including the internet, and have undertaken to refrain from engaging in any act or practice that is inconsistent with that Convention and to ensure that public authorities and institutions act in conformity with it.

The UN Convention also stipulates that the design of products, environments, programs and services should enable their use by all people, to the greatest extent possible, without the need for adaptation or specialized design. Such 'universal design' should not exclude assistive devices for particular groups of persons with disabilities, where this is needed. According to the UN Convention, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments which may, in conjunction with other barriers, hinder their full and effective participation in society on an equal basis with others.

These recommendations will be reflected in the final part of this monitoring report, ensuring their inclusion in the action plans of the relevant institutions. This will facilitate proper coordination and cooperation for their prompt implementation.

IV.2. National Action Plan for Persons with Disabilities 2021-2025

The National Action Plan for Persons with Disabilities (NAPPD) 2021–2025 is a cross-sectoral document of the Albanian government that outlines policies dedicated to persons with disabilities over a five-year period.

The primary objective of this plan is to continue promoting and supporting the integration of persons with disabilities into the socio-economic life of the country while ensuring the fulfillment of obligations under the Convention through specific measures. This plan serves as a follow-up to the National Plan for Persons with Disabilities (NPPD) 2016–2020¹⁰.

The Plan, under Policy Goal 2, ‘Guarantee equal access to the justice system for all persons with disabilities,’ outlines a set of measures to be implemented over this five-year period within Specific Objective 2, ‘Equal recognition before the law of persons with disabilities, especially persons with psychosocial disability.’

The plan states that ‘For persons with disabilities in the justice system, changes in legislation are required to enable the exercise of individual freedoms and choices.’

It is important the establishing of a legal mechanism to support decision-making¹¹, while legal guardianship remains the prevailing system. This issue is crucial

not only for access to justice but also for other areas covered by the action plan. The administration of property by a guardian deprives persons with disabilities of the right to manage their financial assets and the right to own property.

According to Article 33 of the Code of Civil Procedure, legal claims cannot be filed by a person who lacks the capacity to act. Additionally, in procedures concerning the removal of a person’s legal capacity, the individual in question is not granted the right to be a party in the proceedings.

The Civil Code contains legal provisions that contradict the principle of legal capacity, referring to terms such as ‘intellectual disability,’ ‘mental health disorders,’ and ‘psychic disorders.’ Meanwhile, the Family Code provides for the appointment of a guardian in cases of removal or restriction of legal capacity. The Criminal Procedure Code includes provisions for translation services for individuals who do not understand Albanian but does not address the right to sign language interpretation for persons who are deaf.

As highlighted in the concluding observations of the UN Committee on the Rights of Persons with Disabilities, Albanian legislation on legal capacity to act remains outdated, requiring significant efforts to align it with the principles of the CRPD.

Specifically, the Committee recommends that the Albanian state: ‘Harmonize legislation in line with the Convention, repeal all laws that restrict the legal capacity of persons with disabilities, in particular persons with psychosocial or intellectual disabilities, by replacing the decision-making process with supported decision-making that respects the autonomy, will, and preferences of the person.’

¹⁰. https://shendetesia.gov.al/wp-content/uploads/2022/03/Plani-Kombetar-PAK-_2021-2025_AL.pdf

¹¹. Article 7 of the Law on the Inclusion and Accessibility of Persons with Disabilities defines decision-making support as ‘the exercise of the will by a person with disabilities through a specific enhanced competence that supports his or her purpose and best interest, enabling him or her to perform actions to acquire rights and assume obligations.’ The same article further explains that ‘any person with disabilities who needs assistance in decision-making shall receive appropriate support from a trusted individual or group of individuals. Support may be provided in a variety of ways, including interpretation in sign language, simplified language, and assistance in interactions with third parties who may not understand the person’s way of communicating. Support shall be provided gradually, allowing sufficient time for the persons requesting it to learn how to use the support in their best interest.’

Table 1. PKVPAK, 2021-2025, Specific Objective 2.2

2.2 Specific objective: Equal recognition before the law of persons with disabilities, especially persons with psychosocial disability				
Measures	Incumbent institution	Contributing institution	Start date	End date
2.2.1 Raising awareness of relevant institutions through conducting training sessions for employees regarding the legal capacity to act as determined by the CRDP.	MHSP	MJ	2021	2022
2.2.2 Conducting an assessment study on the situation of persons with disabilities regarding the legal capacity to act.	MHSP		2021	2022
2.2.3 Intervention for improvements in the Civil Code, the Code of Civil Procedure and the Family Code, with the aim of recognizing the legal capacity of persons with disabilities.	MHSP	MJ	2025	2025
2.2.4 Implementation of a broad consultation process of the draft DCM 'On supported decision-making services for persons with disabilities', with the aim of ensuring that it is fully compliant with the CRPD, and its adoption.	MHSP		2025	2025
2.2.5 Training of officials in all judicial institutions regarding the CRPD.	MHSP	MJ / HJC	2021	2022
2.2.6 Revision of the Code of Criminal Procedure, so that proceedings that remove a person's capacity to act are turned into bilateral trials and that person is considered a party.	MHSP	MJ	2025	2025

To implement necessary reforms and amendments to the Civil Code, the Code of Civil Procedure, and the Family Code—ensuring the recognition of the legal capacity of persons with disabilities—a coordinated effort involving multiple institutions is required. The Plan envisions a series of activities to raise awareness among relevant institutions, including training for employees on the concept of legal capacity as defined by the CRPD, as well as conducting assessments on the situation of persons with disabilities regarding their legal capacity to act.

The plan has also outlined several sub-measures to be implemented over this five-year period, which are presented in the table below which includes columns with timelines of implementation.

As observed, the most critical measures required to fulfill Article 12 of the Convention are scheduled for implementation by 2025. This necessitates monitoring and evaluating the steps taken by institutions and the outcomes achieved within the set timeframe.

The plan under Policy Objective 2, 'Ensuring equal access to the justice system for all persons with disabilities,' outlines a series of measures to be

implemented during this 5-year period under Specific Objective 1, 'Increasing the number of individuals with disabilities who use free legal aid services,' and Specific Objective 3, 'Ensuring the respect of the rights of persons with disabilities in custodial institutions, in accordance with international standards.'

In relation to Specific Objective 1, *inter alia*, it is mentioned that 'the Ministry of Justice is working on the development of policies for the provision of primary and secondary legal aid services across the entire territory of the Republic of Albania, which will be incorporated into a new 5-year strategy dedicated to state-guaranteed legal aid, aimed at improving and increasing access to justice for vulnerable groups, with persons with disabilities holding a special place.'

The measures envisaged to achieve this objective primarily focus on the possibility of providing this service in accessible formats for persons with disabilities, such as: the development of accessible application forms for free legal aid (FLA) for blind persons (Braille language), the provision of FLA services in sign language for deaf persons, and the

Table 2. PKVPAK, 2021-2025, Specific Objective 2.1

2.1 Specific objective: Increasing the number of individuals with disabilities who use free legal aid services				
Measures	Incumbent institution	Contributing institution	Start date	End date
2.1.1 Informing representative organizations of persons with disabilities about the new legislation on free legal aid services and the eligibility criteria for accessing them.	FLAD/MJ		2021	2022
2.1.3 Establishing regional primary legal aid centers across all regions of the country.	FLAD/MJ		2023	2023
2.1.4 Establishing law clinics as legally designated institutions for the provision of free legal aid services.	FLAD/MJ		2023	2023
2.1.5 Training employees of LFA centers who directly provide free primary legal aid services, focusing on the realization of the rights of persons with disabilities in line with the CRPD approach.	FLAD/MJ	MHSP	2021	2022
2.1.6 Training law clinic students and lawyers from NGOs authorized by the Ministry of Justice to provide LFA, with a focus on the realization of the rights of persons with disabilities according to the CRPD approach.	FLAD/MJ		2021	2022
2.1.7 Training lawyers providing secondary legal aid on contemporary approaches to disability issues, in alignment with the CRPD model, and ensuring their certification.	FLAD/MJ		2021	2022
2.1.8 Developing application forms for LJU in accessible formats, including Braille for blind individuals.	FLAD/MJ		2025	2025
2.1.9 Ensuring the provision of LJU services in sign language for deaf individuals.	FLAD/MJ	ANAD	2025	2025

possibility of offering mobile FLA services in cases where the person is unable to move outside their living surroundings. A precautionary measure in this context is the redesign of the FLAD website to ensure its accessibility for persons with disabilities.

Institutional measures are also crucial and include: the establishment of regional primary legal aid centers across all regions of the country, the establishment of law clinics as institutions mandated by law to provide free legal aid services, and the strengthening

2.3 Specific objective: Guaranteeing respect for the rights of persons with disabilities in penitentiary institutions, in accordance with international standards				
Measures	Incumbent institution	Contributing institution	Start date	End date
2.3.1 Approval of the draft-Council of Ministers Decision (VKM) "On determining the manner and rules for the establishment and operation of special medical institutions and on security measures for their maintenance."	MJ	MHSP	2025	2025
2.3.2 Conducting periodic reporting on the number and health and psychological condition of persons with disabilities in penal institutions.	Prison System/ GDP		2021	2025
2.3.4 Increasing the number of psychiatrists within the prison system's staffing, to manage and administer treatment for persons with psychosocial disability.	MJ/ GDP		2023	2023
2.3.5 Providing psychiatrists working in the prison system with additional benefits due to the challenging nature of their work, in order to increase their interest in employment within the prison system.	MJ/ GDP		2023	2023
2.3.6 Implementation of the bio-psycho-social approach, supporting psychiatrists serving in these institutions with a psychologist.	Prison System MJ/ GDP MHSP	MHSP	2023	2023

of capacities among key stakeholders. This includes employees of FLA centers who directly deliver free primary legal aid, law clinic students, lawyers from NGOs authorized by the Ministry of Justice to provide FLA, and lawyers offering secondary legal aid. Capacity-building efforts will focus on contemporary approaches to disability issues, aligning with the model introduced by the CRPD ...' .

Regarding Specific Objective 3, it is stated that: '...In implementing this objective, relevant institutions will establish new facilities and services for persons with disabilities in (pre-) detention, including specialized facilities for court-ordered mental health treatment ...'

To facilitate the adoption of the CRPD-compliant model for the rights of persons with disabilities within penitentiary institutions, psychiatrists serving in these facilities will receive additional support from psychologists...'. The plan regarding the alignment of the Albanian legal framework with Article 13 of the CRPD has outlined several sub-measures to be implemented during this five-year period, as detailed in the table, where a specific column also highlights their implementation deadlines.

However, as can be observed, the most important part of the measures needed to fulfill Article 13 of the Convention are scheduled to be implemented with a final deadline set for the year 2025. In the context of this monitoring report, it will be necessary to wait in order to assess the steps and outcomes that institutions will undertake in this regard, within the defined timeframes.

IV.3. Equal Recognition Before the Law (article 12)

The equal recognition before the law of persons with disabilities is a fundamental and universal right that must be enjoyed and exercised by all categories of persons with disabilities. Equal recognition before the law is a prerequisite for ensuring full and equal access to justice for persons with disabilities.

As mentioned in the introduction, this monitoring report will place particular emphasis on the implementation of the recommendations issued by the Committee on the Rights of Persons with Disabilities following Albania's report submission on August 27–28, 2019, regarding the implementation of the Convention (CRPD).¹² The Committee's recommendations will be reflected in the following sections, analyzing their implementation within the legal framework and national policymaking.

Below is the text of Article 12 of the Convention

Equal Recognition Before the Law (Article 12)

- 1** States Parties reaffirm that persons with disabilities have the right to recognition anywhere as persons before the law.
- 2** States Parties recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
- 3** States Parties shall take appropriate measures to provide persons with disabilities access to the support they may require in exercising their legal capacity.
- 4** States Parties, in accordance with international human rights law, shall ensure that all measures relating to the exercise of legal capacity include appropriate and effective safeguards to prevent abuse. These safeguards shall guarantee that measures related to the exercise of legal capacity respect the rights, will, and preferences of the person, are free of conflicts of interest and undue influence, are proportional and tailored to the individual's circumstances, apply for the shortest duration possible, and are subject to regular review by a competent, independent, and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
- 5** Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their

¹² For more, refer to CRPD/C/SR.477 and 478

own financial affairs, and to have equal access to bank loans, mortgages, and other forms of financial credit. States Parties shall ensure that persons with disabilities are not arbitrarily deprived of their property.

The key principles derived from Article 12 are:

- Recognition of persons with disabilities as equal before the law and the enjoyment of legal capacity on an equal basis with other individuals in society.
- Obligation of States Parties to provide support to ensure that all individuals can exercise their legal capacity through appropriate safeguards, ensuring that the will and preferences of the person form the basis for informed decision-making.
- Requirement for States Parties to facilitate the full exercise of financial and property rights by persons with disabilities on an equal basis with others.

IV.4. Recommendations of the Evaluation Committee on the Rights of Persons with Disabilities.

The UN Committee on the Rights of Persons with Disabilities, regarding Article 12, 'Equal Recognition Before the Law,' noted that it 'is concerned about the insufficient progress made by Albania in amending its national legislation that denies or restricts the legal capacity of persons with disabilities, including the Civil Code, the Civil Procedure Code, the Family Code, and the Law on Mental Health, as well as about the absence of existing or planned mechanisms for supported decision-making.'

The Committee is also concerned about the inadequacy of the State Party's legal measures to guarantee the rights of persons with disabilities, particularly those with intellectual or psychosocial disabilities, in making choices about their lives and enjoying their right to equal recognition before the law.

Referring to its General Comment No. 1 (2014) on equal recognition before the law and the Council of Europe Commissioner for Human Rights' report following her visit to Albania from May 21 to 25, 2018, the Committee recommends that:

- Albania harmonize its legislation to comply with the Convention;
- All laws restricting the legal capacity of persons with disabilities, particularly those with psychosocial or intellectual disabilities, be repealed, replacing guardianship with a supported decision-making framework that respects personal autonomy, will, and preferences and the establishment of transparent legal remedies for persons with disabilities who have been deprived of their legal capacity.¹³

Regarding the implementation of Article 12 of the Convention, it is observed that, following the 2019 recommendations from the Committee, Albania has made some efforts in policies and strategies to address these recommendations. However, it remains far from aligning its legal framework with Article 12 of the Convention, particularly in ensuring access to justice for persons with disabilities.

As reflected in the analysis of the measures under the 'National Action Plan for Persons with Disabilities 2021–2025', legislative amendments related to the adaptation of codes and other legal acts have set 2025 as the final deadline for their implementation.

¹³. <https://documents.un.org/doc/undoc/gen/g19/254/44/pdf/g1925444.pdf>

IV.5. The main codes of the Albanian legal framework that cover the equality before the law of persons with disabilities.

This section of the report focuses on the legal acts identified for intervention within the framework of the National Action Plan for Persons with Disabilities concerning equal recognition before the law through the exercise of legal capacity and legal capacity to act.

The full or partial restriction of legal capacity and the capacity to act remain legal concepts enshrined in the Albanian legal framework. However, in light of Albania's obligations following the ratification of the Convention, these provisions contradict the principles and guarantees established by the Convention.

The Civil Code, in its general framework, recognizes and enforces the limitation or removal of legal capacity and capacity to act. According to Articles 9 and 10 of the Albanian Civil Code, a person's legal capacity may be restricted or removed if they are deemed incapable of managing their affairs due to mental illness or 'intellectual disability.' These legal provisions are in direct contradiction with the standards set by the CRPD regarding

the recognition and exercise of legal capacity and capacity to act.

Furthermore, the Civil Code contains several other provisions that conflict with the principles and Article 12 of the CRPD on equal recognition before the law. These provisions should be subject to revision to align with the guarantees established by the Convention¹⁴.

Similarly, the Civil Procedure Code also imposes restrictions, including prohibiting persons with disabilities who have had their legal capacity removed or restricted from filing lawsuits, participating as parties in civil proceedings, or being questioned as witnesses in court due to physical or mental impairments.

This code also outlines the procedure for the removal and restriction of 'legal capacity to act' with the aim of placing the individual under the regime of 'legal guardianship.' Notably, there is a critical need to amend the legal provision to ensure that judicial processes removing a person's legal capacity to act become adversarial proceedings, guaranteeing that the person is recognized as a party to the process.

In accordance with the standards of the Convention, the provisions of the Civil Procedure Code must

¹⁴. Civil Code: Articles to be Reviewed in Compliance with Article 12 of the Convention:

- Article 4 – 'A natural person cannot have their civil rights restricted, except in cases specifically provided by law.'
- Article 9 – 'A minor aged fourteen to eighteen who is incapable of managing their affairs due to mental illness or intellectual disability may have their legal capacity removed by a court decision. Legal actions on their behalf can only be carried out through their legal representative.'
- Article 10 – 'An adult who, due to mental illness or intellectual disability, is wholly or partially incapable of managing their affairs, may have their legal capacity restricted or removed by a court decision.'
- Article 13 – 'A person whose legal capacity has been removed and children under guardianship shall have the residence of their legal representative.'
- Article 34 – 'Definition of Representation' – 'A person who does not have full legal capacity to act cannot serve as a representative.';
- Article 76 – "Termination of Power of Attorney" – "A power of attorney terminates when: ... c) the representative or the represented person has died, or when either of them has lost legal capacity to act."
- Article 94 – 'Legal Actions Declared Null and Void.'
- Article 104 – 'The timeframe for filing a lawsuit begins: a) for legal actions carried out by persons whose legal capacity has been removed or restricted, from the day they reach adulthood or regain their legal capacity.'
- Article 109 – 'When a legal action is declared null and void because it was carried out by a person whose legal capacity to act has been entirely removed, or by a person with restricted legal capacity who acted without the consent of their guardian. '
- Article 129 – 'Suspension of the Statute of Limitations' – 'The statute of limitations is suspended ... d) for lawsuits filed by minors and other persons who do not have legal capacity to act.'
- Article 373 – 'Legal Capacity to Make a Will.'
- Article 416 – 'The district court, upon the request of heirs or interested parties, may dismiss the executor of a will for serious breaches of duty or incompetence in managing the inherited property.'

be reviewed with due consideration of the principles and safeguards established by the CRPD concerning ‘supported decision-making.’ This revision should focus on establishing structures and mechanisms that support persons with disabilities in expressing their will, desires, and preferences when making decisions¹⁵.

The Family Code, in line with the aforementioned legal acts, contains prohibitive provisions that restrict the full exercise of rights in family relations for persons with disabilities, primarily concerning intellectual or psychosocial disabilities.

In many articles of the Family Code, the restrictions on the right to marry, adopt, or exercise guardianship are not necessarily tied to a court decision that removes or restricts ‘legal capacity to act.’ Instead, the prohibitive measures set out in this Code appear to grant law enforcement authorities the discretion to limit a person’s rights based on the determination of a ‘severe psychological illness or intellectual developmental disorder.’ This implies that, in such cases, even a simple medico-legal report could serve as a sufficient basis for restricting rights under this Code.

Additionally, the Family Code has designated a specific chapter ... Chapter II, ‘Guardianship over persons whose legal capacity to act has been

removed or restricted’, sets out the rules governing guardianship for individuals whose legal capacity has been restricted or removed. A guardian appointed by a court decision has the authority to give consent and manage the property of the person whose ‘legal capacity’ has been removed.

Persons deprived of legal capacity cannot undertake legal actions, are not legally recognized as having the right to enter into contracts or manage their property independently, and are also deprived of the right to vote.

The provisions of the Family Code contradict Article 12, paragraph 5, of the Convention, which requires State Parties to take measures, including legislative, administrative, judicial, and other practical measures, to ensure that persons with disabilities enjoy their financial and economic rights on an equal basis with others in society. This restrictive approach, which denies persons with disabilities the right to exercise ‘legal capacity to act’ in financial matters or manage their income, must be replaced with a system of support for exercising ‘legal capacity to act’, as outlined in Article 12, paragraph 3, of the CRPD.

It is therefore essential to review the provisions of the Family Code to fully align them with Article 12 of the CRPD, ensuring equal recognition before the

¹⁵. For the alignment of Albanian legislation with the Convention, it is recommended to review the following provisions that are still in force in the Civil Procedure Code:

- Article 33 – ‘...A lawsuit cannot be filed by a person who lacks legal capacity to act.’
- Article 35 – ‘... Cases tried by a panel of three judges include: ... ç) Lawsuits for the removal or restriction of a person’s legal capacity to act.’
- Article 44 – ‘Lawsuits against ... persons whose legal capacity to act has been entirely removed are filed in the court of the jurisdiction where their legal representative resides.’
- Article 91 – ‘Legal Capacity to Act’
- Article 131 – ‘If the summoned person is not found at one of these places, the notice is delivered to a family member ... except when the recipient is ... incapable of acting.’
- Article 158/a – ‘... 1. If, upon preliminary review of the case files, the judge determines a lack of jurisdiction or competence, or if the parties lack legal capacity to act ...’
- Article 235 – ‘Prohibition of Testimony as a Witness’ – ‘Cannot be questioned as witnesses: ... persons who, due to physical or psychological impairments, are unable to correctly understand facts relevant to the case and provide proper testimony.’
- Article 297 – ‘Suspension of the Trial’ – ‘... ç) one of the parties does not have or has subsequently lost legal capacity to act ...’
- Article 298 ‘... or the legal representative of the party who has lost the capacity to act as a party ...’;
- Chapter VII ‘Removal or restriction of the capacity to act’ Articles 382 - 387.

law for all persons with disabilities in exercising their rights within family relationships.¹⁶

IV.6. Supported decision-making

In July 2022, Decision of the Council of Ministers (DCM) No. 470, dated 6.7.2022, 'On the determination of rules, procedures, and criteria for the provision of supported decision-making services for persons with disabilities,' was approved as a bylaw regulating supported decision-making for persons with disabilities. However, civil society organizations have expressed concerns that this decision was adopted without prior consultations with them¹⁷.

The analysis of this bylaw reveals that it establishes the rules, procedures, and criteria for the provision of supported decision-making services for persons with disabilities as an empowering alternative that aims to ensure the realization of their rights and freedoms, as well as their effective participation in society as beneficiaries of services in public and non-public institutions. The bylaw identifies key areas where supported decision-making will be provided, including healthcare matters, social support services, and financial issues.

Article 12, paragraph 5, of the Convention states inter alia that: '... States Parties shall take all appropriate and effective measures to ensure the

equal right of persons with disabilities ... to control their own financial affairs and to have equal access to bank loans, mortgages, and other forms of financial loans, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.'

From the perspective of the safeguards provided by DCM 470/2022, supported decision-making is guaranteed in financial matters, including daily expenses and savings for essential needs such as clothing, housing, and education. Additionally, the bylaw ensures the right to personal data protection.

According to this decision, supported decision-making services are available to persons with disabilities who request them, are at least 18 years old, experience difficulties in obtaining or understanding the information necessary for making decisions, and sign a 'Supported Decision-Making Agreement' in the presence of two social service workers from the relevant municipal/administrative unit. This agreement does not prevent the person with disabilities from making decisions independently.

A supporter in decision-making may be:

a) a family member, relative, friend, or personal assistant; b) one or more individuals with full legal capacity who ensure the protection of the person with disabilities without abuse or personal gain throughout the provision of supported decision-making; c) an individual or a group of individuals,

¹⁶. For the alignment of Albanian legislation with the Convention, it is recommended to review the following provisions that are still in force in the Family Code:

- Article 12 – A person suffering from a severe psychological illness or having an intellectual developmental disorder that renders them incapable of understanding the purpose of marriage cannot enter into marriage.
- Article 35 – A marriage entered into by a person suffering from a severe psychological illness or having an intellectual developmental disorder that renders them incapable of understanding the purpose of marriage is invalid.
- Article 47: 'When a spouse has been deprived of legal capacity, the lawsuit for the annulment of the marriage may be filed by their guardian.'
- Article 245: 'A person may not adopt if: ... b) they suffer from a mental illness or have an intellectual disability, ...'
- Article 132: 'Dissolution of marriage at the request of one spouse' – 'Each spouse may request the dissolution of the marriage if, due to ... an incurable mental illness ...'
- Article 141: 'The right to file a lawsuit by the guardian.'
- Article 270: 'Incapacity and incompatibility to be a guardian' – 'A person cannot be appointed as a guardian if: ... e) due to their health condition, they cannot easily perform guardianship duties ...'
- Article 274: 'Cases of special guardianship.'
- Chapter II: 'Guardianship over persons whose legal capacity has been removed or restricted,' Articles 307-313.

¹⁷. Alternative report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Albania, February 2024

chosen by the person with disabilities, who meet the established criteria and have signed the agreement as specified in Annex No. 1 of this decision; ç) a person or persons willing to support the individual requesting assistance in decision-making, acting in accordance with their interests, choices, and preferences.

As quoted above, it is worth highlighting that this decision guarantees the exercise of part of the financial rights of persons with disabilities mainly related to daily expenses and savings.

On the other hand, it is noted that this decision does not provide for the exercise of the financial rights of persons with disabilities through supported decision-making in financial matters and to have equal access to bank loans, mortgages and other forms of financial loans.

The provision of supported decision-making under this decision is not recognized or guaranteed as a substitute for the legal guardianship system, which is applied in cases of removal or restriction of legal capacity under the provisions of the Civil Code. Instead, this decision aims to provide an alternative for decision-making in daily life matters without extending it to the exercise of other legal rights necessary for full and equal recognition before the law.

Additionally, the effective implementation of this bylaw is likely to be hindered by the lack of capacity among staff in incumbent social service institutions, who are tasked with confirming agreements between persons with disabilities and their supporters. To address this challenge, it is essential to provide comprehensive training for public administration staff, with a strong focus on the rights of persons with disabilities to make their own decisions.

IV.7. Access to Justice (article 13)

Access to justice is a fundamental right that enables persons with disabilities to live independently and

participate fully and equally in society. Without access to justice, persons with disabilities would not have equal opportunities to engage in their communities. As previously mentioned, the Convention, through its provisions, particularly Article 13 on access to justice, guarantees the full and equal implementation of this right for all categories of persons with disabilities.

In this monitoring report, special attention will also be given to the implementation of the recommendations related to Article 13 (access to justice) issued by the Committee on the Rights of Persons with Disabilities following Albania's report submission on August 27–28, 2019, regarding the implementation of the CRPD¹⁸.

The Committee's recommendations will be reflected below in the context of their implementation within the and national legal and policy framework.

Article 13

Access to Justice

1 States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of appropriate procedural accommodations and age-appropriate adjustments, to facilitate their role as direct and indirect participants, including as witnesses, in all legal proceedings, including investigative and other preliminary stages.

2 To ensure that persons with disabilities have proper access to justice, States Parties shall encourage the organization of training sessions for individuals working in the administration of justice, including police officers and prison staff.

The main priorities regarding access to justice include:

The application of human rights standards specifically for persons with disabilities, including access, procedural and reasonable accommodations, equal participation, the right to a fair trial, and recognition of the diversity among persons with disabilities and

¹⁸. For more, refer to CRPD/C/SR.477 and to 478

their individual requirements for equal and effective access to justice.

Awareness-raising strategies, including training programs and media campaigns, based on the human rights model of disability, targeting judges, legislators, and law enforcement officials to eliminate biases and promote the recognition of rights.

Recognition of persons with disabilities as individuals with full legal rights, including granting equal weight to complaints and statements made by persons with disabilities as those made by persons without disabilities. This also involves facilitating testimony from persons with psychosocial and/or intellectual disabilities and combating harmful gender and disability-related stereotypes.

IV.8. Recommendations of the Reviewing/ Assessment Committee on the Rights of Persons with Disabilities

The Reviewing / Assessment UN Committee on the Rights of Persons with Disabilities – regarding Article 13, ‘Access to Justice,’ noted that: The Committee is concerned about the lack of specific measures to ensure that persons with disabilities have full and inclusive access to the justice system, including: (i) Free legal aid; (ii) Accessible legal services and sign language interpreters in courtrooms, police stations, and public institutions to guarantee procedural safeguards; (iii) Effective communication and interaction with authorities within the criminal justice system (prosecution offices).

The Committee is also concerned about the absence of information on specific measures and protocols aimed at removing barriers to access to justice and providing procedural accommodations tailored to gender and age in judicial proceedings for persons with disabilities, including written information and communication regarding notary services.¹⁹

The Committee also recommends that Albania:

- Ensure transparent and barrier-free access to the justice system for persons with disabilities without discrimination.
- Guarantee that persons with disabilities, particularly those still living in institutions, have access to free legal aid.
- Ensure non-discriminatory access to assistive technologies and registered, qualified sign language interpreters, as well as the provision of Braille writing, simplified reading through sign language, and other alternative formats in judicial procedures and notary-related services;
- Strengthen efforts to provide training and capacity-building programs on the Convention for judicial, law enforcement and notary personnel in implementing a human rights approach to disability;
- Provide training and capacity-building programs on the Convention for persons with disabilities and to raise their legal awareness.

IV.9. The main codes of the Albanian legal framework that cover access to justice for persons with disabilities.

What's the situation like in the Albanian Legal Framework regarding compliance with Article 13 – ‘Access to Justice’. The following analysis focuses on the key legal acts and codes currently in force, examined in light of the recommendations of the CRPD Committee and the measures planned for implementation under the National Action Plan for Persons with Disabilities 2021–2025.

The Criminal and Penal Code continues to apply the principle of ‘criminal irresponsibility due to mental condition.’²⁰ through which an individual is declared to have been ‘in a state of mental incapacity’ at

¹⁹ <https://documents.un.org/doc/undoc/gen/g19/254/44/pdf/g1925444.pdf>

²⁰ unfitness to stand trial

the time of committing a criminal offense, thereby exempting them from criminal responsibility.

The declaration of ‘criminal irresponsibility due to mental condition’ effectively denies the individual’s ‘legal capacity to act,’ further undermining the fundamental principles of ‘equal recognition before the law’ and ‘access to justice.’ This restriction prevents persons with disabilities from exercising their rights on an equal basis with others.

When an individual is declared ‘criminally irresponsible,’ they are excluded from criminal proceedings²¹ and placed under security measures, including deprivation of liberty and involuntary medical treatment, often for an indefinite period against his/her will²². This situation subjects them to a process that differs from that guaranteed to other individuals, violating their right to ‘a fair legal process’ throughout all stages of criminal proceedings.

To align Albanian legislation with the Convention, it is recommended to review or repeal the legal provisions still in force in the Criminal Code that restrict the ‘exercise of legal capacity to act’ and the ‘supported decision-making framework’. These revisions are necessary to ensure full compliance of the Criminal Code with the standards guaranteed by the Convention.²³

The Criminal Procedure Code, like other legal acts, provides for the exercise of the rights of persons with disabilities only through a guardian or legal representative.

The Criminal Procedure Code restricts the capacity to testify during criminal proceedings or as a ‘witness to verify the content of the procedural act’, linking the inability to testify not only to intellectual disability but also to physical disability. This provision is in direct contradiction with the standards of the Convention. Furthermore, the Criminal Procedure Code aligns with the approach of the Criminal Code, which still operates under the principle of ‘criminal irresponsibility due to mental condition’. This leads directly to a court decision subjecting the individual to an expert evaluation to assess their capacity to act.

In light of the above, it is necessary to review the provisions of the Criminal Procedure Code to ensure equal recognition before the law for persons with disabilities regarding the exercise of ‘legal capacity to act’ and the ‘supported decision-making framework’. This revision is essential to fully align the Criminal Procedure Code with the standards affirmed in the Convention.²⁴

²¹. This problematic situation has also been highlighted by the CRPD Committee, which has emphasized that: the Committee strongly opposes the principle of ‘criminal irresponsibility due to mental condition’ (unfitness to stand trial) and its discriminatory nature. It recommends reviewing criminal procedures to reassess the concept of ‘lack of criminal responsibility due to mental condition.’ This position has also been supported by the ‘Working Group on Arbitrary Detention’, which has called for persons with intellectual disabilities and psycho social disorders to be granted the right to stand trial while ensuring the necessary support through ‘reasonable accommodation.’

²². The Committee has called for the elimination of security measures that involve compulsory medical or psychiatric treatment in institutions and has expressed concern about such institutions, which lack the safeguards regularly provided in the criminal justice system and impose indefinite deprivation of liberty. It recommends that these measures be abolished.

²³. To align Albanian legislation with the Convention, it is recommended to review the following provisions that are still in force in the Criminal Code:

- Article 17 ‘Irresponsibility due to mental condition’
- Article 46 ‘Medical and educational measures’
- Article 58 ‘Semi-liberty’ – ‘For sentences of up to one year of imprisonment, the court, considering the obligations of the convicted person ... or the need for medical treatment or rehabilitation, may order the execution of the prison sentence under semi-liberty.’

²⁴. To align Albanian legislation with the Convention, it is recommended to review the following provisions that are still in force in the Criminal Procedure Code:

- Article 43 Verifications of the defendant’s responsibility
- Article 44 Suspension of proceedings due to the defendant’s irresponsibility
- Article 45 Revocation of the suspension decision – 1. The suspension decision is revoked when it is determined that the defendant’s mental condition allows for conscious participation in the proceedings
- Article 46 Mandatory medical measures

IV.10. Access to free legal aid

Law No. 111/2017 'On State-Guaranteed Legal Aid' includes provisions for free legal assistance for various groups, including persons with disabilities.

According to data from the Directorate of Free Legal Aid and information published on its official website, since 2020, Primary Legal Aid Service Centers have been established. As of 2024, Primary Legal Aid is available in 20 centers: 14 funded by the state budget and 6 opened with the support of UNDP, along with 15 authorized NGOs and 12 Legal Clinics attached to higher education institutions. Regarding secondary legal aid, 177 lawyers have signed contracts with the Directorate of Free Legal Aid to provide this service for 2024.

Additionally, data from the 2023 Annual Report indicate that beneficiaries of primary legal aid include:

From the category of persons with disabilities (beneficiaries of disability payment, in 2023 alone, there were approximately 527 beneficiaries, with around 102 receiving secondary legal aid.

From the category of individuals with the status of blindness, in 2023 alone, there were approximately 115 beneficiaries, with around 29 receiving secondary legal aid.

From the category of persons for whom the removal or restriction of legal capacity to act was requested, in 2023 alone, there were approximately 3 beneficiaries, with no cases receiving secondary legal aid.

Meanwhile, according to the published data for 2023, there are no recorded cases of primary or

secondary legal aid being provided to persons whose legal capacity to act has been removed or restricted and who seek to initiate proceedings against their legal guardian.

Compared to other categories benefiting from primary or secondary legal aid, persons with disabilities rank third among those receiving free legal aid. The first category consists of victims of domestic violence, with approximately 1,131 beneficiaries, followed by individuals enrolled in social protection schemes, with 767 beneficiaries.

Referring to the published statistics, it is observed that persons with disabilities actively benefit from primary or secondary legal aid provided by the Directorate of Free Legal Aid through legal aid service centers.

IV.11. Albanian sign language interpreter

Law no. 82/2021, 'On official translation and the profession of official interpreter,' has included sign language interpreters within its scope of application. Specifically, Article 3 states: 'Scope of Application' 1. This law applies to all official translators when performing official translations within the territory of the Republic of Albania. 2. This law also applies to sign language interpreters or communication facilitators for persons with disabilities in speech and hearing when appointed by procedural authorities, according to the applicable procedural legislation, or during the examination of cases by the Constitutional Court.'

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- Article 59 Accusing victim – 4. An accusing victim who does not have legal capacity to act exercises the rights granted by law through their legal representative
 - Article 155 Capacity to testify.
 - Article 156 'Incompatibility with the duty of a witness' – '1. The following persons cannot be questioned as witnesses: a) persons who, due to physical or psychological disabilities, are unable to provide proper testimony.'
 - Article 165/a 'Witness with a concealed identity' – '3. Only the presiding judge is aware of the true identity of the witness that is under a concealed identity and verifies their capacity and incompatibility with the duty of a witness, in accordance with the provisions of this Code.'
 - Article 180 'Incompatibility with the duty of an expert' – '1. The following persons cannot serve as experts: a) minors, individuals who are legally prohibited or have had their legal capacity to act removed, or those suffering from a mental illness.'
 - Article 232 'Types of restrictive measures' – '1. Restrictive measures include: ... e) temporary admission to a psychiatric hospital.'
 - Article 239 'Temporary admission to a psychiatric hospital.'

This law also provides a definition of the sign language interpreter, recognizing their right to be included in the ‘Electronic Register of Official Translators’: Article 4 ‘Definitions’ e) ‘Sign language interpreter’ is a certified individual authorized to perform sign language interpretation and registered in the electronic register of official translators in accordance with the conditions set out in this law. This person facilitates communication with individuals who are partially or completely deaf and/or mute, translating from sign language into spoken and written Albanian, during the investigation of a criminal case, as well as in civil, criminal, or administrative court proceedings, according to applicable procedural legislation, or during case hearings before the Constitutional Court. ë) ‘Electronic Register of Official Translators’ is the state database for all official translators and Albanian sign language interpreters, containing all information regarding certification, professional activities, and applicable disciplinary measures.

The Civil Procedure Code states in Article 218: ‘Witness who does not speak or hear’: ‘When a person who does not speak or hear is questioned, if their questioning cannot be conducted in writing, the court shall summon a person who understands the signs used by the person being questioned.’ As observed, this provision does not clearly define the support available to persons with sensory disabilities in judicial proceedings through a certified Albanian sign language interpreter. Consequently, it is necessary to review this article and adapt it to the safeguards affirmed by the Convention, ensuring effective legal assistance for persons with disabilities.

Another important issue to highlight is the low number of qualified professionals or ‘Albanian sign language interpreters’. According to data from the national electronic register²⁵ only four interpreters are certified and included in this register, with three operating in Tirana and one in the city of Durrës.

IV.12. Increasing knowledge in the field of administration of justice and legal education

The Convention emphasizes the need to enhance knowledge through appropriate training for all those working in the justice system, to raise awareness across society about the rights and dignity of persons with disabilities, and to combat stereotypes, prejudices, and harmful practices related to persons with disabilities in all areas of life.²⁶

From this perspective, institutions and justice system employees must be trained on how to communicate with persons with disabilities, as the lack of knowledge across the justice sector and negative attitudes stemming from misunderstandings about disability pose a major barrier to ensuring effective access to justice.

The Convention Committee has provided several comments on training in relation to Article 13, emphasizing the importance of mandatory and continuous training programs, implemented regularly in both urban and rural areas, as well as in remote communities.

The Committee also calls for sufficient funding and financial resources to be allocated for these training programs, highlighting the need for awareness-raising campaigns and capacity-building initiatives for those working in the legal system. This includes judges, legal professionals, notarial service personnel (notaries and assistant notaries), social workers, justice and law enforcement officials, as well as lawyers and sign language interpreters.

In line with this, well-structured awareness strategies are also needed, including training programs and media campaigns based on the human rights model of disability, targeting judges, legislators, and law enforcement officials to eliminate prejudices and promote the recognition of rights.

²⁵. <https://www.drejtesia.gov.al/wp-content/uploads/2023/04/LISTA-E-P%C3%8BRKTHYESVE-ZYRTAR%C3%8B-DHE-INTERPRET%C3%8BVE-T%C3%8B-GJUH%C3%8BS-S%C3%8B-SHENJAVE-P%C3%8BR-VITIN-2023-2024.pdf>

²⁶. Convention / UNCRPD, articles 8 and 13

Based on the above and as explained also in the analysis of quantitative data, it is evident that the level of awareness and training on disability remains very low. Awareness and training are among the

key measures outlined in the National Action Plan for Persons with Disabilities 2021–2025, but which in practice, their implementation remains unsatisfactory.

V. QUANTITATIVE DATA ANALYSIS

The monitoring report, based on the adopted methodology, is focused also on analyzing the quantitative data collected from justice system institutions and public administration bodies responsible for ensuring equality before the law and access to justice for persons with disabilities.

In this context, a comprehensive set of questionnaires was prepared for justice system institutions and certain public administration bodies to collect quantitative data.

Additionally, a dedicated questionnaire was developed for persons with disabilities and was distributed to 250 individuals with disabilities across five regions of Albania where this project is being implemented.

The prepared questionnaires were distributed during the period from June to September 2024 according to the following breakdown:

- 13 questionnaires for the First Instance Courts of General Jurisdiction
- 13 questionnaires for the general jurisdiction prosecutor's offices near the first instance courts
- 1 dedicated questionnaire for the Commissioner for Protection from Discrimination
- 1 questionnaire for the Ministry of Justice and the Free Legal Aid Directorate
- 1 questionnaire for the Ministry of Health and Social Protection
- 250 questionnaires for persons with disabilities in 5 cities of Albania.

The following section presents the analyzed data

from the distribution of questionnaires and the results obtained from the responses, as part of this monitoring report.

The data has been processed in Excel format and analyzed in view of the total value of the collected information. To ensure a clearer interpretation of the gathered data, each obtained result has been visually represented in graphical form.

V.1. Data reported by courts of First Instance of General Jurisdiction

The First Instance Courts of General Jurisdiction were included in this monitoring report due to the nature of the administrative services they provide and, more specifically, the procedural elements they must ensure during judicial processes (civil or criminal) for all categories of persons with disabilities. This is particularly related to the rights affirmed in Articles 12 and 13 of the Convention.

The questionnaire specifically prepared for the First Instance Courts of General Jurisdiction was distributed in cooperation with the High Judicial Council to 13 general jurisdiction courts, from which written responses were received from 9 courts.²⁷

The questionnaire consisted of a series of questions grouped into five main areas (i) Accessibility; (ii) Access to justice for persons with disabilities, identifying cases based on civil or criminal nature in which persons with disabilities have been parties to the proceedings; (iii) Guaranteeing procedural rights during judicial processes (civil or criminal); (iv) Ensuring administrative services provided by the courts; (v) Training for judges and administrative staff.

²⁷. The First Instance Courts of General Jurisdiction in Tiranë, Elbasan, Dibër, Gjirokastrë, Korçë, Shkodër, Kukës, Lezhë, and the Court Services Office in Përmet.

The following section presents the obtained data categorized according to the aforementioned areas.

Accessibility in the First Instance Courts of General Jurisdiction

From the data obtained from 9 first instance courts of general jurisdiction, it is observed that 6 of them are equipped with ramps at the entrance of the institutions, while only 3 have elevators that enable access for persons with disabilities to all floors of the building.

Regarding the fulfillment of other accessibility elements in information services at these courts, it is observed that all courts provide informational signs for services, but only 4 of them offer this information in large print.

The First Instance Court of General Jurisdiction in Korçë indicated in the completed questionnaire that it provides information in Braille for persons with visual impairments. Additionally, 3 out of the 9 courts offer information in audio format and enable a sign language interpreter when a person with hearing impairment/loss is present in the court.

Meanwhile, only 2 out of the 9 courts have dedicated staff to guide and assist persons with disabilities in accessing court services when there is a need to do so.

Access to justice for persons with disabilities, identifying cases based on their civil or criminal nature in which they have been parties to the proceedings

In the questionnaire distributed to the first instance courts of general jurisdiction, a specific section was

dedicated to identifying the category of disability and the nature of cases in which a party to the proceedings was a person with disabilities. The purpose of collecting such statistics was to assess the level of inclusion of persons with disabilities in access to justice and to identify the types of cases in which they were involved as parties.

Out of the 9 (nine) first instance courts of general jurisdiction that completed the questionnaire, only three reported statistical data on identifying persons with disabilities as parties in civil or criminal proceedings.

In their responses, the courts explained: ‘... Judicial cases in the First Instance Court of General Jurisdiction are recorded in manual registers and the electronic registry, specifically in the ICMIS system, which is used for court data management. These registers reflect the case registration date, litigating parties, case subject, legal basis, relevant act number, case number, decision number, and date, etc. However, the court does not collect, process, or generate data related to persons with disabilities.

In these conditions, we are unable to identify them as litigating parties. The only case categories that refer to persons with disabilities are: 1. In the civil field, cases concerning the removal of legal capacity to act and the appointment of a legal guardian, for which data is collected and processed. 2. In the criminal field, cases concerning the imposition of medical measures.’

The following section presents data reported by the three courts that responded to the questionnaire. It is noted that for the years 2022 and 2023, in civil cases

Table 4. Accessibility in First Instance Courts of General Jurisdiction

Courts of First Instance of General Jurisdiction								
Elements of accessibility	Ramp	Elevator	Information board	Braille	Large print	Audio	Sign language interpreter	Person responsible for assisting the PWD
Accessibility to Court	6	3	9	1	4	3	3	2

Table 5. Civil Cases Handled in Courts, by Disability Category

Civil Cases Handled in 2022								
Persons with disabilities by category:	Wheelchair users	Difficulty in mobility	Persons with visual loss	Person with visual impairment	Person with hearing impairment/loss	Person with psychosocial disability	Person with Intellectual disability	Children with disability
Civil cases handled, 2022;	4	5	2	1	6	10	4	4
Civil cases handled, 2023	1	5	3	0	5	15	9	6

where at least one party to the proceedings was a person with disabilities, the highest number of cases involved individuals with psycho social disability: 10 cases in 2022 and 15 cases in 2023, followed by cases involving individuals with ‘intellectual disabilities’, 9 cases in 2023, or involving individuals with ‘visual impairments’ 6 cases in 2022.

Regarding the nature of cases handled by the first instance courts of general jurisdiction for civil matters in 2022–2023, as reflected in the data from the table below, the highest number of cases are related to the removal or restriction of legal capacity to act and the appointment of a legal guardian.

The collection and processing of these data confirm that, in practice, persons with disabilities or their representatives primarily turn to the courts for cases related to the removal or restriction of legal capacity to act and the appointment of a legal guardian. These findings further emphasize the need for Albania to fulfill the standards set by the CRPD, particularly Article 12 ‘Equal recognition before the

law’ and Article 13 ‘Access to justice’. Additionally, they highlight the importance of implementing the recommendations of the CRPD Committee regarding the revision and improvement of the Albanian legal framework in this field.

Ensuring procedural rights during judicial proceedings (civil or criminal)

Ensuring procedural rights during judicial proceedings (civil and criminal) is a fundamental prerequisite that must be guaranteed and fulfilled by the court for every party in the process.

The Convention clearly defines the safeguards that must be in place for each category of disability. In this context, the questionnaire also included questions aimed at assessing the extent to which these rights are ensured in court.

Regarding the representation of persons with disabilities in court, it is noteworthy that in most

Table 6. Nature of Civil Cases

Civil Cases 2022						
Nature of the case	Restriction of legal capacity to act	Removal of legal capacity to act	Appointment of a legal guardian	Divorce proceedings	Property disputes	Other
Civil cases 2022	15	21	21	3	5	1 ³¹
Civil cases 2023	4	17	17	3	2	0

²⁸. One request for the revocation of a decision regarding the reassessment of the measure for involuntary hospitalization and treatment of persons with mental health disorders, based on Law No. 44/2012 ‘On Mental Health.’

Table 7. Representation in Courts

Representation in Court						
Court	Personally	By Guardian	By Relatives	Private Attorney	Legal Aid Attorney	Other
Total	4	4	5	3	5	0

cases, this category is represented either by a legal aid attorney provided free of charge by the state or by their relatives. This indicates a satisfactory level of activation of legal aid offices in this regard.

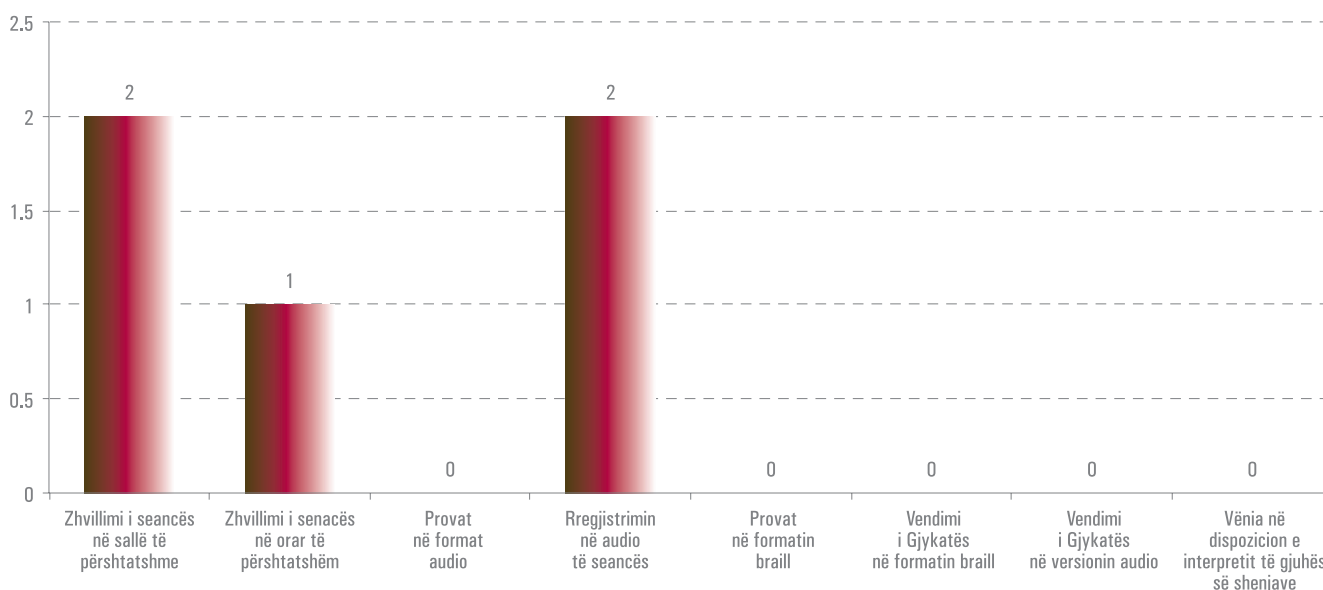
Regarding the question on procedural requests in court cases where one of the parties was a person with disabilities, the data indicate that out of nine courts, only in two of them did persons with disabilities submit procedural requests for hearings to be held in an accessible courtroom and at a suitable time. These requests were taken in account by the courts.

No requests were made for court decisions or evidence to be provided in Braille format. Meanwhile, court hearings are recorded in audio format, and in two cases, individuals requested access to the audio recordings of the hearings. Additionally, in none of the nine courts was there a request for support from a sign language interpreter.

Below are the data obtained from the processing of the questionnaire responses:

- Hearing conducted in an accessible courtroom – 2
- Hearing conducted at a suitable time – 1
- Evidence in audio format – 0
- Audio recording of the hearing – 2
- Evidence in Braille format – 0
- Court decision in Braille format – 0
- Court decision in audio version – 0
- Availability of a sign language interpreter – 0

Regarding the expenses for sign language interpreters in criminal cases, courts report that these costs are always covered by the court's budget. In civil cases, however, the expenses may be paid by the parties themselves or, for those represented by a state-

Figure 1. Procedural Requests in Court

appointed free legal aid attorney, they are covered by the Ministry of Justice.

Ensuring Administrative Services Provided by the Courts

The questionnaire addressed to the courts also included questions regarding the guarantee of administrative services for persons with disabilities, aiming to identify the category that, in the perception of court administrative staff, faces the greatest difficulties in accessing these services.

The reported data indicate that out of nine courts, four identified wheelchair users as the category facing the most significant challenges in accessing administrative services. They are followed by persons with visual, hearing, and speech impairments, as well as those with psycho social disabilities. The courts report that the primary difficulties for these categories are related to the lack of physical and infrastructural accessibility in the buildings where the courts are located.

The questionnaire also included questions to assess the accessibility of information for all

disability categories, both in terms of obtaining information on administrative services and accessing general information about the judicial system. This assessment also considered the accessibility of information provided through the official websites of the courts.

The collected data indicate that all nine courts provide information through their official websites, with seven courts stating that the information is available in simplified language and three courts offering it in large print. Meanwhile, only the Tirana court provides information about court accessibility through a video adapted for sign language interpretation²⁹.

Training for Judges and Administrative Staff

The training of the judiciary and administrative staff in the field of disability is also a crucial issue that should be integrated into the curriculum not only for new magistrates but also as part of their ongoing training. Special attention should be given to continuous education in this area. Additionally, this is one of the obligations outlined in the Convention that must be fulfilled by the states that have ratified it.

Table 8. Categories Facing the Most Difficulties Accessing Administrative Services

The category that faces the most difficulties in accessing administrative services							
The Court	Wheelchair users	Persons with mobility difficulties	Persons with visual loss	Persons with visual impairments	Persons with hearing and speech impairment/ loss	Persons with psychosocial disability	Person with intellectual disabilities
Total	4	1	3	2	3	3	2

Table 9. Accessibility of Information

Accessibility of Information							
Forms of Services Provided by the Court's Online Platform	Internet	Audio version	Large print	Information in simplified language	Information in Braille	Information in sign language	Other
Total	9	1	3	7	0	1	0

²⁹. Implemented as part of a project led by ADRF and supported by Save the Children through assistance from the European Union.

From the data collected from the (nine) first-instance courts of general jurisdiction, none reported having conducted training sessions on disability-related issues, the UN Convention on the Rights of Persons with Disabilities, or access to justice for persons with disabilities.

V.2. Data reported by prosecutor's offices at the First Instance Courts of General Jurisdiction

This monitoring report included the First Instance Prosecutor's Offices of General Jurisdiction, as well as the Appeals Prosecutor's Office of General Jurisdiction.

The questionnaire specifically prepared for the First Instance Prosecutor's Offices of General Jurisdiction was distributed to all 13 prosecutor's offices, from which written responses were received from five of them³⁰.

The questionnaire consisted of a series of questions grouped into five main areas: (i) Accessibility; (ii) Access to justice for persons with disabilities, by identifying criminal cases in which persons with disabilities have been parties to the process; (iii) Guaranteeing procedural rights during the criminal

process; (iv) Guaranteeing administrative services from the prosecution; (v) Training for prosecutors and administrative employees. The following section presents the obtained data categorized according to the aforementioned areas.

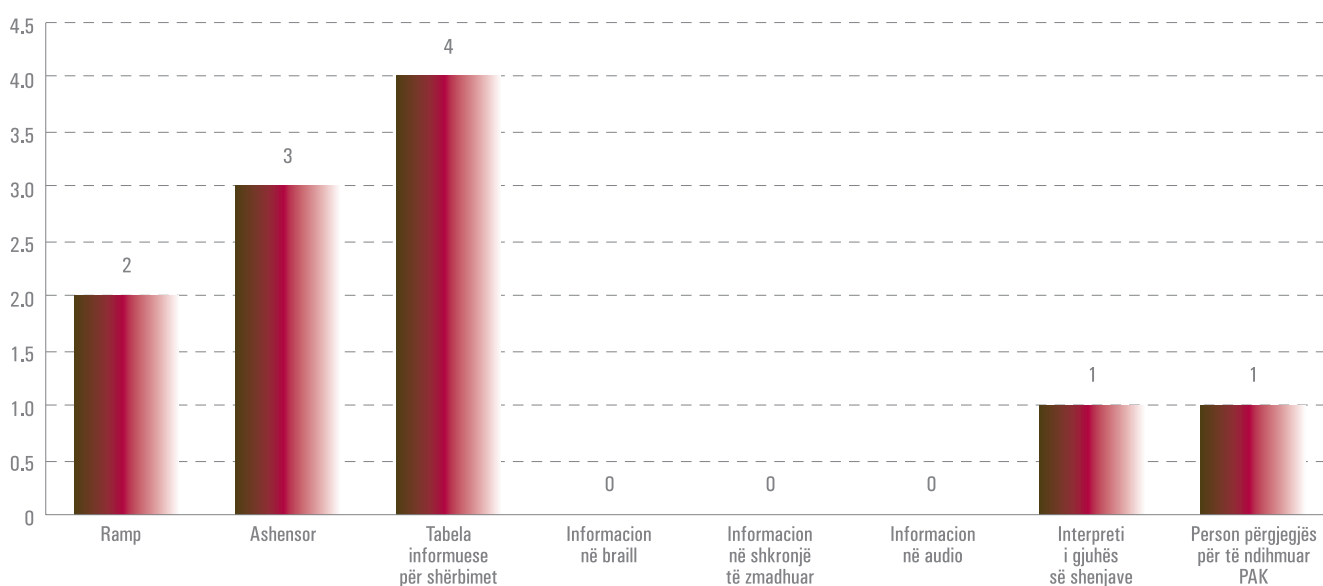
Accessibility to First Instance Prosecutor's Offices of General Jurisdiction

From the data obtained from 5 of the first-instance prosecutors' offices of general jurisdiction, it is noted that only 2 of them report being equipped with ramps at the entrance of the institutions and only 3 of them have an elevator available that enables access by persons with disabilities to every floor of the building.

Regarding the fulfillment of other accessibility elements in information services at these prosecutor's offices, it is observed that four out of five provide informational signs for services, while none of them offer this information in large print.

Only one of the prosecutor's offices reports that it provides a sign language interpreter and has a designated staff member to assist persons with disabilities in accessing administrative services at the prosecutor's office.

Figure 2. Accessibility in First Instance Prosecutor's Offices of General Jurisdiction



³⁰. The Prosecutor's Offices near the First Instance Courts of General Jurisdiction in Elbasan, Fier, Kukës, Shkodër, and Vlorë.

Table 10. Criminal Cases by Disability Category

Criminal Cases 2022								
Persons with disabilities	Wheelchair users	Persons with mobility difficulties	Persons with hearing and speech impairments	Persons with visual loss	Persons with visual impairments	Persons with psychosocial disability	Person with intellectual disability	Children with disability
Penal Cases 2022	0	0	0	0	0	2	0	0
Penal Cases 2023	1	0	1	0	0	8	0	0

Access to justice for persons with disabilities, identifying criminal cases where they were a party to the proceedings

In the questionnaire distributed to the first instance prosecutor's offices of general jurisdiction, a specific section was dedicated to identifying the category of disability and the nature of cases where one of the parties in the process was a person with disabilities. The purpose of collecting such statistical data was to assess the level of inclusion of persons with disabilities in accessing justice and to identify the types of cases in which they were involved as a party in the process.

Out of the five first-instance prosecutor's offices of general jurisdiction that completed the questionnaire, only 2 reported statistical data on identifying persons with disabilities as parties in criminal proceedings. The prosecutor's offices explain: '... we do not maintain a registry where the requested data on persons with disabilities is recorded, particularly regarding criminal offenses where the injured party or the accused is a person with disabilities...'

From the limited data obtained, it was found that in 2022, there were two cases where individuals with a mental health diagnosis were parties in criminal proceedings. Meanwhile, in 2023, the parties in

criminal proceedings included: 1 person with a disability using a wheelchair, 1 person with a hearing and speech impairment, 8 individuals with a mental health diagnosis.

Ensuring Procedural Rights During Criminal Proceedings

Procedural rights must be guaranteed and upheld throughout all phases of the process until a court decision is rendered. The Convention clearly defines the safeguards that must be in place for each category of disability. In this context, the questionnaire also included questions aimed at assessing the extent to which these rights are ensured during criminal proceedings.

Regarding the representation of persons with disabilities during criminal proceedings, as also observed in the court data, it is noteworthy that in most cases, this category is represented by a state-appointed legal aid attorney, as reported by four prosecutor's offices.

Meanwhile, representation is also carried out personally by the individual with disabilities, by their relatives, or by a legal guardian. Only in two cases was representation reported to have been conducted by a private attorney.

Table 11. Representation During the Criminal Process

Representation during criminal proceedings						
Prosecutor's Office	Personally	By Guardian	By Relatives	Private Attorney	Legal Aid Attorney	Other
Total	4	3	4	2	4	0

Table 12. Access in investigative procedures

Access to administrative services							
Prosecutor's Office	Wheelchair users	Person with mobility difficulties	Persons with visual loss	Person with visual impairments	Persons with hearing impairment/ loss	Person with psychosocial disability	Person with intellectual disability Intellectual disabilities
Total	2	2	2	1	4	1	2

Regarding the question on procedural requests during criminal proceedings, the collected data indicate that only one out of five prosecutor's offices reported receiving a request for scheduling a meeting with a judicial police officer at a suitable time, noting that 'the judicial police officers demonstrate cooperation and humanity in these specific cases, and the individual's request was taken into consideration. A suitable date and time were arranged for the person, as the Prosecutor's Office maintains increased attention toward individuals with disabilities when they come into contact with the law, whether as an offender, victim, or witness of a criminal offense.'

Additionally, there was one request for the provision of a sign language interpreter, where it was ascertained that: 'Yes, a sign language interpreter is made available during the investigative process. However, it is very difficult to find an interpreter. In cases where providing an interpreter is not possible, the individual is assisted by a guardian who knows sign language.'

Ensuring Administrative Services by the Prosecutor's Office

The questionnaire directed to the prosecutor's offices also included questions regarding the provision of administrative services for persons with disabilities, aiming to identify the category that, in the perception of administrative staff, faces the greatest difficulties in accessing these services.

The reported data indicate that out of 5 prosecutor's offices, 4 identified persons with hearing and speech

impairments as the category experiencing the most significant challenges in accessing services or the institution itself. Meanwhile, two out of five prosecutor's offices also reported difficulties for persons with mobility impairments, visual impairments, and intellectual and psychosocial disabilities.

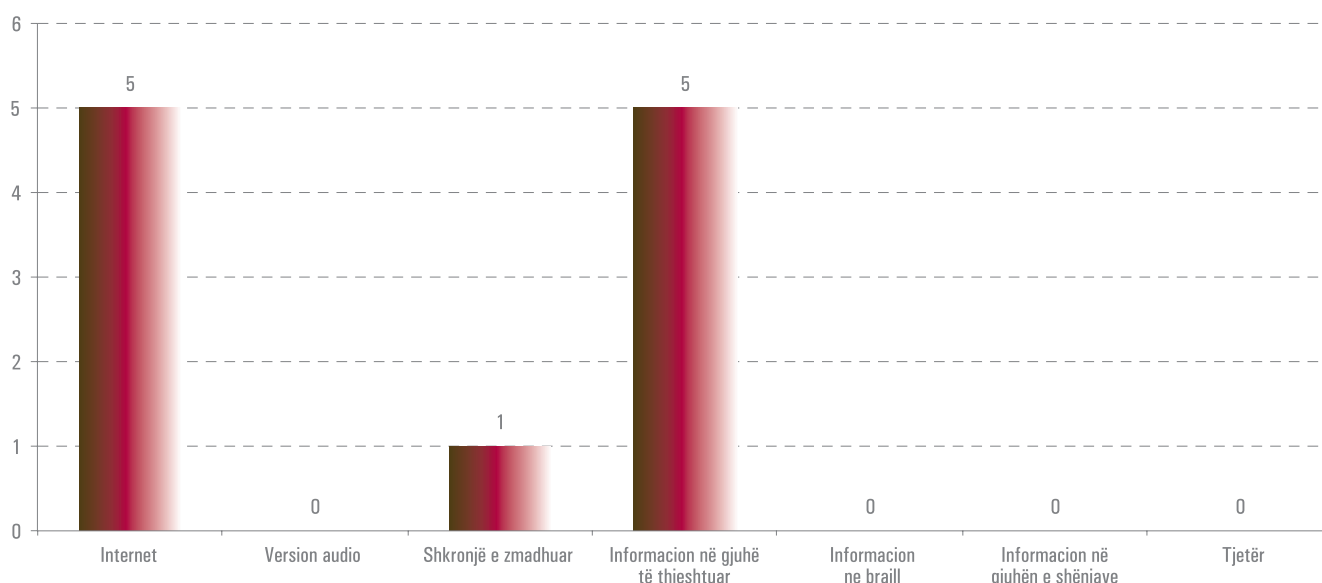
In the questionnaire, questions were also posed to assess the suitability of the information for all categories of persons with disabilities regarding both access to information on administrative services and access to general information about the prosecution system, as evaluated within the framework of the information provided by the official electronic website of the prosecutors.

The data obtained revealed that all 5 prosecutors' offices provide the information through their official website, indicating that the information is offered in plain language, but not in the standards and alternatives that could be used by persons with intellectual disabilities and those with visual impairment. No information was reported regarding the provision of information in accessible and alternative formats in Braille, audio, or sign language.

Training for prosecutors and administrative employees

From the data collected from 5 first-instance general jurisdiction prosecutors' offices, none of them reported conducting training on issues regarding disabilities, the UN Convention on the Rights of Persons with Disabilities, or access to justice for persons with disabilities.

Figure 3. Accessibility of Online Information



Only one of the prosecutors' offices reported that an administrative staff member participated in a comprehensive training on human rights, which included information on accessibility: 'In 2021, I completed a 12-day training on 'Disability Under the Human Rights Prospective' where each day a different topic was addressed such as education, ethics, accessibility, legal framework, etc...'

V.3. Data reported by the Free Legal AID Directorate

Recognizing the fundamental importance of access to justice for persons with disabilities and the guarantee of state-provided free legal aid, this section of the monitoring report is dedicated to the data collected by the Free Legal Aid Directorate (FLAD)³¹.

FLAD is a public institution under the authority of the Minister of Justice and exercises its functions based on and in implementation of Law No. 111/2017 'On State-Guaranteed Legal Aid.'

According to the data reflected in the questionnaire completed by DNJF, currently throughout Albania

there are 20 Primary Legal Aid Service Centers which are located in: Tirana, Lushnjë, Durrës, Shkodër, Tropojë, Përmet, Pukë, Mat, Kavajë, Kurbin, Gjirokastër, Fier, Lezhë, Pogradec, Vlorë, Dibër, Kukës, Korçë, Berat, Elbasan.

The total number of law clinics is 12, which operate in Tirana, Vlorë, Durrës, Shkodër.

The total number of authorized Non-Profit Organizations is 15, operating in: Tirana; Durrës; Elbasan; Berat; Shkodër.

Below are the responses provided by FLAD based on the questionnaire prepared especially for this institution, responses which were sent in writing to ADRF.

Accessibility

In the completed questionnaire, this Directorate notes that: '... it administers 20 Primary Legal Aid Service Centers, which are specialized units for providing primary legal aid, and are in direct contact with citizens.'

At the headquarters of FLAD, at the entrance of the

³¹. <https://ndihmajuridike.gov.al/>

Table 13. Beneficiaries with Disabilities from Free Legal Aid (DNJF)

FLAD	2022		2023		
	Total	PWD beneficiaries	Total	PWD beneficiaries	Persons with visual impairment/loss
Primary legal aid	5861	326	7008	527	115
Secondary legal aid	1030	0	773	102	29

institution, there is a ramp that enables entry for users of mobility aids.

Regarding physical accessibility to enable access to every floor (elevator), FLAD 's response is that: '... there is no elevator in the Primary Legal Aid Service Centers since these centers operate on the first floor in the premises of the Ministry, former Courts, or other premises such as municipalities or Regional Councils.'

In the internal premises of the institution, there are informational signs for the services offered. Meanwhile, regarding the provision of information adapted in Braille, it is noted that '... With the support of OSCE, the Primary Legal Aid Service Centers which offer legal aid services to citizens are equipped with a manual in Braille 'How to Benefit from Legal Aid.' Moreover, FLAD has published the video and audio 'What is Free Legal Aid? How to Benefit and Who Benefits from It?'. This video is published on YouTube.³²

Regarding the question of whether the institution provides a sign language interpreter for persons with hearing and speech loss/impairment, it is noted that FLAD is not clear in answering whether the institution provides sign language interpretation when a party in the process has hearing and speech loss/impairment, nor does it appear that a designated person is responsible for assisting and guiding persons with disabilities.

Access to justice for persons with disabilities, by identifying cases according to the civil or criminal nature for which they have been a party in the process

FLAD reports that it processes and publishes statistical data on a monthly and annual basis, divided into several categories³³. FLAD processes data on the total number of persons with disabilities who have received legal aid, without categorization by type of disability.

Additionally, FLAD did not provide data on primary or secondary legal aid for persons with disabilities for the requested period, broken down by the nature of the case. Data for the years 2022 and 2023 are presented in the table below:

In conclusion to the responses to the questionnaire completed by the FLAD, it appears that no data is kept by disability category. Notably, maintaining data by category enables the institution to obtain and further analyze information that can help ensure full access to justice for all persons with disabilities.

It is recommended to maintain such data in full compliance with the obligations set forth in the law on the protection of personal data.³⁴

³². <https://www.youtube.com/watch?v=tk7SfAQOXTQ&t=7s>

³³. <https://ndihmajuridike.gov.al/index.php/analiza-statistikore-2/>

³⁴. Law No. 9887, dated 10.3.2008 'On the protection of personal data'

Guaranteeing procedural rights throughout the judicial process (civil or criminal)

FLAD did not respond to questions related to the guarantee of procedural rights during the judicial process.

With regard to the question: 'Which party is responsible for the costs of the sign language interpreter who assists during the judicial process?' the FLAD explained, '... we do not have any request for sign language interpreter in judicial processes, but in any case, the applicant, in order to be exempted from court fees, must submit to the court the form for exemption from court fees, and only then, the court fees are covered by the Directorate of Free Legal Aid.'

In conclusion, the majority of the questions regarding the guarantee of procedural rights for persons with disabilities who are beneficiaries of primary and secondary legal aid, were not answered in the completed questionnaire. The data requested in the questionnaire, might not be part of the system of data gathering/ FLAD database, and consequently, these data have not been collected.

It is recommended that these data be recorded in the FLAD database and that their elements be included in training sessions with persons with disabilities to familiarize them with these procedural rights as affirmed by the Convention and the Albanian legal framework.

Guaranteeing administrative services

FLAD indicates that it offers information on the institution's online page, in an audio version, and in simplified language. As mentioned above, FLAD has published an informative video on YouTube (<https://www.youtube.com/watch?v=tk7SfAQOXTQ>) in simplified language outlining the possibilities for obtaining primary and secondary legal aid from FLAD offices, as well as the eligible categories. Additionally, the Primary Legal Aid Service Centers that provide legal aid services to citizens are equipped with a manual in Braille titled 'How to Benefit from Legal

Aid.' On the other hand, it does not yet appear that the published information or video is available in sign language, and it is recommended that the publication of this video in sign language be enabled.

Trainings

The questionnaire completed by the FLAD did not report organization of campaigns, trainings, or awareness-raising initiatives for representative organizations of persons with disabilities regarding the legislation on free legal aid services and the criteria towards benefitting it for the years 2022–2023.

Regarding such activities specifically for persons with disabilities on the legislation governing free legal aid services and the criteria for its benefit during 2022–2023, the FLAD reported that '... every year, the FLAD work plan is approved, which also focuses on the development of trainings and awareness-raising activities. During these trainings and activities, all categories defined by the law for the benefit of free legal aid are in focus, not only persons with disabilities.'

Regarding the trainings organized during 2022-2023 for employees of centers that directly provide free primary legal aid services, focusing on the realization of rights and access to justice for persons with disabilities based on the Convention approach, FLAD reports that in 2022 only 3 trainings were organized and in 2023 only 1 training.

V.4. Data reported by Persons with Disabilities

This monitoring report would not be complete without collecting and analyzing the perception and perspective of persons with disabilities regarding equality before the law and access to justice.

Persons with disabilities of various categories and their caregivers were involved in completing questionnaires distributed in the 5 cities where this project is being implemented, namely Tirana,

Table 14. Trainings & Awareness Campaigns by Free Legal Aid (DNJF)

FLAD	2022	2023
	Total	Total
Trainings	3	1
Campaign/Awareness activities	286	364

Shkodër, Gjirokaster, Fier and Korçë. In total, 250 questionnaires were distributed and completed, the data of which were processed and reflected below both in the data analysis section and in the form of graphs.

The questionnaire specifically designed for the category of persons with disabilities consisted of a set of questions grouped into 4 main areas (i) Infrastructural and physical accessibility; (ii) Access to legal information; (iii) Guarantee of procedural rights during the judicial process; (iv) Training on disability issues.

Below we will present the data obtained according to the above-mentioned areas. It is worth noting that in many cases the interviewees answered the questionnaire questions by selecting more than one alternative.

Infrastructural and physical accessibility

Regarding the section of questions on infrastructural accessibility in general and physical accessibility of public institution buildings, persons with disabilities have identified concerns that have been highlighted for years and that have not yet been implemented in practice.

Specifically, persons with disabilities emphasize that there are significant problems and difficulties in the road infrastructure that lead to a public institution. Despite investments and infrastructure improvements in cities, including dedicated bicycle lanes that are also used by users of electric scooters or wheelchairs, there is still much to be done to achieve full infrastructural accessibility for all categories of people with disabilities, which is

one of the necessary guarantees to enable, inter alia, access to justice for people with disabilities.

Excerpts from questionnaires filled out by people with disabilities

“... without accompaniment, I cannot move around ... I have always needed help from a relative or my social circle...”

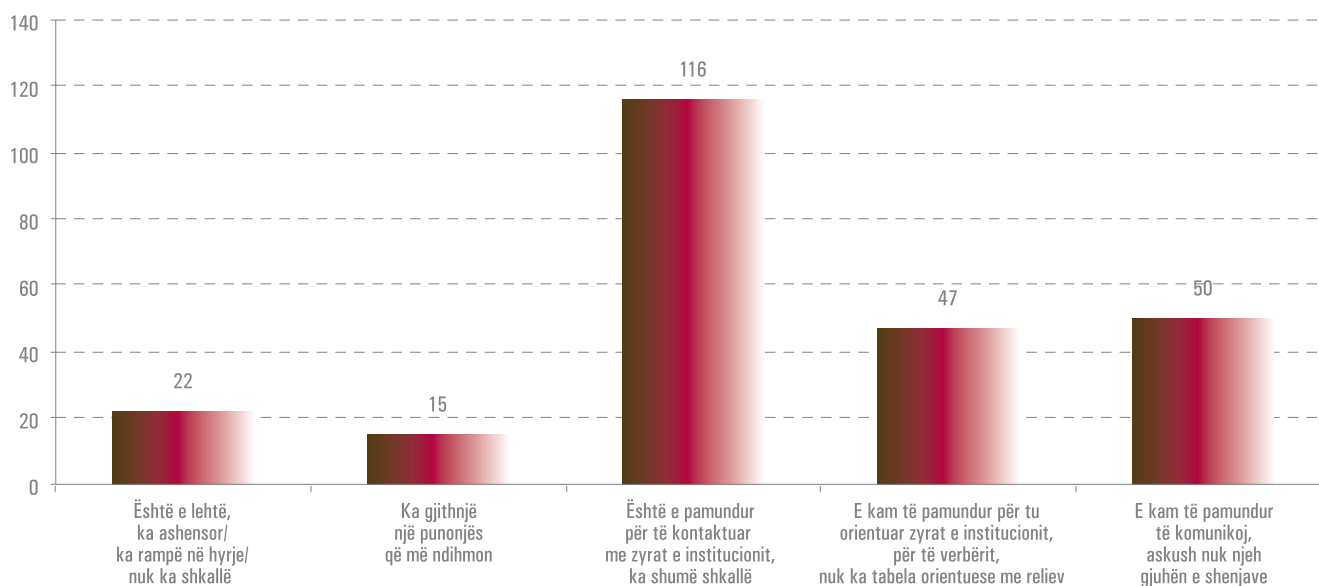
... it has happened to me that I had to wait a very long time for the public official – an unjustifiable delay for someone in the paraplegic category;

... the institution did not have parking for persons with disabilities...”

Regarding the accessibility of persons with disabilities to the premises of the police, prosecution offices, courts, notary or law offices, it is observed that nearly half of the respondents (46.4%, n=116) report that it is impossible to contact the institution's offices due to the presence of many stairs. Only 8.8% of participants with disabilities (n=22) report that the entrance to the building is easy – there is an elevator, a ramp at the entrance, or no stairs at all – and only 6% (n=15) note that there is always an employee available to assist.

18.8% of participants with visual impairments (n=47) emphasize that “... it is impossible for them to find their way in the offices of institutions, as there are no tactile orientation signs for persons with visual difficulties...” One fifth of participants (20%, n=50), persons with hearing and speech impairments, highlight that “... it is impossible to communicate – no one knows sign language.”

Figure 4. Accessibility of Public Institutions Related to Access to Justice



Access to legal information

A dedicated section, preceding the more technical questions related to equality before the law and access to justice, focused on the access persons with disabilities have—or have benefited from—regarding legal information.

To the question: “Have you ever sought legal information regarding your rights?” 71.6% (n=179) of respondents answered positively, while only 71

of them (29.4%) reported that they had not sought such information.

In order to identify the areas of the legal framework in which persons with disabilities are most interested in receiving legal assistance, the questionnaire results showed that all respondents (n=250) identified the legal framework on disability as a primary area of interest. Additionally, 50 of them expressed interest in the legal framework on human rights (20%), and 71 indicated interest in property rights (28.4%).

Figure 5. Legal Acts of Greatest Interest for Information by Persons with Disabilities

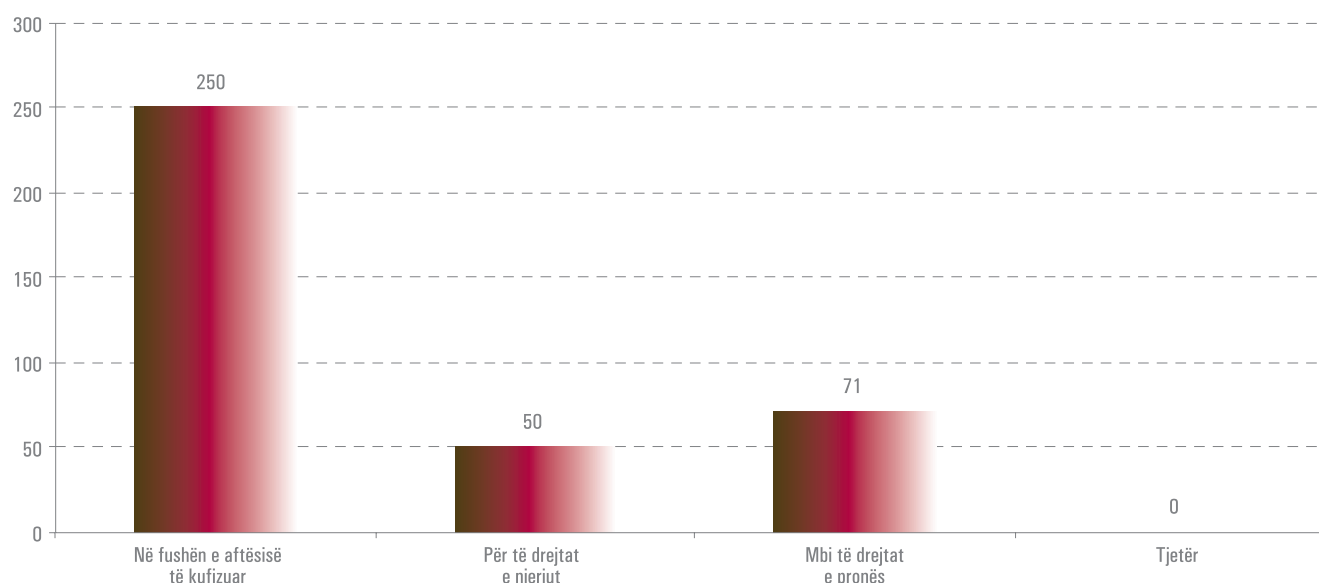
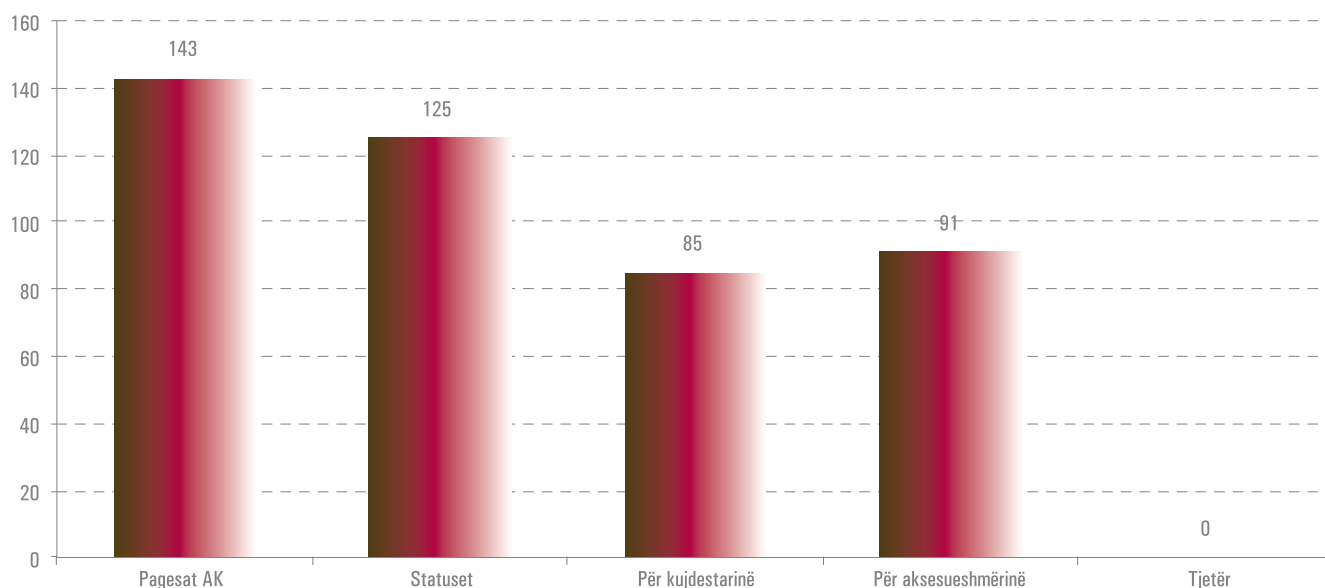


Figure 6. Legal Acts in the Field of Disability with the Most Interest



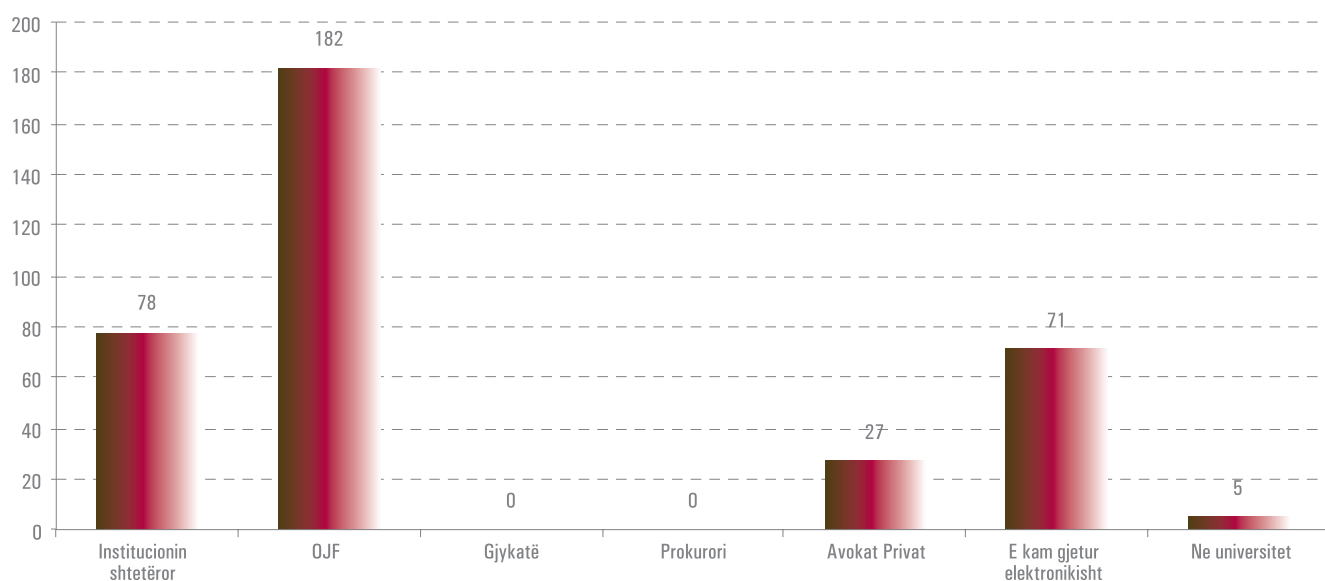
Regarding the categorization of legal acts in the field of disability, in which persons with disabilities are most interested in obtaining legal information, it was found that the highest number of respondents (57.2%, n=143) are interested in legislation related to disability benefit payments.

125 respondents (50%) also selected legal provisions related to disability status—such as the status of being blind, paraplegic/tetraplegic, or a work-invalid. More than one-third (34%, n=85) expressed interest

in caregiver-related benefits, and 36.4% (n=91) are interested in the legal framework related to physical and information accessibility.

To the question “Which institution have you approached to obtain legal information?”, the majority of respondents—182 individuals (72.8%)—answered that they turned to NGOs. 28.4% (n=71) reported that they find legal information online, and 10.8% (n=27) have also sought legal assistance from private lawyers.

Figure 7. Institutions Where Persons with Disabilities Have Sought Legal Information



Meanwhile, none of the respondents reported approaching the Prosecutor's Office or the Court to obtain information, and only 2% (n=5) stated that they had sought and received information from registered universities. About one quarter of participants with disabilities reported that they have approached the Municipality (25.2%, n=63) to obtain legal information.

40.4% (n=101) have turned to the Ministry of Health and Social Protection. One fifth (20.4%, n=51) have sought legal information from Legal Aid Offices under the Ministry of Justice, and around 35 participants (14%) indicated that they turned to other public institutions, without specifying which ones.

Aiming to identify the challenges persons with disabilities face in accessing legal information, another question in the questionnaire focused on the difficulties encountered when seeking information about laws or rights.

One fifth of respondents (20.4%, n=51) reported that the laws had undergone many amendments and that they had difficulty locating all the changes.

14.4% (n=36) stated that due to the large number of by-laws issued in implementation of the laws, they had difficulty finding them.

20% (n=50) explained that the laws are not presented in simplified formats, and 19.2% (n=48) emphasized that they cannot access the laws in Braille format.

Meanwhile, 11.6% (n=29) said they do not know where to turn to understand the law in simplified form.

Regarding the measurement of the level of awareness and of every service offered through the websites of public institutions as well as the judicial system, the analyzed data showed that 30% of the respondents (n=75) are unable to access information in audio format; 73 of the respondent's report that it is not easy to use the websites and to obtain the requested information (29.2%). One fifth of the respondents (20%, n=50) evaluated that there is a lack of the option to use the websites with enlarged text, and this information is also not offered in sign language. 23.6% of the respondents (n=59) report that the information is not in simplified language. Only one tenth of them (10%, n=25) report that they have not encountered any problems related to the above.

Guaranteeing procedural rights during the judicial process

Procedural rights must be guaranteed and fulfilled at all stages of the process, up to the issuance of the

Figure 8. State Institutions Where Persons with Disabilities Have Sought Legal Information

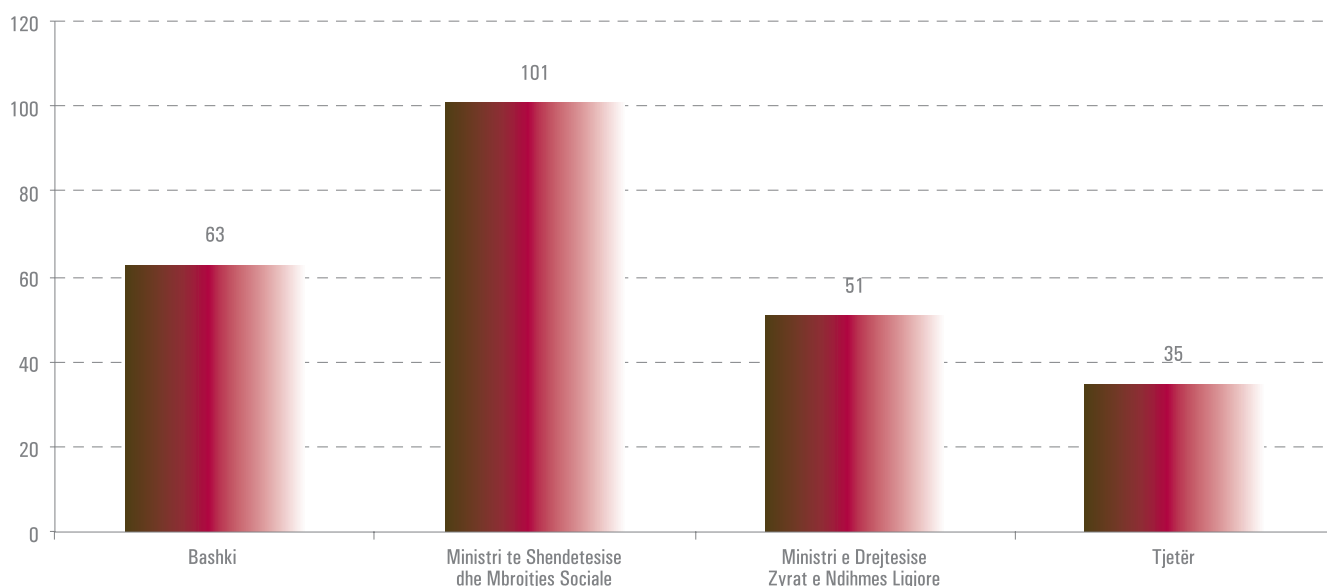
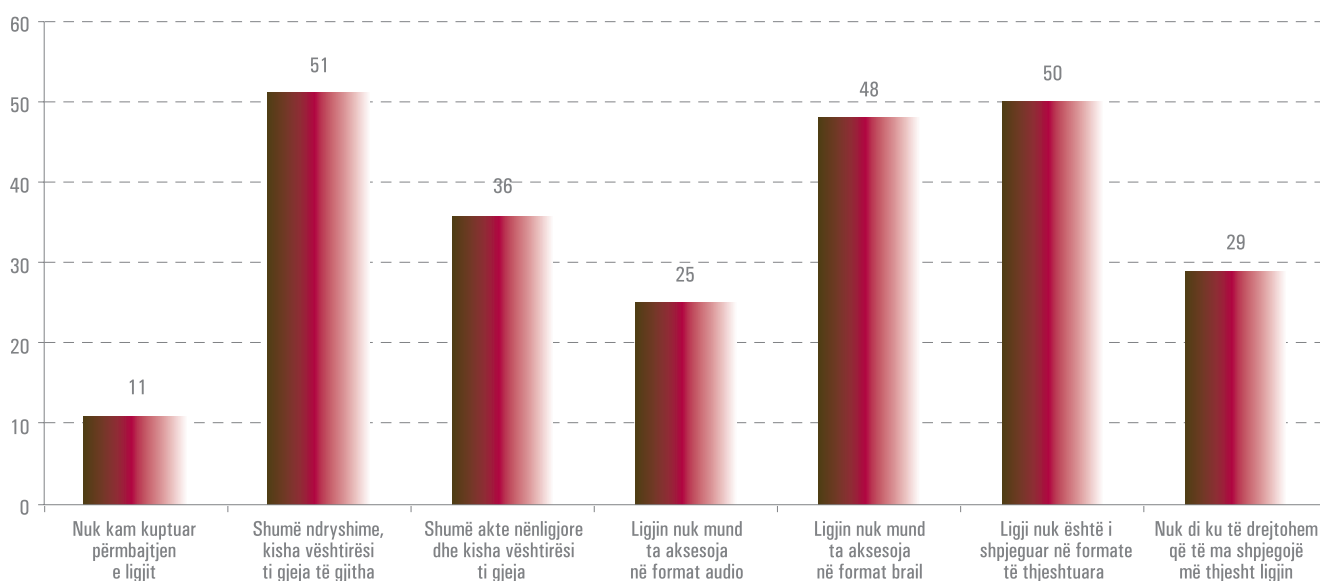


Figure 9. Difficulties Faced by Persons with Disabilities in Seeking Legal Information



court's decision. The Convention clearly defines the guarantees that must be fulfilled for each category of disability. Within this framework, the aim was to collect information in order to assess the guarantee of these rights during the judicial process.

Regarding the representation of persons with disabilities during the judicial process, in this case as well as in the case of data from the courts, it is worth noting that in the majority of cases they are represented either by a legal aid lawyer provided

free of charge by the state (10.4%, n=26). Fifteen cases (7.2%) reported being represented by private lawyers. Meanwhile, representation is carried out simultaneously in person by the person with a disability, reported in 3 cases (1.2%), but also by the legal guardian in 12 cases (4.8%) or by a sign language interpreter in 2 cases (0.8%). Meanwhile, three quarters of participants with disabilities (76.8%, n=192) report that they have not been a party in any judicial process.

Figure 10. Accessible Information according to Persons with Disabilities

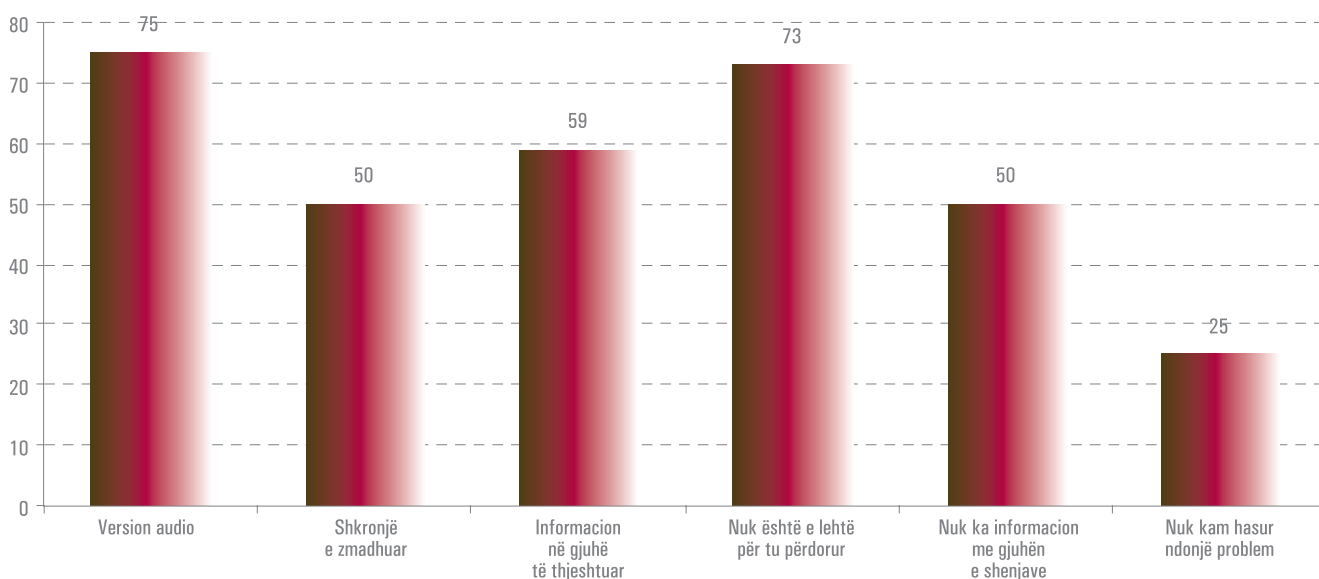
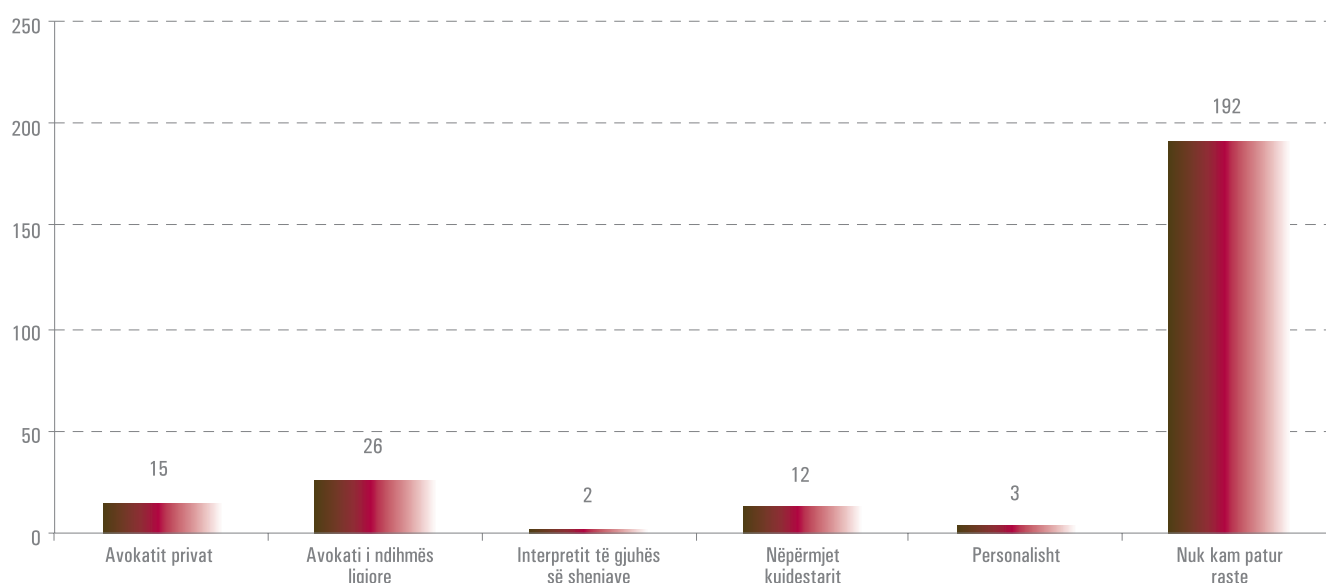


Figure 11. Representation of Persons with Disabilities in Judicial Processes



When asked, “How do you evaluate the communication and behavior of law enforcement officers, prosecutors, and judges during the investigative or judicial process, if you have been a party in the process,” 36.2% of the respondents who had experienced a judicial process (n=21) reported indifferent behavior, 18.9% (n=11) rated the behavior as correct, and 17.2% (n=10) rated it as very good, while 13.7% (n=8) noted helpful behavior. Meanwhile, 8.6% (n=5) reported offensive behavior, and in 3 cases (5.1%) discriminatory behavior was reported.

‘... I have had problems accessing many offices: notary, law, or bank to receive services; and I have authorized my father to represent me....’

‘... I cannot attend the court session because I do not understand the law... I was represented by a lawyer...’

Excerpts from questionnaires filled out by people with disabilities

‘... according to cases and according to employees; some are very helpful but some are indifferent...’

‘... despite their willingness to help, they often display discriminatory attitudes due to their lack of training ...’

‘... I personally have not had such a case, but from contacts with people with visual disabilities, I have understood that due to their limitations, they have limited information and are dependent on their legal guardian....’

Training on disability issues

From the data collected in the five cities where the questionnaires were distributed, it was found that the level of inclusion of persons with disabilities in information and training on disability issues and the UN Convention on the Rights of Persons with Disabilities needs to be improved and further increased.

Meanwhile, regarding training or information related to access to justice for persons with disabilities, no trainings were reported for the years 2022–2023. These data should certainly draw attention to the need for greater awareness and focus in this area.

In some of the completed questionnaires, respondents emphasized: “I have participated in trainings related to the rights of persons with disabilities by the Commissioner for Protection against Discrimination,

Table 15. Trainings for Persons with Disabilities

Training Topic	Trainings 2022			Trainings 2023		
	Training in the field of Disability	UN Convention on the Rights of Persons with Disabilities	Access to Justice for Persons with Disabilities	Training in the field of Disability	UN Convention on the Rights of Persons with Disabilities	Access to Justice for Persons with Disabilities
Total	51	11	0	42	0	0

etc... 10 trainings in various fields... It is necessary that access to information and infrastructure be made possible in these institutions, as well as training of staff on the legal treatment of persons with disabilities.”

The table below presents the reports from persons with disabilities on trainings conducted during the years 2022–2023.

This questionnaire consisted of a set of questions grouped into four main areas (i)Accessibility of facilities and information; (ii)Access of persons with disabilities to notary services; (iii) Guarantee of procedural rights in notary services; (iv)Training on disability issues.

Below, we present the data obtained according to these areas.

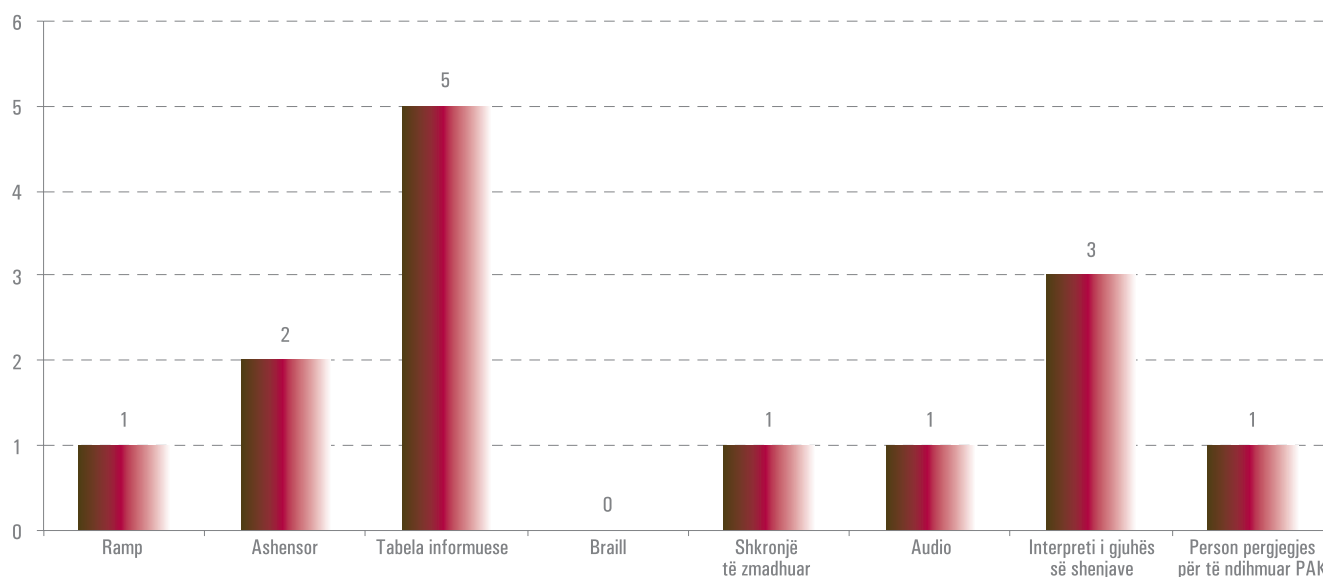
V.5. Data reported by notaries

This monitoring report also included notaries as a key link in ensuring equality before the law and access to justice for persons with disabilities.

A questionnaire specifically designed for notaries was prepared and completed by 8 notaries practicing in the city of Tirana.

Accessibility of facilities and information

Regarding the section of questions about overall infrastructural accessibility and the physical accessibility of premises where notarial services are provided, among the 8 notaries interviewed it was found that: only 1 notary office has a “ramp platform” to enable access for persons with disabilities, 2 offices have an elevator, while 1 notary reports

Figure 12. Accessibility at Notary Offices

that an elevator is not necessary since the office is located on the first floor. Five of the notaries report having informational signs in their offices, but none of them offer information adapted in “Braille.” It is worth noting that 3 of them report that they provide notarial services through a sign language interpreter, if requested.

In the questionnaires completed regarding the guarantee of accessibility of the buildings/offices where notarial services are provided, the notaries state that: “... within the framework of the Notary Law, the right to provide notarial services is guaranteed wherever the citizen is located... consequently, they can also go to family homes or any other premises requested by the citizen to receive the services provided by law...”.

Access of persons with disabilities to notary services

To assess the level of access to notary services for persons with disabilities, a dedicated section of the questionnaire focused on collecting statistical data for 2022-2023. From the reported data, it is observed that the largest number of beneficiaries of notary services

are persons who use wheelchairs and persons with reduced mobility. They are followed by persons with visual impairments. Additionally, a significant number of persons with hearing and speech impairments have accessed notary services. Meanwhile there are no reported data for persons with intellectual disabilities or psychosocial disability.

The following table presents data on notarial acts performed in 2022-2023, based on reports from 6 of the notaries interviewed, categorized by disability type.

Regarding the nature of the notarial act in which persons with disabilities have been involved, the data collected from the questionnaires show that the highest number of cases are related to notarial declarations and powers of attorney for representation, followed by acts of sale of movable or immovable property. From the analyzed data, despite the limited sample size, it is concluded that persons with disabilities primarily seek notarial services related to notarial declarations or powers of attorney for representation.

The table below presents the data reported by notaries for the years 2022–2023, according to the nature of the notarial act for which the person with a disability received notarial services.

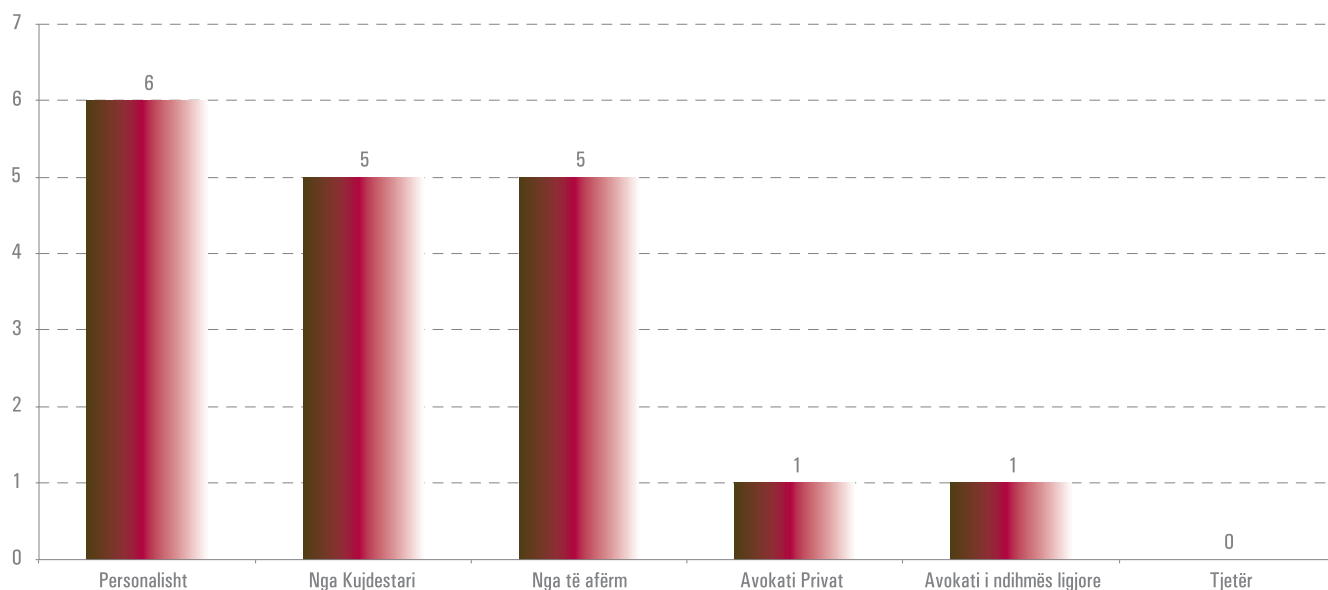
Table 16. Notarial Acts by Disability Category

Notarial Acts 2022								
Category of Persons with Disabilities	Wheelchair Users	Persons with limited mobility	Persons with hearing and speech Impairments	Persons with visual loss	Persons with visual impairment	Persons with psychosocial disability	Person with intellectual disabilities	Children with Disabilities
Notarial Acts 2022	35	32	12	11	22	0	0	0
Notarial Acts 2023	32	34	5	18	12	0	0	0

Table 17. Typology of Notarial Acts Reported by Persons with Disabilities

Notarial Acts 2022							
Nature of Notarial Act	Sale/ Purchase of Movable Property	Sale/ Purchase of Immovable Property	Deed of Gift	Notarial Declarations	Contract of Order/ Undertaking	Power of Representation	Other
Notarial Acts 2022	6	6	1	13	0	10	6
Notarial Acts 2023	4	5	1	5	0	14	9

Figure 13. Representation of Persons with Disabilities at the Notary

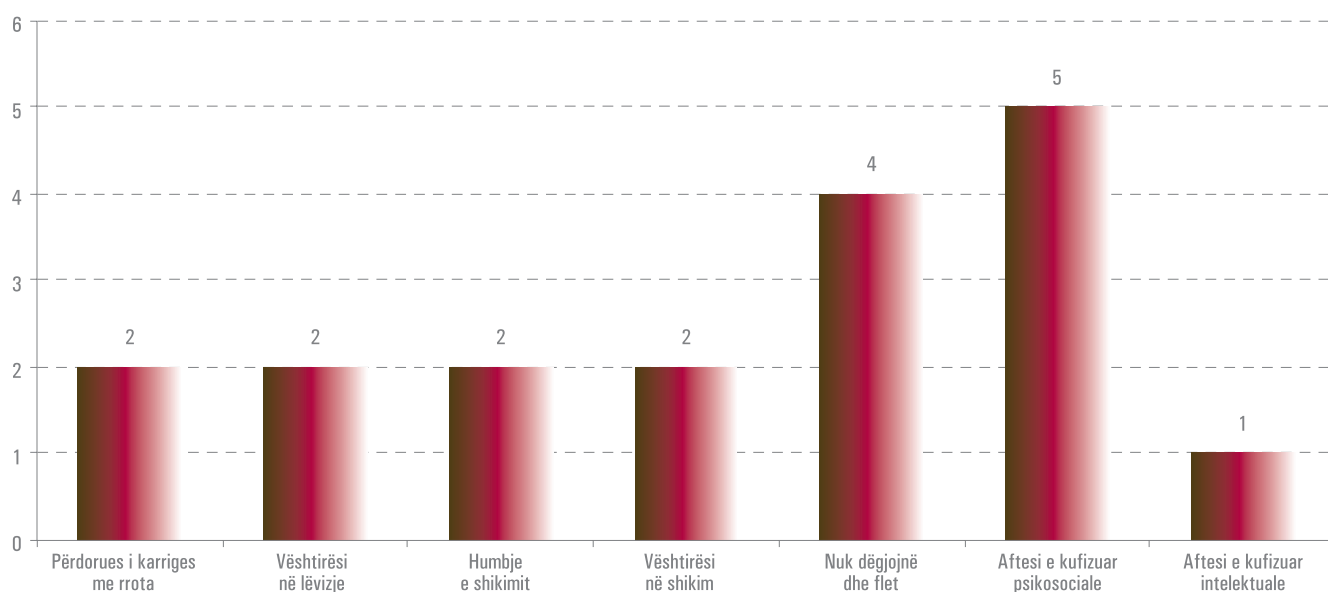


Guaranteeing procedural rights in the notary service

According to the data collected, persons with disabilities in general, appear in person at the notary to obtain notarial services, but they are also represented by their legal guardian or relatives. 1(one) notary reported that in many cases persons with disabilities were represented by a private lawyer or a legal aid lawyer.

Regarding the various requests that persons with disabilities may submit, notaries report that the most common request is for services to be provided at their place of residence, particularly in the case of persons with mobility impairments and when the notarial offices are structurally inappropriate or inaccessible. This accommodation has always been offered to the person with disabilities, and notaries are consistently at their service to provide notarial services.

Figure 14. Use of Notarial Services based on type of Disability



Furthermore, every notarial act is read aloud by the notary, but there have been no requests for the notarial act to be made available in audio format or in Braille. Notaries also explain that the legal framework should ensure the format and method of providing the notarial act in audio or Braille versions.

As for persons with hearing impairments, when a sign language interpreter's service has been requested, it has been arranged by the individual themselves, and the interpretation costs have been covered by them.

Regarding the question of identifying which categories of persons with disabilities face the most difficulties in accessing notarial services, it is reported that the category facing the greatest difficulties includes persons with psychosocial or intellectual

disabilities, followed by individuals with hearing and speech impairment/loss. A smaller number of reports indicate that persons who use wheelchairs, or those with mobility or visual impairments, also face challenges.

Training on disability issues

Regarding the number of trainings or activities that notaries have attended during 2022-2023 on disability issues, the UN Convention on the Rights of Persons with Disabilities, or access to justice for persons with disabilities, participation is reported in only one training in 2022 and 2023, organized by NPOs. Meanwhile, no data was reported on the other training noted in the questionnaire section.

VI. RECOMMENDATIONS

This section of the monitoring report presents recommendations based on the analysis of qualitative and quantitative data addressed in the relevant sections.

The recommendations focus on key areas related to ensuring equality before the law and access to justice for persons with disabilities, which are proposed for implementation by the incumbent institutions within the justice system and public administration.

- Rapid review of legal acts, including the Civil Code, the Code of Civil and Criminal Procedure, the Family Code, and the Law On Mental Health, to guarantee the right of every person with disabilities to equal recognition before the law and access to justice.
- Establishment of the institute of supported decision-making for persons with psychosocial or intellectual disabilities, that support and respect the individual's autonomy, will, and preferences, while introducing transparent legal tools/mechanisms for persons whose legal capacity has been removed or limited, replacing the legal guardianship system.
- Alignment of the Albanian legal framework with the guarantees provided by the CRPD Convention regarding accessibility to information and the protection of procedural rights during judicial proceedings (civil or criminal) and other public services for all categories of persons with disabilities.
- Ratification of the Optional Protocol to the CRPD Convention to ensure that persons with disabilities in Albania have the right to communicate or file complaints for any alleged violations under the provisions guaranteed by the Convention.
- Implementation of the 'International Principles and Guidelines on Access to Justice for Persons with Disabilities – 2020' as a guiding tool for justice institutions and experts involved in drafting and improving the legal framework.
- Urgent increase in the number of qualified Albanian sign language interpreters.
- Amendments to the Code of Civil Procedure to explicitly guarantee the right of persons with sensory disabilities (hearing and speech) to be supported by a certified Albanian sign language translator/interpreter in judicial proceedings.
- Courts and Prosecutors' Offices of First Instance of General Jurisdiction should continue to take measures to ensure full physical and informational accessibility for persons with disabilities, particularly by improving physical access, ramps, and elevators as essential prerequisites for access to justice.
- Courts, in cooperation with the High Judicial Council (HJC), should allocate necessary funds in institutional budgets to guarantee both physical and informational accessibility for all categories of persons with disabilities.
- Harmonization of the Albanian legal framework with Directive 2016/2102 on the accessibility of websites and mobile applications of public sector institutions, ensuring access to digital information and services for persons with disabilities.
- Increasing the participation of persons with disabilities as professionals in the justice system.

- Strengthening cooperation and exchange between civil society and legal professionals in civil and criminal justice to optimize access to legal services for civil litigants or defendants with intellectual and psychosocial disabilities.
- Immediate measures to raise awareness and develop training curricula for judges, prosecutors, and administrative staff on ensuring access to justice for all categories of persons with disabilities.

