



PERSONS WITH DISABILITIES IN ALBANIA: ACCESSIBILITY AND PARTICIPATION IN PUBLIC AND POLITICAL LIFE

AN ANALYSIS OF COMPLIANCE OF NATIONAL LEGAL ACTS WITH UN CPRD

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AUTHOR:

Nesila Koka, Expert Lawyer for Human Rights;

Juliana Shllaku, Architect, Accessibility Expert

Supported by the Albanian Disability Rights Foundation.

Translation and editing: Anri Pashaj

Design: Orest Muça

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Albanian Disability Rights Foundation (ADRF)

Albanian National Association of Deaf (ANAD)

Movement against Disability (POLIO PLUS),

Association of Paraplegics and Paralyzed Children of Kosova (HANDIKOS)

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Table of Contents

ACRONYM.....	4
I. INTRODUCTION	5
1.1 Information on the project	5
1.2 General data	5
II. EXECUTIVE OVERVIEW	7
III. METHODOLOGY	8
IV. SUMMARY OF INTERNATIONAL AGREEMENTS	10
IV.1 United Nations Convention on the Rights of Persons with Disabilities.....	10
IV.2 European Disability Strategy, 2021-2030	11
IV.3 Sustainable Development Goals and Inclusion of Persons with Disabilities	12
V. ALBANIAN LEGAL FRAMEWORK FOR ACCESSIBILITY AND PARTICIPATION IN POLITICAL AND PUBLIC LIFE	13
V.1 Key legal acts and by-laws on accessibility.....	13
V.1.1 Data collection	22
V.1.2 Environment/Territory	22
V.1.3 Transport	24
V.1.4 Information and communication	26
V.1.5 Special/sectoral laws and by-laws.....	30
Education	32
Employment	36
Tourism and archaeology	37
Legjislacioni për statuset e vecanta të aftësisë së kufizuar	38
Monitoring, control and enforcement	38
V.2 Key legal acts and by-laws Participation in Political and Public Life	40
VI. INSTITUTIONAL FRAMEWORK	50
VI.1 Accessibility	50
VI.2 Participation in Political and Public Life.....	54
VII. CONCLUSIONS	56
VIII. BIBLIOGRAPHY	58

ACRONYMS

AKEP	Authority of Electronic and Postal Communications
AKSHI	National Agency of the Information Society
BE	European Union
ARDF	Albanian Foundation for the Rights of Persons with Disabilities
IKMT	National Inspectorate for Territory Protection
INSTAT	Institute of Statistics
ISHPSHS	State Inspectorate of Labor and Social Services
IVMT	Local Inspectorate for Territory Protection
CRPD	Convention on the Rights of Persons with Disabilities
KKAK	National Council on Disability
KKT	National Territorial Council
KMD	Commission for Protection from Discrimination
KQZ	Central Election Commission
MSHMS	Ministry of Health and Social Welfare
UN	United Nations organizations
OSC	Civil Society Organizations
OSHMA	Audiovisual Media Service Providers
PAK	Persons with Disabilities
PKVPAK	National Action Plan for Persons with Disabilities
VC	Voting Center
TIC	Technology-Information-Communication
DCM	Decision of Council of Ministers

I. INTRODUCTION

1.1. Information on the project

The report on the compatibility and harmonization of the legal and institutional framework in Albania with the Convention on the Rights of Persons with Disabilities was developed within the regional project ‘Disability Alliances for the Development of Inclusive Reforms in the Region’ (DADIRR), which the Albanian Disability Rights Foundation is implementing from January 2023, for a period of 18 months, together with partner organizations in the Western Balkans, HANDIKOS Kosovo, Polio Plus Republic of North Macedonia and the Albanian National Association of Deaf People in Albania, within the SMART Balkans regional program.

The regional program, SMART Balkans – Civil Society for Shared Values in the Western Balkans, aims to strengthen participatory democracies and Euro-Atlantic integration processes in the Western Balkans, empowering civil society organizations and their networks for a stronger and more active role in the creation of peaceful and inclusive societies for sustainable development in Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. The program is financed by the Norwegian Ministry of Foreign Affairs and is being implemented by the Center for the Promotion of Civil Society (Centar za promoje svetni društva - CPCD), in cooperation with partner organizations from Albania - Institute for Democracy and Mediation (IDM) and North Macedonia - Center for Research and Policymaking (CRPM).

DADIRR Project aims to contribute to the strengthening of an independent regional network of disability organizations and public authorities in the three countries of the Western Balkans, to

advance the issues of accessibility and participation of people with disabilities in political and public life, to guarantee the harmonization and implementation of legislation and national policies, in accordance with the UN Convention on the Rights of Persons with Disabilities (CRPD) and the European Disability Strategy, 2021-2030.

The above will be realized through interventions that will make possible: a) the promotion of self-regulation mechanisms, through the preparation of the report on compliance and harmonization of legislation in the field of accessibility and participation in political and public life; b) encouraging cooperation and partnership between organizations of persons with disabilities at the national and regional level and governments to prepare recommendations for the harmonization of legislation with CRPD; c) promoting effective advocacy policies, government oversight, accountability and transparency, via establishment of Parliamentary Disability Lobbying Groups (PLGs) in the three countries of the Western Balkans, where the project is being implemented.

1.2. General data

According to the latest statistics from MHSP¹, the number of persons with a disability in Albania is 143,973, of which 72,838 are work invalids and 71,135 beneficiaries of non-contributory disability schemes. In recent years, a number of laws and policies have been developed in Albania for the protection and promotion of the rights of persons with disabilities. Here we can specifically mention the National Plan of Action for Persons with Disabilities (PVKPAK) (2021-2025), the Law on Inclusion and

¹. MHSP, January-February 2023

Accessibility for Persons with Disabilities², and a series of decisions regulating accessibility, services in general, employment, education, participation in political and public life, as well as non-discrimination. All these express the commitment and continuous efforts of the Albanian Government to realize the rights of persons with disabilities.

The adoption and entry into force of the Convention on the Rights of Persons with Disabilities (CRPD) has been the main source of changes in the legal and political framework. Since its ratification, in addition to the impacts on the legal and political framework, CRPD has also challenged attitudes or perspectives of society on persons with disabilities. This and definitely many other factors, among which we single out the lack of financial resources and human capacities, have given rise to challenges and difficulties in the implementation of the legal framework in Albania.

The Constitution of the Republic of Albania provides for the hierarchy, status and effect of legal norms. In particular, Article 4/2 of the Constitution provides that: 'The Constitution is the highest law in the Republic of Albania.' Article 116 of the Constitution reflects the hierarchy of legal norms, providing that 'normative acts that have force in the entire territory of the Republic of Albania are: a. Constitution; b. ratified international agreements; c. laws; d. the normative acts of the Council of Ministers'.

International agreements and conventions rank after the Constitution in the hierarchy of legal norms and consequently take an important place in the legal order. This is reinforced by Article 122 of the Constitution, which stipulates those international agreements, ratified by law, have precedence over Albanian laws that contradict with them.³

The Albanian Government submitted the first report on the measures taken by it for the implementation of the CRPD in 2015, thus fulfilling the reporting obligation that belonged to 2014.⁴ Also, the Committee for the Rights of Persons with Disabilities (hereafter 'Committee') in 2019 prepared the final conclusions and recommendations for the Albanian state.⁵ Regarding the legal framework, the Committee has expressed concern that efforts being made are insufficient to carry out the bio-psycho-social assessment of disability, eliminate the use of derogatory language in a number of laws and decisions, harmonize the definition of disability and reasonable adaptation, as well as the guarantee of accessible services in general, but also specialized services for persons with disabilities. This concern has also been expressed by local organizations in the country, continuously during the last years, since the laws, although they are well written, are partially implemented. There is a lack of sharing of vision and their understanding equally from the central government down to the grassroots, in the local government, which is closer to the needs of the communities.

². Inclusion and Accessibility Law

³. The Rule of Law in the Constitution of the Republic of Albania, Pr. Dr. Xezair Zaganjori, Pr. Dr. Aurela Anastasi, Dr. Eralda (Met'hasani) Çani, 2011

⁴. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fALB%2f1&Lang=en

⁵. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fALB%2fCO%2f1&Lang=en

II. EXECUTIVE OVERVIEW

Albania ratified the Convention on the Rights of Persons with Disabilities in 2012 with Law 108/2012 dated 15.12.2012 'On the Ratification of the UN Convention on the Rights of Persons with Disabilities'. According to Article 4, General Obligations, of the CRPD, 'all states have the obligation to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention'.

The purpose of this study report is the analysis of legal and sublegal acts regarding their compliance with the United Nations Convention on the Rights of Persons with Disabilities, ratified by the Parliament of Albania with Law 108/2012, in two areas: (i) Accessibility; and (ii) Participation in Political and Public Life. Another aim of this study is to raise awareness and suggest some necessary changes for the good implementation of the Convention.

The methodology for the drafting of this report is of a qualitative typology. It consists of the research work (desk review) of legal and political documents and the analysis of the legal and political framework from the point of view of CRPD.

Tangible progress has been evidenced in the improvement of the legal framework and in efforts to align it with the CRPD and the standards it represents.

However, the findings of the report speak of a partial compliance of the national legal framework with the CRPD. Although Albania has taken concrete actions to improve the legislation, the analysis shows that the legislation still needs further improvements.

In the field of accessibility, the highest number of legal amendments was evidenced, which are at a satisfactory level in accordance with the CRPD and the recommendations of the Committee on the

Rights of Persons with Disabilities. The main issues identified mostly relate to: (i) the lack of effective monitoring and coordination mechanisms; (ii) lack of penalties; (iii) the lack of use of the dual approach in general legislation, and as a result the issues of persons with disabilities not being included. The implementation of accessibility legislation continues to remain a challenge for the incumbent institutions. The level of implementation is significantly affected by the lack of expertise in this domain and the lack of financial resources.

The participation in political and public life has not undergone major changes in relation to the inclusion of persons with disabilities. The Electoral Code, as the basic law regulating the right to be elected, poses several shortcomings. First, the code does not cover all persons with disabilities, but is mainly focused at persons with physical disabilities and the blind. Second, it does not contain clear obligations for local and central institutions regarding the provision of accessibility and reasonable accommodations. Third, it restricts the right of people with intellectual disabilities to vote. Fourth, it does not offer other voting alternatives. In the field of participation in public life, most of the legal acts, although it is foreseen that they will be regulated by sub-legal acts, have not had corresponding amendments.

The report also contains a summary form of the analysis of the legal framework in the field of Accessibility and Participation in political and public life, where the current legislation and the needs for review and completion are presented in tabular form, to guarantee compliance with the CRPD. The report also contains recommendations, based on the findings from the legal analysis, but also the communications with the working groups.

III. METHODOLOGY

The analytical report on the compliance of the legal framework with the Convention on the Rights of Persons with Disabilities and the recommendations of the Committee on the Rights of Persons with Disabilities, was carried out based on the pre-selected methodology in the three countries participating in this project. This report contains an assessment of the legal framework in two selected areas:

- Access – Article 9, CRPD;
- Participation in political and public life - Article 29, CRPD.

The methodology utilized for the crafting of this report, is of a qualitative typology. It consists of:

- research work (desk review) of legal and political documents, national and international studies and reports; and
- identifying and analyzing the legal and political framework from the point of view of the CRPD.

The analysis not only highlights discrepancies with CRPD but also underscores existing shortcomings or ineffectiveness within the legislation, focusing on three primary areas.

Firstly, it emphasizes aspects that deviate from the spirit and requirements of CRPD.

Secondly, it identifies issues contributing to the legislation's lack of applicability.

Thirdly, it underscores the failure to incorporate disability-related matters into mainstream or general laws (applicable to the entire population), which significantly affect the disability community. This observation is grounded in the principle of a dual

approach, aiming for maximal integration of disability rights within mainstream legislation while minimizing the need for separate treatment of related issues.

It is also worth noting that not all articles of the CRPD have been broken down sufficiently to carry out a detailed analysis of each point contained in its articles, unless the Committee on the Rights of Persons with Disabilities has adopted general comments, as in the case of accessibility.⁶ The methodology, in this context, does not contain a framework with special indicators, which may serve as comparative elements. The analysis was carried out on the basis of existing information and interpretations of the articles of the CRPD that were selected for this report, from various sources, mainly from the United Nations and well-known organizations or experts in the field.

The main objectives of this report are:

- produce data that enable comparative analysis by field for all participating countries;
- create a framework of recommendations for improving legislation at the national level;
- assist in the implementation of project activities at the regional level.

In order to obtain the necessary information for the drafting of the report, the methodology contained general questions about the legal system in Albania, and in particular questions about the special legal and institutional framework for persons with disabilities. These questions are aimed at identifying and briefly describing the legal acts of all levels in the three selected areas, other acts such as strategies, policies, legal changes that have been

⁶. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-2-article-9-accessibility-0>

adopted or changed after the ratification of the CRPD, the institutional framework, which means the institutions involved in the implementation of the legal framework.⁷

For obtaining and processing the above information, a group of selected experts was engaged in a period from April to October 2023⁸. For the realization of this report, the experts have followed the predetermined steps in the methodology, which are as follows:

- Collection of available data for the relevant sector, including data related to budget allocations;
- Description of the acts identified in all sectors;
- Identification of the problems of national legislation (inconsistencies) in a comparative perspective in relation to the CRPD and the recommendations of the Committee;
- Identification of problems affecting the level of implementation of the legal and political framework;

- Identification of the lack of cases of persons with disabilities in general acts (strategy, policy, instructions, etc.);
- Presentation of the institutional framework for the sectors incumbent with issues of persons with disabilities;
- Comprehensive analysis of the legal and political framework and the compilation of recommendations for each of the areas.

The report is focused on the Albanian legislation and how it complies with the CRPD. The report mentions the laws according to the selected fields, which are drafted according to a unified structure throughout the report. Each chapter includes the relevant article and whether or not it is compatible with the CRPD. Also, some general clarifications are offered on the reason for drafting the law and how the rights of persons with disabilities are affected. Each legal act is subjected to a legal analysis along with conclusions and recommendations.

⁷. The questions are found in Annex 2 attached to the report.

⁸. The list of experts can be found in annex 1 of this report.

IV. SUMMARY OF INTERNATIONAL AGREEMENTS

IV.1. United Nations Convention on the Rights of Persons with Disabilities

Accessibility (Article 9):

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- Information, communications and other services, including electronic services and emergency services.

States Parties shall also take appropriate measures:

- 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;
- To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- To provide training for stakeholders on accessibility issues facing persons with disabilities;

- To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Participation in Political and Public life (Article 29):

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

- To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

- Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

IV.2. European Disability Strategy, 2021-2030⁹

This Strategy takes account of the diversity of disability, resulting from the interaction between long-term physical, psychosocial, intellectual or sensory impairments, which are often invisible, with barriers in the environment, as well as the increased prevalence of disabilities with age. It promotes an intersectional perspective, addressing specific barriers faced by persons with disabilities who are at the intersection of identities (gender, racial, ethnic, sexual, religious),

or in a difficult socioeconomic or other vulnerable situation.

The Strategy supports the green and digital transitions and a healthy Europe, thus contributing to a sustainable, resilient, innovative, and fair Union. It is part of the European Pillar of Social Right Action plan adopted by the Commission. Complementing the equality strategies adopted to combat discrimination in all its forms, this Strategy will help to achieve a Union of Equality and to strengthen Europe's role as a global partner in combatting inequalities, achieving the UN Sustainable Development Goals and promoting human rights.

The European Union is anchored in the values of equality, social justice, freedom, democracy and human rights. The Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union provide the basis for combating all forms of discrimination, establishing equality as a cornerstone of EU policies. The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2006 marked a breakthrough in providing minimum standards for the rights of persons with disabilities. The EU and its members, the States parties to the CRPD, are making progress with the implementation of the European Pillars of Social Rights that serve as a compass for employment and social policies, jointly announced in 2017 by the European Parliament, the EU Council and the European Commission. Principle 17 of the Pillar underlines that persons with disabilities have the right to income support that ensures a dignified life, services that enable them to participate in the labor market and society, and a work environment adapted to their needs.

Accessibility is an enabler of the realization of rights, autonomy and equality, in built and virtual environments, information and communication technologies (ICT), goods and services, including transport and infrastructure, but also a prerequisite for the full participation of people with disabilities on an equal basis with others.

⁹ <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8376&furtherPubs=yes>

Promoting participation in the democratic process and full political participation, as required by the CRPD, means that persons with disabilities participate in elections, as well as in political and decision-making processes, on an equal basis with others.

Decent quality of life and independent living, quality social services and employment, accessible and inclusive housing, participation in lifelong learning, adequate social protection and a strengthened social economy are essential for a life of dignity for all persons with disabilities.

IV.3. Sustainable Development Goals and Inclusion of Persons with Disabilities

Agenda 2030 for sustainable development is another important document, which bases the success of its realization on the motto 'Agenda of the people, by the people and for the people'. Agenda 2030, with

the inclusion of persons with disabilities, is based on the principle '*nothing about us, without us*'. In the Vision of Agenda 2030, persons with disabilities are included, emphasizing 'respect for human rights, human dignity, equality and non-discrimination'. In the 'Declaration of the Agenda' there are provisions on the respect, protection and promotion of fundamental rights for everyone, without distinction, including the disabled. Of the 17 Sustainable Development Goals of this Agenda, 13 are specifically related to persons with disabilities and 7 of them refer only to persons with disabilities. It is worth noting that the entire Agenda 2030 is based on the principle 'Leave no one behind'. Agenda 2030 focuses attention to the connection between vulnerable groups and poverty and reinforces the term 'vulnerable persons', placing also persons with disabilities at the center of poverty elimination efforts. The 2030 Agenda elaborates the rights of persons with disabilities equally with others, in education, employment, political and social life, etc., guaranteeing accessibility and reasonable adaptation.

V. ALBANIAN LEGAL FRAMEWORK FOR ACCESSIBILITY AND PARTICIPATION IN POLITICAL AND PUBLIC LIFE

V.1 Key legal acts and by-laws on accessibility

The framework law No. 93/2014 'On the Inclusion and accessibility of persons with disabilities', was adopted by the Albanian Parliament, based on the recommendations of the CRPD. The main purpose of the law, as stated in its article 1, is to guarantee the promotion and protection of the rights of persons with disabilities, and on the other hand, to determine the responsibility of all public and non-public structures, including state bodies, central and local, in the implementation of the principles of inclusion and accessibility to reduce, down to removal, obstacles for persons with disabilities. Starting from the very name of the law, accessibility plays a central role in this law for the inclusion and guarantee of rights, as it also results in the purpose of the law: '... in the application of the principles of inclusion and accessibility to reduce, down to removal, obstacles for persons with disabilities...'

In Article 3 of the Law on the Inclusion and Accessibility of Persons with Disabilities, the term 'Reasonable Accommodation' is defined as 'necessary and appropriate modifications and adjustments, when necessary, without imposing an excessive burden, to persons with disabilities are guaranteed the enjoyment and exercise, under equal conditions with others, of all basic human rights and freedoms.'

In this law, the establishment of the National Disability Council is determined, as responsible for monitoring the implementation of the law, as well as the inclusion in this Council of representatives from disability organizations. With DCM No. 48, dated 21.1.2015 'On the approval of the regulation on the functioning of the National Disability Council' the role of the National Disability Council (NDC/ KKAK) was determined as an advisory body to the

Government (Article 3) to: determine state policy directions to guarantee accessibility; propose and recommend for the improvement of the legislation in the field of protection of the rights of persons with disabilities and their inclusion in all fields; recommend services and programs that are specifically oriented towards persons with disabilities and their families; etc. NDC examines the implementation of national disability action plans for the implementation of the Convention on the Rights of Persons with Disabilities and provides the relevant recommendations to the Council of Ministers.

Article 9 of the DCM establishes the Technical Secretariat of the Council under the ministry that covers disability issues as a support structure for the activities of the Council (KKAK).

The law has brought some necessary innovations in the Albanian context in terms of disability issues. Such issues are: assessment of persons with disabilities, monitoring the implementation of the CRPD, clarifications regarding concepts that constitute innovation such as supported decision-making, equality before the law, independent living services, definition, administration of aids, creating focal points and matters of guardianship or personal assistants. This law aims to codify 'disability' under one umbrella. The CRPD does not differentiate between different types of disability but uses the term 'disability', deliberately not defining it, but rather leaving it open as it is considered a term that evolves over time and as such cannot be defined. In Albania, the legislation continues to remain fragmented and the existence of many laws that protect some 'disabilities' more than others, has caused a discriminatory situation among the communities of people with disability. Meanwhile, this law clearly aims that through the appropriate

assessment of multidisciplinary commissions, assess the needs for services, tools and care, with the aim of minimizing the barriers to inclusion and maximizing the autonomy and independent living for persons with disabilities. This assessment is based on the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization. Thus, the old model of assessment based on belonging to certain legal statuses, based on the outdated medical model, is abandoned.¹⁰

In Article 14 'Financing of accessibility', the law stipulates that the funds for guaranteeing accessibility are foreseen by state budget, planning being made by the responsible ministry, which coordinates with the line ministries and according to the instructions of the National Disability Council (KKAK), but does not define the instruments for its application. This article needs a sub-legal act (DCM or Order of the Minister of Ministry of Health and Social Protection), where the obligation under this article to approve a regulation or instruction on how the funds are planned and how the National Disability Council (KKAK) can give instructions to line ministries. Without these determinations, KKAK cannot provide the necessary instructions for the planning required by law. The lack of penalties may also have affected the quality of law enforcement. The inclusion of penalties in case of non-implementation of the provisions of this law can directly affect its better implementation.

The law also provides that in each ministry, by order of the relevant minister, an official is appointed to deal with disability issues. Local government bodies appoint one or several local officials, who deal with disability issues, subordinate to them. These employees serve as focal points in implementation of the CRPD requirement for the establishment of focal points. In relation to this obligation, during the implementation of the law in practice, it has been noticed that even in the institutions where an employee is appointed, these employees are actually persons charged with other duties, which originate

from other laws. This has obviously affected the quality of the work they perform for people with disabilities.

Some of the problems identified in this law are: The law provides for the establishment of the National Disability Council at the Ministry of Health and Social Protection, which assesses the concrete situation of guaranteeing the accessibility and inclusion of persons with disabilities in Albania, but there is a lack of a special institution for monitoring its implementation. This law has provided for two institutions, the Ombudsman and the Commissioner for Protection from Discrimination for the monitoring of the law, but each of them performs this monitoring in accordance with the field of implementation of the sectoral laws on the basis of which they operate. A special mechanism is needed to monitor this law as a whole and not in certain aspects of it, aspects which the two above-mentioned institutions monitor anyway due to their framework legislation. This mechanism would be more effective in monitoring the law. Defining the rules for its monitoring would also make it more effective, such as a certain methodology, systematic reporting, special monitoring during the year, etc. So, the law needs to be supplemented with by-laws where the procedure and monitoring instruments are correctly defined, which would help the implementation of the law, and its promotion in the field.

The legal framework has remained incomplete regarding the provision of assistive devices and assistive technology, despite the obligation that exists in Article 9 of the law, according to which assistive devices and assistive technology are provided to persons with disabilities who need such equipment, to overcome obstacles, based on the assessment made by multidisciplinary commissions. Compulsory health care insurance fund (FSDKSH) and MSHMS have not yet taken the necessary measures to regulate the procedures for providing these tools.

¹⁰. Monitoring report: Implementation of accessibility for persons with disabilities. Albanian Foundation for the Rights of Persons with Disabilities, 2017

The law does not provide for penalties in case of non-implementation of its provisions, although some penalties have been provided for in DCM - in implementation of the Law No. 1074, dated 23.12.2015 'On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities.' Penalties provided in DCM are not only insufficient, but their implementation in the law would raise the standard and provide higher guarantees for persons with disabilities.

The law needs to have a wider inclusion of the concept of accessibility in communication, to reflect the rapid dynamics in this field.

Also, the obligation to provide training on accessibility for the staff of law enforcement institutions has not been sufficiently reinforced in the law.

In addition to the problems identified above, which are more related to the effective implementation of the law and which definitely affect the effective implementation of the CRPD, *no inconsistencies with the CRPD are found.*

The law is in compliance with the CRPD

Decision of the Council of Ministers No. 1074, dated 23.12.2015 'On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities',¹¹ was approved pursuant to the framework law, No. 93/2014 'On the Inclusion and accessibility of persons with disabilities. DCM specifies for the first time the deaf community as a group in need of rules, measures, sign language interpretation services, education provided in sign language, interpreter training, sign language dictionary publication and provision of regular news

broadcasts with subtitles but also in sign language on national television.

The purpose of the decision is to detail the definitions or principles established by the Law on Inclusion and Accessibility. The decision, in addition to determining the measures for implementation based on which environmental and infrastructural obstacles are removed to enable access to housing, transport, health, social care, education, employment and services for persons with disabilities, also serves to unify the existing rules with the new ones. The clarification and obligation for the measures that must be taken by all institutions originates directly from the law, but on the other hand this decision, as the law itself takes into consideration the existing legal basis (laws and decisions), which already regulate some aspects of accessibility. The decision ensures that accessibility takes the latest meaning given by the CRPD and recent developments, but at the same time reinforces in the context of implementation, the existing legal framework and ensures that it has a comprehensive and complementary character by referring directly to DCM No. 1503 dated 19.11.1998 for the approval of the regulation 'On the use of spaces by persons with disabilities', as regards the technical aspects of ensuring suitability.¹²

The decision has tried to define the obstacles and place these obstacles in relation to all types of disabilities, clearly defining the incumbent institutions and the steps to be followed by them, with plans and timelines for implementing accessibility and/or eliminating barriers. The decision has also determined the institutions responsible for their monitoring, in an effort to make a monitoring connection between the institutions at the central level (MSHMS), regional (ISHPSHS)¹³ and KKAK, and also establishes a complaint procedure.

¹¹. Decision of the Council of Ministers no. 1074, dated 23.12.2015 'On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities': http://www.qbz.gov.al/botime/fletore_zyrtare/2015/12/243.pdf

¹². Monitoring report: Implementation of accessibility for persons with disabilities. Albanian Foundation for the Rights of Persons with Disabilities, 2017

¹³. The decision foresees the State Inspectorate of Labor and Social Services as a monitoring institution, which in the regions other than Tirana can operate through its regional branches.

The scope of this decision is very broad. The decision sets out a long list of state and private institutions to which this decision extends its effects and has grouped them into four main groups, as follows:

- municipalities and their control structures, private entrepreneurs, business administrators, construction project design and implementation companies, as well as all responsible entities, to guarantee a barrier-free environment for the category of persons with disabilities;
- all new and existing constructions and construction structures, within the territory of the Republic of Albania, mainly public health facilities, housing and residential facilities, schools and scientific institutions, cultural facilities, religious facilities, commercial centers, administrative and public service institutions, enterprises and work centers, in the premises of which public services are provided, parks, squares and streets;
- means of public transport;
- media and all public or private means of public information.

In the following, the decision defines the main steps that any state or private entity must follow in order to achieve compliance. Being aware that the implementation of this decision will be subject to the principle of progressive realization due to the financial expenses it initially requires, the steps have been determined respecting this principle. This principle is clearly expressed in point 12 of Chapter I: *'The subjects plan progressively the adaptation process in accordance with the provisions of this decision.'* Each subject has the obligation to, within 12 months from the date of approval of the plan of measures, start the work to realize the adaptation process related to the existing facilities and the services provided.

Every entity that provides services to the public is obliged to adopt a plan of measures to implement the requirements of this decision within six months from its entry into force. Its progressive realization

must begin twelve months from the date of approval of this plan. The Plans of Measures relate to the identification of: (i) existing facilities and services, for which adaptation is needed; (ii) progressive planning of funds needed for adaptation; and (iii) determining the time limit for the realization of the adaptation/ accessibility. In a very careful way, the decision has been ensured to include the main aspects in the plan, which ensure the maximum implementation of this decision and respect the requirements established in General Comment No. 2 (2014) of the Committee on the Rights of Persons with Disabilities on Article 9 of the CRPD, Accessibility, according to which measures must be taken within a certain time limit. Although several years have passed since the approval of this DCM, it is found that there is still a significant part of the institutions, which have not drawn up and approved a plan of measures for the elimination of existing barriers.

As mentioned above, accessibility before the adoption of the Law on Inclusion and Accessibility and this DCM was treated only in the sense of architectural barriers, that is, only for people with physical disabilities and to some extent for people with sensory (visual) disabilities. Now, this decision, like the Law on Inclusion and Accessibility, gives the full meaning of accessibility.

The decision has provided that the monitoring of its implementation is done by the State Inspectorate of Labor and Social Services, which takes the relevant measures according to its competences and notifies the ministry incumbent with the issues of disability for any violation found. Also, the decision has provided that the Ministry, which covers issues of disability, in cases of non-implementation of the rules provided for in this decision by the institutions, asks the relevant subjects to take the necessary measures and correct the violation within a deadline, no more than ½ of the term provided in the planning. In this regard, a clearer procedural situation would be necessary, if ISHPSHS would be the sole body that monitors the implementation of the decision. The procedure of sending complaints to the Minister, who takes several other steps and coordinates with KKAK,

seems an unrealistic procedure. Failure to report cases following this path speaks of the impossibility of its implementation.

It is also necessary to revise the imposition of other penalties more clearly, in addition to the removal of the licenses of entities that violate the decision. These penalties can also be reviewed within the Law No. 10 433, dated 16.6.2011 'On inspection in the Republic of Albania', as amended. According to this law, ISHPSHS can impose the following penalties: (i) warning; (ii) fine; (iii) respective deadlines for legal violations to be corrected; (iv) emergency measure 'Suspension' of part or all of the inspected subject. These powers should appear more directly in the law.

Apart from the problems identified regarding the implementation of the decision, no inconsistencies with the CRPD are identified. The decision has respected the requirements of Article 9 of the CRPD and also the steps set out in the General Comment of the Committee on the Rights of Persons with Disabilities, 22 May 2014.¹⁴

The DCM is in compliance with CRPD

Decision of the Council of Ministers No. 874, dated 24.12.2019 'On the way of providing personal assistance and the selection criteria of the personal assistant'.

The DCM defines the role and duties of the personal assistant in supporting the person with disabilities to overcome obstacles in daily life, both physical barriers and those of communication and interaction. The personal assistant is selected and provided with a detailed program by the social administrator at the administrative unit.

In the DCM, the measures for building the financial relationship between the provider and the beneficiary of the service, are not defined.

In most of the local units, the chain for benefitting a personal assistance does not work (social

administrator, personal assistant and Person with Disabilities).

In the DCM, the way in which the financial relations will be built between the personal assistant and the beneficiary as well as with the Social Service must be determined. DCM should also be improved in terms of completing the service chain (social administrator, personal assistant and PWD), in order to correctly implement this service.

The DCM is partially in compliance with the CRPD.

Law No. 82/2021 dated 4.06.2021 'On official translation and the profession of official translator', also applies to sign language interpreters or communication facilitators for people with speech and hearing disabilities in cases when they are appointed by the procedural bodies, according to the legislation in force, or during the review of cases by the Constitutional Court, under the conditions provided for in this law. The law defines that 'Sign language interpreter' is the person certified to perform the activity of sign language interpretation and registered in the electronic register of official interpreters, in accordance with the conditions provided for in this law. The sign language interpreter enables communication with a person who does not hear and/or does not speak, partially or completely, from sign language in the spoken and written Albanian language, during the investigation of a criminal case, as well as during the course of court civil, criminal or administrative proceedings, according to the provisions of the procedural legislation in force or during the review of cases by the Constitutional Court'. In Article 9, the law defines 'Incompatibilities', with a particular emphasis on a conflict of interest with the person for whom it interprets in sign language.

Although this law is a positive step in support of people with hearing disabilities, measures should be taken to train people with hearing disabilities in sign

¹⁴ General Comment of the Committee on the Rights of Persons with Disabilities, 22 May 2014: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en

language, as well as to increase the number of sign language interpreters, to improve the representation of these persons in all fields and activities.

The law is in compliance with the principles of the CRPD

On December 3, 2014, the Government had ratified the DCM No. 837, titled “On the Recognition of Sign Language in the Republic of Albania.” This decision officially acknowledges sign language in Albania for individuals who are unable to speak or hear. The DCM assigns the Ministry of Social Welfare and Youth (Now Ministry of Health and Social protection) two key responsibilities: (i) overseeing the coordination of efforts to fulfill obligations regarding the rights of individuals unable to speak or hear, and (ii) developing a platform outlining actionable measures, including defining the responsibilities of institutions mandated to offer sign language services.

However, the DCM lacks the specified obligations and measures for institutions required to provide sign language services. This deficiency has hindered its practical implementation.

The DCM is in partial compliance with CRPD

The DCM 470, dated July 6, 2022, titled “On determining the rules, procedures, and criteria for the provision of supported decision-making services for persons with disabilities,” defines supported decision-making as the exercise of will by a person with disabilities, facilitated by increased competence, to support their goals and best interests, enabling them to exercise their rights and fulfill obligations. The decision outlines rules, procedures, and criteria for providing supported decision-making services for persons with disabilities. Persons with disabilities have the right: a) to choose their way of life within their capabilities; b) to actively and comprehensively participate in daily activities while safeguarding their best interests; c) to make decisions on support in the most effective manner without restrictions or interference with their rights; d) to make decisions without infringing on the rights of others.

Public and private institutions providing services are obligated to: a) provide relevant information upon verbal or written request from persons with disabilities; b) identify and train those providing these services for accessible formats as per current legislation.

The incumbent ministry for disability issues, municipalities, and disability organizations collaborate to promote and raise awareness among persons with disabilities regarding the use of supported decision-making as a tool to enhance autonomy and independence.

The incumbent ministry for disability issues collaborates with social service structures at regional and local levels to enhance the referral of services for supported decision-making. The implementation of this decision is entrusted to the Ministry of Health and Social Protection, the Ministry of Finance and Economy, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education and Sports, the Ministry of Culture, municipalities, and administrative units.

The DCM is of a high level of compliance with the principles of CRPD. Incumbent institutions, organizations, and structures must take necessary measures for the implementation of DCM.

Decision No. 1503, dated 19.11.2008, the regulation ‘On the use of space by persons with disabilities.

The regulation aims to define implementation of the rules for the elimination of architectural barriers in housing, public spaces and services. It should be noted that this decision is very important for guaranteeing accessibility, but it deals with it in limited ways and dimensions and does not adhere to the comprehensive meaning that this term has according to the CRPD and the Law on Inclusion and Accessibility. This decision regulates the physical aspects of public and private environments, focusing mainly on people with physical and sensory disabilities, but only on architectural barriers, so it does not tackle issues pertinent to all types of disabilities. The decision uses terms such as accessibility, usability or adaptability, which partially cover some aspects of accessibility, while accessibility requires

the elimination of all types of barriers for all types of disabilities according to the CRPD and the Law on Inclusion and Accessibility. The decision should also intervene in the terminology used with a weak language, according to which it is required that the selection of projects is done on a preferential basis. The term 'preferred' should be revised and made to say 'mandatory'. It is also necessary to strengthen the requirements to implement the rules provided in the decision, as well as to clearly emphasize the right of the administration to reject projects that do not conform to the regulation. This decision was approved before the adoption of the CRPD and the laws and by-laws in its implementation, so the terminology and technical aspects of the regulation are not in full compliance with these documents.

Although the regulation covers a significant part of accessibility requirements and standards, the time has come for this regulation to be reworked based on the CRPD, Law No. 93/2014 'On inclusion and accessibility' and DCM No. 1074, dated 23.12.2015 'On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities' and the documents approved after its adoption.

The Regulation is in partial compliance with the CRPD

Law No. 10221 dated 4.02.2010 'On protection against discrimination', amended by Law 140/2020 regulates the implementation and observance of the principle of equality and non-discrimination in relation to gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational or social status, pregnancy, ancestry, parentage responsibility, age, family or marital status, civil status, residence, health status, genetic predispositions, disability, belonging to a special group, or for any other reason. The law defines '*Denial of reasonable accommodation*' as a form of discrimination that occurs when the necessary and appropriate

adjustments or adaptations are denied or objected while they are necessary in a particular case, without imposing an excessive burden, in order to guarantee that persons with disabilities can enjoy and exercise, under equal conditions with others, the basic human rights and freedoms, based on Article 3 of the law 'On the inclusion and accessibility of persons with disabilities', which defines '*Reasonable accommodation*' as *necessary and appropriate modifications and arrangements, when necessary, without imposing excessive burdens, to guarantee disabled persons the enjoyment, exercise, under equal conditions with others, of all rights and basic human freedoms*¹⁵.

With the amendments made to Law 124/2020, dated 15.10.2020, this law has been improved in terms of its implementation, from which we highlight: organizations with legitimate interests can represent the interests of persons with disabilities and can conduct investigations in their interest. The decisions of the Commissioner for Protection from Discrimination (CPD) contain deadlines for their implementation, otherwise they are appealed to the competent court according to the rules defined in the legislation in force for the adjudication of administrative disputes; when the decision of the CPD is turned into an executive title, as well as is added Article 33/1, which is related to penalties/fines, etc.

The law should be further improved in terms of strengthening the available instruments for its implementation.

The law is in compliance with the principles of the CRPD.

Another important document is **the 2022-2026 strategic plan of the Commissioner for Protection from Discrimination**, where the monitoring of the implementation of the main laws in the field of accessibility is emphasized, especially: Law No. 10 221, dated 4.2.2010, 'On protection from discrimination', Law No. 93/2014 'On inclusion and accessibility' which aims to guarantee equal

¹⁵ The law on non-discrimination gives the same definition for 'appropriate denial'.

opportunities for all persons with disabilities, as well as the guarantee of independent living of these persons, Law 97/2013 'On audiovisual media in Albania', amended which stipulates (Article 32) that audio and/or audiovisual media services must not have content that leads to the incitement of hatred due to race, gender, religion, nationality, or any other cause of discrimination. Also, Article 42.3 (b) provides that *audiovisual commercial communications must not contain content that involves or promotes discrimination on grounds of sex, race or ethnic origin, nationality, religion or belief, disability, age or sexual orientation*. Broadcasting Code for Audiovisual Media Section 4/8, 11 which states that *informative audiovisual broadcasts must not directly contain or imply discriminatory messages for reasons such as: gender, race, age, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic status, education or social or any other reason*.

The National Action Plan for Persons with Disabilities 2021-2025 ('PKVPAK 2021-2025') approved by Decision of the Council of Ministers No. 276, dated 12.05.2021, is a strategic document that foresees the realization of accessibility in accordance with the policies for persons with disabilities in the Republic of Albania. Its purpose is to continue the promotion and support of the integration of persons with disabilities in the social and economic life of the country, with a focus on the fulfillment of the obligations of the Convention on the Rights of Persons with Disabilities, through specific measures. The Action Plan aims to support Albania's efforts to build a society that respects basic human rights and freedoms and prohibits discrimination. The National Action Plan defines three main objectives related to the realization of accessibility:

- improving physical accessibility in public services for persons with disabilities;
- accessibility to public transport; and
- improving access to information for persons with disabilities.

This document aims to achieve the strategic goal of guaranteeing equal access to services and information for people with disabilities through the realization of these objectives. Pursuant to law no. 93/2014 'On Inclusion and Accessibility', the monitoring of the implementation of this Action Plan will be carried out by the Commissioner for Discrimination and the Ombudsman.

The National Action Plan for Persons with Disabilities is in compliance with CRPD

Decision No. 436, dated 22.6.2022 'On the approval of rules, procedures and criteria for the provision of services for independent living for people with disabilities' defines the obligation that all institutions have to guarantee independent living for people with disabilities. The decision defines 'Independent living services for PWDs' as services that are offered to increase the opportunities for equal choices and equal freedom with other people in society for inclusion and social integration through individual decisions, provided according to point 2, of the article 5, of the law no. 93/2014, 'On the inclusion and accessibility of persons with disabilities. These services comprehensively cover all spheres of life, including employment, education and social, professional and leisure activities.

Chapter II, 2. Accessible services for independent living are determined according to the legislation in force for physical and informational accessibility and are implemented progressively. In this chapter, the DCM defines the structures and procedures to guarantee the benefit of reasonable adjustment services in all areas.

Chapter III, the complaint defines 1. For cases of non-provision of independent living services, every person with disabilities has the right: a) to complain to the head of the entities provided for in point 1, of chapter I, of these rules, in case it finds that the rules, criteria or procedures provided for in this decision have been violated, without limiting the right to appeal to the Commissioner for Protection

from Discrimination, the Ombudsman, the Ministry responsible for disability issues, the State Labor Inspectorate and Social Services and courts. In Chapter IV, the decision charges the Ministry of Health and Social Protection to draw up guidelines and support municipalities and administrative units for strengthening and coordinating independent living services at the national level for persons with disabilities, as well as to cooperate with self-government units and support coordinators to guarantee independent living services. In each local self-government unit, the responsible social service structure in the municipality/county is engaged to coordinate the process and assigns an employee with the task of support coordinator.

The decision needs to be completed with the necessary instructions for its implementation and ensuring independent living according to the legislation in force.

The decision is in compliance with the principles of the CRPD.

Electoral Code of the Republic of Albania, Law no. 10019, dated 29.12.2008 and amended by laws no. 74/2012, dated 19.07.2012, no. 31/2015, dated 02.04.2015, no. 101/2020, dated 23.7.2020, and no. 118/2020, dated 5.10. 2020 determines the procedures for the course of the electoral process, the preparation of election materials, the preparation and dissemination of information for the public, etc., there are no provisions regarding the exercise of the right to vote for all categories of persons with disabilities. This code needs interventions and improvements in: Article 22 ‘Competencies of the CEC related to technology in elections’, and Article 23 ‘Procedure for the introduction of technology in elections and decision-making’, including the use of information technology for all categories of persons with disabilities; Article 79 ‘Posting of propaganda materials’ and Articles 80-84 and 85 ‘On television broadcasts’ including clarifications on the access of PWDs to election materials and television broadcasts; Article 93 ‘Location of the

voting centers, the headquarters of the CEAZs and the Vote Counting Sites’ defining the requirements for the accessibility of these centers for persons with disabilities.

Article 108 ‘Voters who cannot vote by themselves’, there are some definitions for physically disabled and visually impaired, but it does not guarantee the participation of all categories of people with disability in elections.

In ‘PART XIII RESPONSIBILITIES AND SANCTIONS’ there are no sanctions related to non-implementation of accessibility requirements and standards for all categories of PWDs. In this part, sanctions should be provided for non-respect of the right to vote of persons with disabilities.

Although the Code was amended in 2020, it does not guarantee the participation in elections of all categories of PWDs and does not oblige the responsible structures to create environments and facilities for persons with disabilities to exercise their right to vote.

The Code should sanction the guarantee of accessibility for all categories of persons with disabilities, as well as voting for persons who cannot appear before the commission at the polling station due to disability.

The Code needs improvements considering the recommendations of the CRPD and the basic Albanian legislation on accessibility. More broadly, this aspect is covered in chapter 5.3 ‘Participation in Political and Public Life’.

The Code is in partial compliance with the CRPD

CEC Instruction No. 01, dated 12.12.2012 ‘On the method of setting up and determining the location of voting centers and preparing the map of the local government unit for the elections’.

Although this Instruction has some provisions regarding the location of voting centers (on the first floors of buildings) and the creation of some facilities for PWDs, it needs improvements and clarifications

on mandatory facilities for all categories of PWDs, in accordance with the recommendations of the CRPD and the legislation in force on accessibility for persons with disabilities.

The Central Electoral Commission has approved several normative acts to install the ramps in the polling stations, but even when they were installed, they were not checked to see if they were implemented according to the standard. More broadly, this aspect is covered in chapter 5.3 'Participation in Political and Public Life.'

The guidance is partially compliant with the CRPD

V.1.1. Data collection

DCM No. 708, dated 26.8.2015 'On the types, periodicity and way of reporting statistical data on disability by the incumbent state structures, at the central and local level' defines the institutions and hierarchy of data collection. The decision obliges independent institutions, state administration institutions, municipalities and regions to collect statistical data on disability, according to the areas in which they operate in order to design, improve and implement policies in support of programs of access and inclusion of persons with disabilities, in accordance with the legal provisions for data protection, to guarantee confidentiality and to respect their private life. This decision obliges all data collectors to send them periodically to the technical secretariat for disability, to the National Disability Council (KKAK) and charges the county to process statistical data on disability, forwarded by municipalities, before forwarding them to the technical secretariat at KKAK. The Ministry, which covers issues of disability, processes the data collected through the technical secretariat for disability, at the KKAK, monitors the progressive updating of the data, according to the indicators defined in the decision, and publishes and sends them to the Institute of Statistics. The Ministry of Social Welfare and Youth (now Ministry of health and Social Protection) is responsible for the follow-up and implementation of this decision.

In its annexes the decision gives the format of data collection according to the fields: I. Education; II. Health; III. Justice; IV. Housing/urban development/infrastructure/transportation; V. Employment and VI Culture.

The decision is in compliance with the principles of the CRPD.

V.1.2. Environment/Territory

Law No. 107/2014 'On planning and development of the territory', amended is the most important law for the development of the territory and relevant for the approval of construction permits for new structures and those that are reconstructed. The purpose of the law is to ensure the sustainable development of the territory, through:

- rational use of land and natural resources;
- creating and guaranteeing constructed territories, organized in a harmonized and functional manner, giving priority to public space, the possibility of housing for all economic and social strata,
- creating suitable physical infrastructure for the promotion of investing in the exercise of economic, social and cultural activities, facilitating the safe use of services and public amenities, transport, communication and infrastructure, including accessible territories;
- promotion of economic, social and cultural life at the national and local level;
- guaranteeing conditions of life safety and public health, public order and national security;
- to create appropriate and fair conditions and equal opportunities for housing, economic and social activity for all social categories, economic and social cohesion and enjoyment of property rights.

Article 45/1; Condition for accessibility of the environment:

- All constructions for housing, spaces and services for the public, including parks, squares and roads, within the territory of the Republic

of Albania, must meet the requirements and standards of accessibility for persons with disabilities, according to the provisions defined in the regulation for the use of spaces by persons with disabilities.

- The accessibility of new constructions or of those in the process of reconstruction, as above, is a condition for obtaining the construction permit and the certificate of use, according to the procedures defined in the Territory Development Regulation.
- The incumbent authorities of the institutions that provide services to the public, are obliged to ensure a basic level of construction accessibility in the existing environments under their administration.

This article obliges the application of basic accessibility requirements and standards for obtaining a construction permit in all works for housing, spaces and services for the public, including parks, squares and streets, both the new and those that are reconstructed. Meanwhile, in Article 6 of the Model Regulation of Territorial Development, the main document in the implementation of the law, it defines ‘works for the elimination of architectural barriers and the adaptation of buildings for persons with disabilities, do not need to be provided with a constructing permit’. In doing so, it compromises the implementation of accessibility requirements and standards according to the provisions of the law, because the Model Regulation is the main format for all local regulations, with which it is operated for the development of the territory and the approval of construction permits.

The law takes care of the inclusion of persons with disabilities, specifying the obligations for spaces and territories that can be used by them. However, some improvements that would strengthen these provisions can be made by adding the definition of accessibility according to Law No. 93/2014 ‘On inclusion and accessibility’, since the concept of suitability differs from that of accessibility (see DCM No. 1503 19. 11.2008 for the approval of the regulation ‘On the use of spaces by persons with disabilities’), in the

‘documents of planning by levels of government’ to include requirements and environmental accessibility standards in the list of planning documents by levels of government, specifically in each document. For public meetings and consultations, a special point should be added for consultation with persons with disabilities and the preparation of materials in accessible formats according to the Law on Inclusion and Accessibility. In the responsibilities of the KKT’, include the requirements and environmental accessibility standards in each of the documents prepared by the KKT. Emphasize the application of environmental accessibility requirements and standards during the issuance of usage certificates and inspections.

Article 53, Execution of sentences; The fines determined, according to Article 52, of this law, are imposed by the incumbent inspection authority which is defined in Article 3, Definitions, point 3 ‘Construction Inspection Authorities’ are the bodies defined in the construction inspection legislation.

The law needs interventions and improvements in terms of emphasizing the mandatory inclusion of accessibility requirements, especially in articles:

- Article 15 ‘Responsibilities of the line ministry for planning and development’
- Article 24 ‘Counseling and public meeting’,
- Article 28 ‘Responsibilities of the KKT’,
- Article 42, ‘Certificate of usage’ and Article 51, ‘Inspection’,
- Article 52, ‘Administrative offenses and Article 53, ‘Execution of sentences’, in which

it is necessary to add a special point in cases of non-implementation of the accessibility requirements defined in Article 45/1 of the law.

This law was further amended by *Law No. 42/2019 ‘On some additions and changes to law no. 107/2014, ‘On planning and development of the territory’, amended*, but in these changes no improvement is observed in terms of the application of accessibility requirements

The law is partially in compliance with the CRPD

DCM No. 408, dated 13.5.2015 For the approval of the 'Model regulation of territorial development' (amended), was approved pursuant to Law No. 107/2014, 'On planning and development of the territory'. Point 1 and 2 of the regulation emphasizes its object for 'determining the conditions and detailed procedures for the implementation of the development management instruments, as well as for the content, structure and procedure of approval of the development control documents and its purpose' determining of the rights and obligations of the development authorities for the exercise of the territory development control function, in accordance with law no. 107/2014, 'On planning and development of the territory'.

The regulation is very detailed in the technical aspects of the approval of construction permits, but there is no detailing made pertinent the implementation of Article 45/1 of the law, which emphasizes the implementation of accessibility. The only provision for accessibility in this regulation is Article 6. Interventions that do not require the issuing of a building permit, stipulates: b) Works to eliminate architectural barriers and adapt buildings for people with disabilities.

This regulation was amended by DCM No. 457, dated 29.6.2022 for some additions and changes in decision no. 408, dated 13.5.2015, of the Council of Ministers, 'On the approval of the territorial development regulation', amended, but Article 6 remained unchanged.

According to the stipulations in the model regulation, which defines the format of local regulations, accessibility works do not need a construction permit, which on the one hand seems to facilitate the procedures for applying accessibility in the built environment, but on the other hand excludes control over the implementation of accessibility requirements and standards, from the incumbent structures (the local authority for approving construction permits, as well as control and penalties from the municipal police, IVMT and IKMT)

The Model Regulation of Territorial Planning and

Development must be revised and supplemented with construction accessibility requirements, in accordance with Article 45/1 added by the amendment of the law, which defines: Conditions for environmental accessibility: 1. All constructions for housing, spaces and services for the public, including parks, squares and roads, within the territory of the Republic of Albania, must meet the requirements and standards of accessibility for persons with disabilities; 3. The incumbent authorities of the institutions that provide services to the public, are obliged to ensure a basic level of construction accessibility in the existing environments under their administration.

In order to improve the Model Regulation of Territory Development, in terms of the implementation of accessibility requirements, it is recommended to integrate in this document DCM No. 1503 dated 19.11.1998 for the approval of the regulation 'On the use of spaces by persons with disabilities'.

Another important document for the development of the territory is the Manual of Construction Permits, which should be revised by including and highlighting the requirements for the application of environmental accessibility standards according to DCM 1305 dated 19.11.2008 'On the Use of Spaces by Persons with Disabilities.'

The Model Regulation is partially in compliance with the CRPD

V.1.3. Transport

Law No. 8378, dated 22.7.1998 'Road Code of the Republic of Albania' amended several times (from 2014 to 2023) after the adoption of the CRPD determines that the norms and acts for implementation of this Code are guided by the principle of road safety, following the objectives of rational movement, environmental protection and energy saving. The code contains several provisions for persons with disabilities, such as the reservation of certain spaces for the vehicles of the traffic police, fire brigade, ambulance service and those in the service of persons with *mobility disabilities*,

equipped with special signs, or for the means of service on the line for their stay at the end stations of the lines. In cases of traffic suspension for reasons of public security, traffic safety or military needs, as well as where temporary or permanent obligations, prohibitions or restrictions have been imposed, special permits may be granted for essential needs, vehicles of the police, medicine, as well as persons with limited mobility, equipped with special signals.

The traffic code was adopted in 1998 and although it has been amended (several times from 2014 to 2023) after the adoption of the CRPD, there are still discriminatory elements in relation to obtaining a driving license for a group of people with disabilities. In the changes of 2014, Article 115/1 added for Driving Permits for PWDs, still provides for age-related differentiations for PWDs and other persons. Discriminatory conditions are still observed in the Code in the case of deaf people.

The road code should be improved based on the principle of inclusion and not in an exclusionary spirit. This principle should be reflected in relation to precise provisions on accessibility for persons with disabilities, in support of the legislation in force, as well as non-discriminatory conditions due to physical and psychosocial condition for obtaining a driving license.

The Rode Code is in partial compliance with the CRPD

Law No. 8308, dated 18.3.1998 'On road transport', amended, which applies to all types of road transport of passengers within the country and partially outside the land territory of the Republic of Albania by carriers based in the Republic of Albania. The law (Article 85) provides that, it is mandatory to carry out priority care and transport, with regards to all the facilities provided by the law, for all entities that benefit from these facilities in the city and outside the city transport, specifying in a special note also the places of residence for them. Travelers who benefit from facilities under special laws, must present in every case of travel the document that the law defines for them. Funds for the compensation of the transport fee of categories of persons, who benefit

from the legislation in force for transport of citizens, are borne by the incumbent institutions, according to the law. The measures, criteria and procedures for compensating this fee are determined by the decision of the Council of Ministers.

The law needs improvements: first, including the concept of accessibility and clearly establishing the obligation to apply accessibility, referring to all existing legislation covering this area (Law on Inclusion and Accessibility, DCM 1074 and DCM 1503); secondly, as the legislation is constantly changing (legislation on the assessment of disabled persons which are related to the benefits they receive, including transport benefits), it should be planned to define new criteria of benefits or reliefs for persons with disabilities (not only those who benefit from special laws as provided by this law), it is proposed that the provision for relief be more open (lifting the restriction derived from special laws) and to expressly provide for this regulation in the decision which is expected to be approved by the Council of Ministers.

The law was amended after the ratification of the CRPD, but the principles and recommendations of the CRPD have not yet been reflected.

The law is partially in compliance with the CRPD

Instruction No. 5627, dated 18.11.2016, 'On determining the criteria, rules and documentation for issuing licenses and certificates for the exercise of activity in the road transport of passengers within the country', aims to determine the criteria, rules, deadlines and documentation for the granting of licenses, certificates in the road transport of passengers within the country, as well as the obligation of the state administration to handle the requests and documentation presented in accordance with the legislation in force. The decision stipulates that the subjects are obliged to implement the legislation in force for persons with disabilities and to create as many facilities for the transport of this category of travelers as possible. Non-implementation of the legislation in force for the transport of persons with disabilities, constitutes

a serious violation, which may be sanctioned with the suspension or removal of the license and/or certificate of the vehicle.

In order to increase the efficiency of the implementation of the Directive, legal acts should be drawn up and approved, where precise binding instruments and penalties in case of their non-implementation are defined.

The law is in partial compliance with the CRPD.

Instruction No. 446, dated 10.5.2018 ‘On categorization, the conditions that the bus terminal must meet, authorization, the way of keeping documentation, fees and other obligations of the bus terminal’ is intended to determine the categorization, the conditions that the bus terminal must meet, the authorization, the way of keeping the documentation, the fees and other obligations of the bus terminal. It envisages several provisions for persons with disabilities, such as infrastructure, toilets, assistance, ramps, accessible information. However, the guidance needs improvements, especially in terms of improving the terminology used, starting from the definition of accessibility, as well as harmonization with the CRPD and the laws and by-laws on accessibility (Law on Inclusion and Accessibility, DCM No. 1074, dated 23.12 .2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities and DCM 1503 dated 19.11.2008 for the approval of the regulation ‘On the use of spaces by persons with disabilities’).

The guidance is in partial compliance with the CRPD

V.1.4. Information and communication

Law No. 9918, dated 19.5.2008 (amended) ‘On electronic communications in the Republic of Albania’, regulates the activity of audiovisual media and their support services, based on the principle of technological neutrality in the territory of the Republic

of Albania. The fields where it is applied are: linear audiovisual transmissions, non-linear audiovisual transmissions and their supporting services, with the exception of print media.

The law has some good provisions for the inclusion of persons with disabilities, including the access of persons with disabilities in general, the protection of consumers with disabilities, public telephone access, regular information of persons with disabilities about services and products, as well as consultation with people with disabilities. However, it lacks some more binding and comprehensive measures regarding the realization of full accessibility for persons with disabilities. Thus, it is necessary to add a definition of accessibility in communications and persons with disabilities. Also, accessibility in the use of telephone services should appear as an obligation from the beginning (separate article) and not as a condition that should be imposed by AKEP or when the latter deems it appropriate to do so.

Apart from the above improvements for completing the definition of accessibility and guaranteeing it through more binding measures, no inconsistencies with the CRPD are evident.

The law is in partial compliance with the CRPD.

Law No. 43/2023 dated 15.06.2023 ‘On Electronic Governance’ sanctions the National Agency of the Information Society as the authority responsible for electronic governance and e-Albania as the only portal for the provision of electronic government services in the Republic of Albania, as well as it defines the obligations of public authorities and private entities in the provision of electronic services, the rights of natural persons, private entities and public authorities to communicate with each other through information technology and electronic services infrastructure.

In the law, there are no stipulations on how to apply to e-Albania for persons with disabilities, as well as on adapted formats of documents produced by e-Albania. The law excludes PWDs from using

the electronic platform which has widely entered government services.

The law should be improved in terms of the inclusion of PWDs in the beneficiary groups of the services provided by e-Albania. AKSHI should propose legal acts on the ways of PWD application in the e-Albania system, as well as the preparation of accessible document formats.

The law is not in compliance with the CRPD

Regulation on ‘Protection of consumers and users of public electronic communications services’, approved by Decision of the Governing Council of AKEP with No. 20, dated 25.09.2020 and amended in 2021, aims to ensure a better protection of the consumer and other end-users of public electronic communications services through clearer rules for users’ rights in relations with operators. With recent changes, the Regulation stipulates that operators of public mobile networks must: (Article 41) ensure that any of their end-users, who, due to his/her disabilities, must make or receive calls, which may be in text format, may use the text conversion service (Relay service), which has been notified and approved by AKEP; (Article 43) to be encouraged to provide end devices, which provide the necessary services and functions for end users with disabilities; (Article 44) to regularly inform subscribers with disabilities about the details of products and services designed for them and (Article 45) to create and maintain a special register of subscribers with disabilities, which creates the possibility of registration depending of the consent of the subscriber with disabilities.

The Regulation does not foresee or refer to penalties in cases of non-implementation of its provisions.

The Regulation is in partial compliance with the CRPD.

Law No. 13/2016 ‘On the way of providing public services at the counter in the Republic of Albania’ determines the rules for the provision of public services by state administration institutions for

persons residing and/or exercising their activity in the territory of the Republic of Albania, through the removal of administrative obstacles and their provision in a fast, efficient, transparent and the highest quality. The law mentions the principle of access and non-discrimination, but there are no precise definitions and specific obligations for the realization of accessibility for persons with disabilities.

The law establishes the ADISA agency, which includes in its obligations, access to services for PWDs, providing a partially accessible environment, as well as providing sign language for the required information. In this regard, there is room for improvement regarding the inclusion of accessibility for all categories of persons with disabilities.

The law does not provide for penalties in cases of non-implementation of accessibility for persons with disabilities.

The law is partially in compliance with the CRPD.

Decision No. 673 dt. 22.11.2017 of the Council of Ministers ‘On the reorganization of the National Agency of the Information Society’, has as its main goal the establishment of the National Agency of the Information Society, (AKSHI), which is a central public institution, a legal entity, subordinate to the Prime Minister. Among other tasks, this institution is responsible for: Promotion of new technologies, drafting strategies and action plans for the implementation of policies in the field of information technology and electronic communication e-GOV, as well as the development of policies and strategies in the sector of society information and in particular information and communication technology, as well as encourages investments in this domain. AKSHI also coordinates programs in the field of information, as well as contributes to education and promoting the use of ICT by the public.

This decision has not included aspects of accessibility for persons with disabilities, which leads to a lack of attention during the implementation of the powers it has. The improvement of this decision may

include a special point regarding the adoption of accessibility standards in ICT, e-services, systems and applications for persons with disabilities. Also, the integration of technologies accessible for persons with disabilities affects the greater inclusion during the implementation of this decision for persons with disabilities. Also, an aspect that should be included is the obligation to procure products that contain in the technical specifications the obligation to be accessible to persons with disabilities. Apart from the lack of direct inclusion of persons with disabilities and accessibility, no other inconsistencies with the CRPD have been identified.

The decision is in partial compliance with the CRPD

Law No. 119/2014 date 18.09.2014 'On the right to information', regulates the right of access to information produced or held by public authorities. Article 3 sanctions the right to information for anyone, without the need to explain the reasons..., but no article of the law (especially Article 14 'Methods of providing information') provides for information in formats accessible to all categories of persons with disabilities.

The law should be revised based on the recommendations of the CRPD and the basic legislation in force.

The law is not in compliance with the CRPD

Law no. 146/2014 dated 30.10.2014 'On Public Notification and Consultation'

Regulates the right to know the information that is produced or held by public authorities and the rules provided in this law are aimed at guaranteeing the public's knowledge of information, within the exercise of the individual's rights and freedoms in practice, as well as the formation of views on the situation of the state and society.

This law also regulates the process of notification and public consultation of draft laws, draft national and local strategic documents, as well as policies

of high public interest, as well as it defines the procedural rules that must be implemented to guarantee transparency and public participation in policy-making and decision-making processes by public bodies.

Article 5 of the law obliges the implementation of the principle of transparency during the process of public notification and consultation with inclusive and non-discriminatory participation, but does not include the principle of accessibility during the consultation process or the provision of information in accessible formats.

The law should include the principle of accessibility both in the ways of notification and receiving information, as well as during the organization of public meetings provided for in this law.

Apart from the lack of specific provisions for accessibility in the consultation processes of persons with disabilities, no inconsistencies with the CRPD are evident.

Law No. 13/2016 'On the way of providing public services at the counter in the Republic of Albania'

determines the rules for the provision of public services by state administration institutions for persons residing and/or exercising their activity in the territory of the Republic of Albania, through the removal of administrative obstacles and their provision in a fast, efficient, transparent and the highest quality. The law does not contain specific obligations for the realization of accessibility for persons with disabilities, although it mentions the principle of access and non-discrimination. In this regard, there is room for improvement regarding the inclusion of accessibility for persons with disabilities.

In order to respect the principle of dual access, it is necessary to add a special point for ensuring accessibility for persons with disabilities, compliance with the legislation on accessibility by state administration institutions and to include the elements of accessibility during the processes of the standardization of the services provided for in this law.

Apart from the lack of inclusion of the issues of persons with disabilities in the law, no other inconsistencies with the CRPD are evident.

The Law is in partial compliance with the CRPD

Law No. 97/2013 ‘On audiovisual media in the Republic of Albania’ amended by Law No. 30/2023, regulates the activity of audiovisual media and their supporting services, on the basis of the principle of technological neutrality and applies to linear audiovisual transmissions, non-linear audiovisual transmissions and their supporting services, with the exception of print media.

With the amendments to the law in April 2023, some articles that deal with the problems of persons with disabilities have been changed and/or added, such as: Article 32, point 4/a prohibits operators from broadcasting programs with content that incites violence or hatred against a group of people or a member of a group on grounds such as sex, race, color, origin, disability, etc. as well as any other form of discrimination according to the legislation in force on protection against discrimination; Article 32/2 (added to Article 32), which deals with the obligations of operators that their programs are gradually and progressively accessible to persons with disabilities and in point 5 defines ‘Audiovisual media service providers ensure that emergency information, including public communications and notifications in the event of natural disasters, be provided in such a way that it is accessible to persons with disabilities’; Article 16 (amended to Article 87) which assigns the AMA with the right to impose reasonable obligations on OSHMAs for the transmission of one or more audio and audiovisual programs, especially services that enable access to users with disabilities.

In this law, there are no precise provisions for ensuring access for all categories of users with disabilities, as well as (Article 17/amended Article 133) no penalties and sanctions are provided for cases of non-implementation of obligations for ensuring access for users with disabilities.

The law should be improved by including: (i) the concept of accessibility for all categories of persons with disabilities, in the definitions given in the law; (ii) special emphasis on sign language, the use of internationally recognized icons such as “CC” for subtitles and “AD” for audio descriptions, program guides, decoding for the display of accessible services for persons with disabilities; (iii) penalties and sanctions in case of non-implementation of accessibility for users with disabilities.

The law is partially compatible with the CRPD

Broadcasting Code for Audiovisual Media, (Approved by AMA Decision, no. 228, dated 11.12.2017) includes some provisions for persons with disabilities, but they prove insufficient to adequately address accessibility. The Code should be improved based on the Convention on the Rights of Persons with Disabilities, especially in terms of including the definition of a person with disabilities and accessibility as well as respecting a contemporary model of disability and accessibility.

Add a point for children with disabilities, where emphasis is placed on respecting diversity and children with disabilities.

OSHMA’s obligations should not be limited to the translation into sign language of at least one informational edition, but should cover as many programs as possible, emphasize that the central informational edition should be in sign language as well as ensure accessibility in general through sign language or subtitles or ‘captioning’ for a certain quota of 30-50% of the programs. The option of using a simple – easy to read language can also be left open to include people with intellectual disabilities.

Apart from the deficiencies and problems identified above, no inconsistencies with the CRPD are evident.

The law is in partial compliance with the CRPD

V.1.5. Special/sectoral laws and by-laws

Housing

Law No. 22/2018 ‘On social housing’¹⁶, has as its object the definition of rules and administrative procedures for the ways of planning, providing, administering and distributing social programs for housing, with the aim of creating opportunities for appropriate and affordable housing, relying on the paying abilities of families in need for housing and assistance of the responsible state institutions.

The law guarantees appropriate access for persons with disabilities, the elderly and children, facilitating the fulfillment of special housing needs for these categories, priority in handling cases in specific programs, assistance during the application process, specialized and accessible housing, as well as physiotherapy, medical, community services, etc.

The law defines ‘specialized housing’ as housing with adapted and accessible infrastructure to meet the functional, health and physical security needs of vulnerable groups.

The law also includes the ‘Principle of non-discrimination’ and specifies *‘The rights stemming from this law are guaranteed without any kind of discrimination to any individual, regardless of gender, race, color, religion, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, educational, social, pregnancy, parental affiliation and/or responsibility, family or marital status, civil status, health status, genetic predispositions, disability, belonging to a special group and any condition that has discriminatory consequences.’* For this category of housing, the law obliges the equipment with the necessary, adapted and accessible infrastructure to facilitate and ensure the receipt of rapid medical

assistance, as well as notification in case of emergencies. The law also stipulates that on the first floors of these apartments, the necessary facilities for physiotherapy, medical services, social services, as well as common facilities for community life, should be provided.

The law ought to be improved to emphasize that all housing (not just social housing), buildings or programs are accessible to persons with disabilities and meet the criteria of accessibility legislation, regardless of whether they are specialized or not¹⁷. This can be fixed by intervening respectively in the ‘Principles’ Article, adding accessibility according to the legislation for all programs. It is important not to create separate programs where there is no need, in line with the dual approach of the CRPD.

Apart from the lack of use of the dual approach, there are no other inconsistencies in the law with the CRPD.

The law is in partial compliance with CRPD

The law No. 48/2023, ‘On some amendments and additions to the law No. 22/2018, ‘On social housing,’ aims to define rules and administrative procedures for planning, ensuring, administering, and distributing social housing programs, including housing programs for public administration employees. It seeks to provide suitable and affordable housing opportunities, taking into account the financial capabilities of families in need and the support of relevant state institutions.

The amendments, particularly in article 14/2, introduce provisions for facilitating housing applications for persons with disabilities through the “e-Albania” portal, accessible at one-stop offices near their place of residence, with assistance from designated local

¹⁶. The right to housing is also seen in the context of the right to an adequate standard of living and social services. We have consistently used it in the context of accessibility, but the information provided here also applies to the section dealing with the right to an adequate standard of living.

¹⁷. The Law on Social Housing has guaranteed through a series of principles, such as the guarantee of suitable access for persons with disabilities, the elderly and children and the principle of non-discrimination that all programs offered on the basis of this law, where priority is dealt with among other groups the people with disability and that these programs are accessible, placing emphasis on infrastructure. Also, the law has provided for specialized housing for vulnerable groups, which also includes people with disabilities.

government employees. Local self-government units cover the fees required for the application process for persons with disabilities or families without income.

While the law introduces innovations to support persons with disabilities in using the e-Albania government portal, there is a need for supplementary regulations regarding accessible forms and formats for persons with disabilities.

The law is in partial compliance with the CRPD

DCM No. 468, dated July 26, 2023, 'On the treatment of employees in the public administration with an soft loan for the purchase of an apartment,' is approved in accordance with Law No. 48/2023. It aims to establish criteria, procedures, review, approval, and other rules for providing easy loans to public administration employees for purchasing apartments. However, this decision lacks specifications for persons with disabilities.

DCM No. 301, dated 15.4.2020 'On housing rates, as well as conditions and standards for social housing for rent that are purchased on the market, and the low-cost housing', aims to determine the housing rate for families benefiting from social housing programs, conditions and standards for social rental housing that is purchased on the market and standards for low-cost housing.

This decision provides that when the family consists of one or more persons with disabilities, the housing rate for the first person is 40m² and for each additional person, the net area is increased by 10m² and is calculated according to the formula defined in DCM.

The decision also stipulates that the apartments will be equipped with suitable elevators to guarantee access by people with disabilities, at the rate of one elevator for no more than 75 residential units. For evacuation safety, it would be good if apartments for disabled people in all cases (even in buildings with an elevator) are provided on their lower floors. This

decision poses some issues because, apart from the addition to the surface area, it does not contain elements of accessibility according to DCM 1503 dated 2008 'On the approval of the regulation for the use of spaces by Persons with Disabilities.' Such a problem is also observed in the housing standards approved with DCM No. 626 dated 15.7.2015 'On the approval of housing design norms.'

The DCM is in partial compliance with the CRPD

DCM No. 626 dated 15.7.2015 'On the approval of housing design standards', National Housing Design Standards ALS-P-NJHND-1501

In these standards (in point 2.17) the definition is given '*Architectural obstacles are all the difficulties that prevent the full movement of people permanently or temporarily, in conditions of limited movement or moving with a wheelchair.*' This is a truncated definition in relation to the definition in the law 'On inclusion and accessibility'.

In this context, the requirements of accessibility for persons with disabilities in all its dimensions are not reflected in this standard, but only with an addition of 10m², in the living area of the apartments. In the following chapters where standards are provided for separate spatial units (living space, cooking space, etc.), the document defines '*These standards do not cover the needs of persons with disabilities, which are expressed in DCM No. 1503 dated 19.11.2008 'On the use of spaces by persons with disabilities. Also, this standard recommends 'Designing movement spaces, distances, dimensions, etc. regarding the fulfillment of normal conditions for persons with disabilities, reference will be made to the legal and by-law provisions in force 'On the use of spaces by persons with disabilities.*

The limitation of accessibility requirements and standards only with the addition on the surface area, as well as the reference to DCM No. 1503 date 19.11.2008 '*For the use of spaces by persons with disabilities*' for the design of movement spaces, distances, dimensions, etc. regarding the

fulfillment of normal conditions for persons with disabilities, does not guarantee the implementation of the requirements and standards of accessibility according to the definitions in the CRPD and the Albanian legislation in its implementation.

Housing standards should be reviewed by integrating the requirements of DCM No. 1074, dated 23.12.2015 *‘For the determination of measures for the removal of obstacles in communication and infrastructure in the provision of public services for persons with disabilities’* and DCM No. 1503 dated 19.11.2008 *‘For the use of spaces by persons with disabilities.’*

From a recent information. The Ministry of Infrastructure and Energy, incumbent pertaining drafting standards, is working on drafting new standards for housing.¹⁸

Housing design standards are in partial compliance with the CRPD.

Education

Law No. 69/2012 ‘On the pre-university education system in the Republic of Albania’, amended by Law no. 56/2015, Law no. 48/2018 and amended in June 2023 contains some provisions for certain aspects of accessibility, but an obligation on the accessibility of educational institutions should be added and more effective inclusiveness should be ensured.

With the changes of 2023, the law goes one step further with the alignment with the Convention, enabling the return of special schools to the Information Resource Center.

The law should be improved with mandatory provisions to guarantee the basic level of accessibility in order to ensure more effective inclusion.

The law is partially compatible with the CRPD

The Joint Instruction of MARS (Ministry of Education, Sports, and Youth) and the Ministry of Finance and Economy No. 15, dated July 25, 2023, outlines guidelines for the 2023-2024 school year in pre-university education.

Article 5 defines: i) Point ç, Priority registration in preschool education institutions for children with special needs, particularly those from families in need, national minorities (such as Roma, Egyptians, etc.), and children with disabilities; Point d, establishment and operation of multidisciplinary commissions for assessing children with disabilities and assigning assistant teachers in accordance with existing legislation; Point dh, design and implementation of individual educational plans for children with disabilities, involving teachers from pre-university education, parents or care givers, psychologists, social workers, healthcare professionals, and specialized social services.

While the directive includes positive provisions for children with disabilities, it lacks specificity and deadlines for implementation. The incumbent ministry should take necessary measures to enhance the instruction for the school year 2024-2025.

Overall, the instruction demonstrates partial compliance with the CRPD.

DCM No. 319, dated 12.4.2017 ‘On the approval of school design standards’, defines inclusive schools as schools that integrate children with disabilities, as well as defines in architectural/engineering terminology *‘Accessibility comfort: Conditions for use of spaces by students with disabilities.’*

The standards provide very little information on the implementation of basic accessibility requirements and standards for persons with disabilities such as toilets *‘for all categories of schools there must be at least one WC node for these persons. For further information refer to DCM 1503 dated 19.11.1998 for the approval of the regulation ‘On the use of*

¹⁸. According to information gathered by experts, however, it is not proven.

spaces by persons with disabilities’ and for other elements of staircase design refer to DCM No. 626 dated 15.07.2015 ‘Housing design regulations. For persons with disabilities, refer to DCM 1503 dated 19.11.1998 for the approval of the regulation ‘On the use of spaces by persons with disabilities.’

In these standards, there is a special chapter on design for people with special needs, where it is defined that: The design of school buildings must ensure unhindered access, movement, standing and learning of students with special needs, referring to the relevant legislation for this category. Therefore, designers should be based on this legislation, but also on the guidelines where the more specific technical conditions for school buildings are presented. The types of special needs that can be catered for in a standard school will, for practical reasons, be defined as those with special mobility needs, hearing loss that is corrected by hearing aids and partial or total eyesight loss, after appropriate training. For the participation of the last category in all school teaching or learning activities, designers should refer to DCM 1503 dated 19.11.1998 for the approval of the regulation ‘On the use of spaces by persons with disabilities’ for complete information.

This following chapter provides some dimensions and indicators for the spaces needed for use by PWDs, but they are not sufficient to guarantee accessibility in all its dimensions.

The standards must be completed with the necessary information to guarantee basic accessibility for all categories of persons with disabilities pursuant to DCM No. 1074, dated 23.12.2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities’ and DCM 1503 dated 19.11.1998 on the approval of the regulation ‘On the use of spaces by persons with disabilities’

School design standards are in partial compliance with the CRPD

DCM No. 159, dated 1.3.2017 ‘On the approval of kindergarten standards’

defines (in chapter 2.1 terms and definitions) ‘no child is discriminated against from attending kindergarten as a result of physical disability, gender, race or ethnicity.’

At the end of the description for each premise (chapter 5, how to organize the kindergarten space) quote *‘these standards do not cover the needs of persons with disabilities, which are expressed in DCM 1503, dated 19.11.2008, “On persons with disabilities”.*

In the toilet space, it is determined that there should be at least one anteroom with a sink for adults and two WCs, one regular and the other for persons with disabilities (according to DCM 1503, dated 19.11.2008, ‘On persons with disabilities’).

In the domain of hygiene and cooking services, it is also mentioned that ‘these standards do not cover the needs of persons with disabilities, which are expressed in DCM 1503, dated 19.11.2008, ‘On persons with disabilities.’ This standard applies to state and private kindergartens.

In kindergartens or school premises (chapter 10) it is stated that ‘for persons with special needs, the contact of the users of these environments with heat emitting surfaces higher than 43°C should be prevented, using different forms of protection’. Moreover, these facilities will serve students with special needs who may be a little more sensitive to low temperatures, the recommended temperatures according to the facilities in the table can be 1 or 2°C higher.

Also in these standards there is a special chapter (chapter 11 - accessibility of the few/architectural barriers) where it is quoted ‘For complete information designers should refer to: Guide to help design specialists and implementers in the field of construction based on the Regulation ‘On the use of spaces by persons with disabilities’, approved by the Council of Ministers with Decision No. 1503, dated 19.11.2008.’

Only on the stairs is stipulated that 'For persons with disabilities, refer to DCM, No. 1503, Dt. 19.11.2008, For the approval of the regulation 'On the use of spaces by persons with disabilities.'

Kindergarten standards must be completed with the necessary information to guarantee basic accessibility for all categories of persons with disabilities pursuant to DCM No. 1074, dated 23.12.2015 'On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities' and DCM 1503 dated 19.11.1998 on the approval of the regulation 'On the use of spaces by persons with disabilities.'

Kindergarten standards are in partial compliance with the CRPD

DCM No. 530, dated 20.7.2016 For the approval of nursery design standards, as in the standards of kindergartens, for all the spatial units that make up the nursery space, this standard defines: for persons with disabilities, refer to DCM, No. 1503, Dt. 19.11.2008, for the approval of the regulation 'On the use of spaces by persons with disabilities' (chapter 5 'how to organize the nursery space, scope of action). The same definitions are in chapter 11 accessibility of PWD/architectural barriers 'For a complete information, designers should refer to: Guide to help design and implementation specialists in the field of construction based on the Regulation 'On the use of spaces by persons with disabilities' approved by the Council of Ministers with Decision No. 1503, dated 19.11.2008. In chapter 12, the steps are defined 'For persons with disabilities, refer to DCM, No. 1503, Dt. 19.11.2008, for the approval of the regulation 'On the use of spaces by persons with disabilities'.

The standard must be completed with the necessary information to guarantee basic accessibility for all categories of persons with disabilities pursuant

to DCM No. 1074, dated 23.12.2015 'On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities' and DCM 1503 dated 19.11.1998 on the approval of the regulation 'On the use of spaces by persons with disabilities.'

Nursery standards are in partial compliance with the CRPD

DCM No. 682, dated 29.7.2015 'On the use of public funds for the transportation of educational employees who work and students who study outside the residence.'

The decision stipulates that some teachers and students are provided with free transportation. This decision benefits students of pre-university education with disabilities who enjoy the legal status of person with disability, blind, deaf, paraplegic and tetraplegic people. The decision did not provide for persons with other disabilities, such as those with mental disabilities, or others, who do not benefit according to the above statuses. Also, this decision does not provide for the obligation to ensure accessibility and the necessary assistance.

The decision needs to be reviewed in accordance with DCM No. 1074, date 23.12.2015 'For the determination of measures for the removal of obstacles in communication and infrastructure in the provision of public services for persons with disabilities.'

The DCM is not compatible with the CRPD

Law no. 80/2015 on Higher Education in the Republic of Albania,

there are provisions for students, but none for students with disabilities. There are several decisions of the Council of Ministers that ease education fees for students with disabilities¹⁹, but the law itself does

¹⁹. Relief from study fees in public institutions of higher education, based on DCM. No. 269, dated 29/03/2017. Scholarship during studies in public institutions of higher education based on DCM. No. 903, dated 21/12/2016 as amended.

not contain provisions for facilities, for accessibility or appropriate/adapted admission and treatment procedures in higher education. It is important to integrate in this law the principle of accessibility and reasonable accommodation and the quality standards related to it, definitions of students with disabilities, as well as to define the duties and responsibilities of the institution to guarantee accessibility and reasonable accommodation. Accessibility should cover all aspects, including accessibility in the environment, and in the educational programs, as well as the various services that schools offer. In this sense, it is necessary to include the concept of reasonable accommodation that comes as an obligation from the Law on Protection from Discrimination.

The law is in partial compliance with the CRPD

DCM No. 89, dated 14.2.2018 ‘On approving the conditions and determining the rules for the road transport of preschool, vocational and pre-university education and students’, regulates transportation services for pupils and students in the pre-university system. It completely lacks provisions for accessible transportation for pupils and students with disabilities.

Although there is a special legislation that provides access in the field of transport, mainly 93/2014 ‘On inclusion and accessibility’ and DCM No. 1074, dated 23.12.2015 ‘On the determination of measures for the removal of obstacles in communication and infrastructure in the provision of public services for persons with disabilities’, again we find it necessary to emphasize its integration in these decisions, which are not referred to this legislation, neither in the texts of the decisions nor during their implementation.

The improvements should include the accessibility of the means of transport, specifically the inclusion in the criteria or conditions that must be met by these means, as well as other forms of necessary assistance.

DCM is in partial compliance with the CRPD

Decision No. 418, dated 10.5.2017 ‘On standards, criteria and procedures for the opening, reorganization, division, merger or closure of Higher Education Institutions and their branches’, provides for the standards that must be met by the entities that apply to MoES for the opening of higher education institutions. This decision completely lacks accessibility standards for students with disabilities and references to the existing legal basis²⁰.

It is necessary that in this DCM there is a special provision for the inclusion of accessibility for persons with disabilities.

The DCM is not compatible with the CRPD

Law No. 75/2019, dated 4.11.2019 ‘On the Youth’ has as its object the protection of the rights of young people in a comprehensive way, the creation of the necessary conditions for the activation, participation and support of youth, the definition of the functions and competences of institutions at the central and local level, as well as cooperation with organizations that are active in the field of youth. In Article 3, c ‘Definitions’, the law defines ‘Safe youth space’ as any space where young people are active and that meet the standards defined in the legislation for the planning and development of the territory. In the case of youth with disabilities, these spaces must implement the elements of reasonable accommodation, in accordance with the degree and type of disability. The law also emphasizes in its article 4, a) the principle of equality and non-discrimination, sanctioned by the Constitution of the Republic of Albania, other international acts ratified by the Republic of Albania, as well as the legislation in force. The law establishes the National Council and the Local Youth Council. Apart from the aforementioned references, the law has no other provisions for the mandatory implementation of accessibility in the environment, infrastructure/

²⁰ Law on Inclusion and Accessibility, Decision No. 1074, dated 23.12.2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities’, Decision No. 1503, dated 19.11.2008 ‘Regulation for the use of spaces by of persons with disabilities, the implementation of rules for the elimination of architectural barriers in housing, public spaces and services.’

services and information and communication for the various youth activities. The law needs improvements in terms of the inclusion of accessibility requirements and other provisions for the implementation of accessibility based on the relevant legal framework. The inclusion in the national and local youth council of Persons with Disabilities and/or organizations supporting them, would positively influence the design and implementation of policies in support of young people with disabilities.

The law is in partial compliance with the CRPD

Law No. 79/2017 ‘On sports’ (amended by law no. 105/2020, dated 29.7.2020) except for the provisions in Article 7 point 3 where is stipulated that *‘The state encourages and supports the involvement in sports activities of persons with disabilities, as well as helps their integration into social life through sports’*, there is no other provision regarding the implementation of accessibility requirements in support of the CRPD and DCM No. 1074, dated 23.12.2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities’.

The law should be improved by incorporating the recommendations of the CRPD and the basic legislation on accessibility.

The law is in partial compliance with the CRPD

Employment

Law no. No. 7961 dated 12.7.1995, Labor Code of the Republic of Albania (Amended by law no. 8085, dated 13.3.1996; by Law no. 9125, dated 29.7.2003; by Law no. 10 053, dated 29.12.2008 with Law No. 136/2015, dated 5.12.2015), has included the obligation of reasonable accommodation, as the case may be. One of its positive innovations concerns shifting the burden of proof to the defendant. As for the appeal procedure, the Labor Code provides for following the procedure pursuant to Law No. 10221 date 14.02.2010 *‘For protection against discrimination’*.

Regarding the workplace, the code has provided that, *‘as far as possible, the employer respects the rules for the use of spaces in the workplace by persons with disabilities.’* This provision may conflict with the CRPD, as it seems that accessibility and its standards provided for in Albanian legislation are not mandatory. The term *‘as far as possible’* would imply *as long as it does not constitute an excessive burden from an infrastructural, procedural or economic point of view.* The employer must make the workplace accessible, regardless of whether or not a person with disability is employed. Reasonable accommodation is made on a case-by-case basis, when accessibility as a legal obligation for all, fails to fully address the needs and specifics of a person with disabilities in a specific case.

With the amendments to the law, there are some stipulations in Article 9/1,2. In the exercise of the right to employment and occupation, any form of discrimination is prohibited, provided for in this Code and in the special legislation for protection against discrimination, which also includes persons with disabilities and in Article 9/8, where the employer is obliged to ensure reasonable adaptation of the workplace for persons with disabilities. Article 33/1 ‘Information and consultation’ has no definition on the application of accessible tools and methods for different categories of persons with disabilities. Article 45/4, ‘workplace’, states that “As far as possible, the employer respects the rules for the use of spaces in the workplace by persons with disabilities”.

The Labor Code needs further improvements in terms of accessibility and reasonable accommodation in the implementation of legislation adopted in accordance with the CRPD.

The law is in partial compliance with the CRPD

Law no. 15/2019 ‘On promoting employment’, amended by Law No. 47/2023 dated 22.06.2023 ‘On some additions and changes to Law No. 15/2019 ‘On promoting employment’

The law sanctions the concept of reasonable adaptation, adaptation of the place and work tools, adaptation of the environment, curricula and

programs as well as training tools in vocational training courses.

The revision of the law in 2023 leads to the establishment of the Social Employment Fund, which directly affects the financial support for the accessibility of the place and work tools for employees with disabilities.

The amendment of the law obliges the Ministry of Finance to approve by 31.12.2023 the by-law on the procedures and method of collecting the contribution to the Social Employment Fund pursuant to the law.

The amendment in the law in 2023 must be accompanied by the relevant by-laws for the criteria and method of distribution of the Social Employment Fund.

The law is in partial compliance with the CRPD.

DCM No. 199, dated 3.5.1995 ‘On facilities created for people with disabilities in public buildings’, determines that all new public constructions that are realized after the entry into force of law no. 7889, dated 14.12.1994 ‘On the status of the people with disabilities’ and of this decision, should provide suitable conditions of use for the people with disabilities, avoiding architectural barriers. The DCM charges natural and legal persons who design projects for public buildings (hospitals, holiday homes, schools), in the external environments of these buildings, provide for conditions that take into account the interests of the invalids and people with disabilities. This decision charges the incumbent institutions as well as all designing and implementing institutions, public and private, for implementation.

The decision was adopted before the adoption of the CRPD and as such does not meet the standards regarding the vocabulary used (invalids), as well as considers accessibility only in terms of removing architectural barriers.

The time has come for the amendment of DCM in accordance with the CRPD and DCM No. 1074, dated 23.12.2015 ‘On the determination of

measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities.’

The DCM is in partial compliance with the CRPD.

Tourism and archaeology

Law No. 27/2018 ‘On cultural heritage and museums’ aims to preserve, protect, evaluate and administer national cultural heritage, museum cultural heritage, landscape, as a contributor to the preservation of national memory, the material and visible representation of national identity, as an expression of cultural values, as well as the promotion of cultural development in the country, ensuring and preventing the illegal treatment of cultural objects. The object of the law is to determine the rules, procedures and state authorities responsible for the preservation, protection, assessment, administration of assets and values of cultural heritage, museum cultural heritage, as well as national landscape values, regardless of their location in the territory of the Republic of Albania. The law stipulates that central and local government structures as well as private entities create conditions for guaranteeing equal public access to cultural values. This is insufficient to guarantee the access of persons with disabilities to cultural values.

The law should be improved in terms of including accessibility requirements and standards for persons with disabilities, intervening in particular in Article 167 ‘Services for the public’, Article 176 ‘services in museums’ and Article 233 ‘Access for the public in museums’, according to the provisions in DCM No. 1074, dated 23.12.2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities’ and DCM 1503 dated 19.11.1998 on the approval of the regulation ‘On the use of spaces by persons with disabilities’.

The law is in partial compliance with the CRPD

Decision No. 711 dated 12.10.2016 on the approval of the regulation ‘On the conditions and criteria for the design and construction of accommodation structures’, stipulates the provision of facilities for the movement of persons with disabilities in the premises of accommodation structures and the creation of facilities for communication, as the criteria for the design and construction of accommodation structures. In the following, the DCM stipulates that buildings and accommodation structures are designed and built so as to provide access to all customers and visitors by means of safe, comfortable and easily usable means throughout the building. In hotels, it must be guaranteed that a part of the rooms is equipped to guarantee the use by persons with disabilities. Even this decision does not have sufficient provisions to guarantee accessibility for persons with disabilities.

DCM needs improvements according to the provisions in CRPD and DCM No. 1074, dated 23.12.2015 ‘On the determination of measures for the elimination of obstacles in communication and infrastructure in the provision of public services for persons with disabilities’, as well as DCM 1503 dated 19.11.1998 for the approval of the regulation ‘On the use of spaces by persons with disabilities’.

This DCM is in partial compliance with the CRPD

Legislation on the status of persons with disabilities

Law No. 8098, dated 28.03.1996 ‘On the status of the blind’ regulates the legal status and rights of visually impaired persons. The law contains specific provisions for blind people and its terminology is not in accordance with the CRPD and the Albanian legislation implementing it.

The law needs improvements in terms of the terminology used and the regulation of procedures in a more detailed manner, for ensuring accessibility in public environments and on the streets. Also, the concept of accessibility for the blind should be included and elaborated in detail.

The law is partially compatible with the CRPD

Law No. 7889, dated 14.12.1994 ‘On the status of work invalid’ stipulates the benefits of workers with disabilities. The status has provisions for the rights and benefits of the work invalids’ group (persons who are disabled only from causes related to their employment). The terminology and accessibility requirements for this category are not in line with the CRPD.

The law needs to be improved in terms of terminology and the inclusion of accessibility as a right of the work invalids, according to the provisions in the CRPD, the law ‘On Inclusion and Accessibility’ and DCM No. 1074, dated 23.12.2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities.’

The law is partially compatible with the CRPD

Law No. 8626, dated 22.6.2000 ‘On the status of paraplegic and tetraplegic invalids’

This law benefits all paraplegic and tetraplegic invalids, regardless of age, time, location of the accident and the time of insurance. The law has several provisions for access to buildings for paraplegic and quadriplegic invalids.

The law was adopted before the ratification of the CRPD, so there is little compliance with the CRPD. The law needs improvements and additions to detail the procedures, as well as strengthen the measures and sanctions, according to the provisions in the CRPD, the law ‘On inclusion and accessibility’ and DCM No. 1074, dated 23.12.2015 ‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities’.

The law is partially compatible with the CRPD

Monitoring, control and enforcement

Law No. 139/2015 ‘On Local Self-Governance’ regulates the organization and operation of local self-government units in the Republic of Albania, as well as defines their functions, powers, rights and duties and those of the relevant bodies.

The law has no provisions on accessibility to guarantee the participation of persons with disabilities in all aspects of life. In Article 8/c, the law defines the exercise of local public interest authority, creating administrative structures for the performance of functions and the exercise of their powers, according to the laws in force. In the law, there are no provisions for penalties in case of non-implementation of its provisions.

The law is not compatible with the CRPD.

Law No. 8402, dated 10.9.1998 ‘On the control and discipline of construction works’ as amended

sanctions that the design, supervision, implementation and approval of works for the structures built in the Republic of Albania are controlled and disciplined based on the provisions of this law. The law does not contain specific provisions on ensuring accessibility for persons with disabilities. This law is mandatory to be applied to all designs and implementations of construction works, so it must be in accordance with the provisions of Law no. 93/2014, ‘On the inclusion and accessibility of persons with disabilities.’ The law should be improved in terms of terminology and be completed with the accessibility requirements in (i) the responsibilities of the implementer of the works and (ii) the documentation that proves the fulfillment of the accessibility criteria according to Article 23 of Decision No. 1503, dated 19.11.2008 for the adoption of the regulation ‘On the use of spaces by persons with disabilities’ which defines the rules for the elimination of architectural barriers in housing, spaces and public services.

The law is not compatible with the CRPD.

Law No. 9780, dated 16.7.2007 ‘On Construction Inspection’

This law aims to ensure compliance with norms, standards and legislation in the field of construction, urban planning and water reserves, throughout the territory of the country, in a decentralized manner and in accordance with the principle of subsidiarity, based

on administrative division. The law sanctions that the design, supervision, implementation and approval of works for the structures built in the Republic of Albania are controlled and disciplined based on the provisions of this law. This law is mandatory to apply to all designs and implementation of construction works. The law has no provisions for the implementation of accessibility requirements for persons with disabilities.

Although revised in 2020, the Law continues to lack specific provisions on the control of the application of accessibility requirements and standards.

The law is not compatible with the CRPD.

Decision No. 893, dated 4.11.2015, ‘On the organization and operation of the Territory Defense Inspectorate’

The mission of this inspectorate is to control and protect the territory and the environment from illegal constructions and developments or in violation of the conditions of permits, guaranteeing a stable and safe development in the field of development, planning, protection of the territory, discipline of works in construction, construction products, as well as in the field of integrated management of water resources. The decision lacks specific provisions for compliance with accessibility requirements and standards.

The DCM should be improved in relation to the inspectorate’s mission, including guaranteeing accessibility while carrying out responsibilities. More specifically, in the IKMT functions provided for the chief inspector and inspectors, along with ensuring the implementation of laws and by-laws that regulate the activity at the central and regional level of laws and by-laws on illegal constructions, the obligation to ensure accessibility for persons with disabilities pursuant to Article 45/1 of the Law ‘On Territorial Planning and Development’.

There is a problem with this DCM, since the National and Local Inspectorate of Territory Protection was established in implementation of the law ‘On the demolition of illegal constructions’ and is

subordinate to Ministry of the Interior. There is no structure established on the basis of the law 'On Planning and Development of the Territory'. If only this structure will remain, it should also control the standards of planning and development of the territory and be in implementation of the law 'On Planning and Development of the Territory', as in this way accessibility is guaranteed. Absences or ambiguities in construction legislation regarding monitoring structures also make it difficult to implement accessibility for persons with disabilities.

It would be recommended that, at least, there should be involved in this structure, a specialist for the control of construction standards and especially the requirements of accessibility standards.

The decision is not compatible with the CRPD.

5.2 The main legal and sub-legal acts for Participation in Political and Public Life

The possibility to be involved in political life is one of the principles of democracy. Participating in elections, or holding a public office, or joining a political party, or following news, political articles, is an acquired right for persons with disabilities. However, legal, and administrative obstacles, institutional procedures or even accessibility prevent the person with disabilities from participating in elections.²¹ In order to take a closer look at their right to participate in political and public life, the following legal documents have been analyzed.

The Constitution of the Republic of Albania, amended by laws: no. 9675, dated 13.1.2007; no. 9904, dated 21.4.2008; no. 88/2012, dated 18.9.2012; no. 137/2015, dated 17.12.2015; no. 76/2016, dated 22.7.2016; no. 115/2020, dated 30.7.2020; no. 16/2022, dated 10.2.2022),

The Constitution stipulates that "2. *public authorities, in fulfilling their duties, must respect basic human*

rights and freedoms, as well as contribute to their realization. (Article 15).

Article 45 of the Constitution of the Republic of Albania in its Chapter III 'Political Freedoms and Rights' states that every citizen who has reached the age of eighteen enjoys the right to vote and be elected.

This right, even for persons with disabilities, is clearly expressed as they enjoy the innate right of being born citizens of this country. However, if we analyze the following point, the 2nd point, it provides that: 'Citizens declared by a final court decision as mentally incompetent are excluded from the right to vote.'

This article's provisions reveal that constitutional provisions still impose legal restrictions on the political and public rights of individuals with disabilities, in this case particularly those with intellectual disabilities, hindering their full exercise of political and public rights, specifically participation in elections

The removal of the right to vote (interpreted as both the right to elect and to be elected), constitutes direct discrimination and is based on an outdated mindset that all persons with psychosocial, intellectual disabilities are incapable to participate in any area of life, including participation in political life and electoral processes.

The requirement of legal capacity to act is no longer a prerequisite for voting. Moreover, an individual's decision-making ability cannot serve as a justification for excluding persons with disabilities from exercising their political rights. This includes the right to vote, participate in elections, provide or receive assistance during the electoral process, and participate as observers or monitors."

"As for the exercise of the right of every citizen to organize collectively for any lawful purpose, this right is ensured by Article 46 of the Constitution: '1. Everyone has the right to organize collectively for any lawful purpose.'"

²¹. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747889/EPRS_BRI\(2023\)747889_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747889/EPRS_BRI(2023)747889_EN.pdf)

“Aligned with the best international standards and the CRPD, lawmakers should revise their approach to individuals with mental, intellectual disabilities, or mental health issues. This revision aims to ensure their equal and full participation in political processes and public life, particularly by safeguarding their right to vote.”

Electoral Code of the Republic of Albania²², Law no. 10019, dated 29.12.2008 and amended by laws no. 74/2012, dated 19.07.2012, no. 31/2015, dated 02.04.2015, no. 101/2020, dated 23.7.2020, and no. 118/2020, dated 5.10.2020

The Electoral Code of the Republic of Albania approved in December 2008 provides the rights, rules and guidelines for all citizens of Albania who can vote or be voted for. Throughout the history of the changes that this Code has undergone, the points affecting persons with disabilities have been few compared to other articles. During the monitoring of elections, both central and local, civil society has noticed inequality in the treatment of persons with disabilities, either to familiarize themselves with the program of political parties in a language they can understand, especially for persons with intellectual disabilities, but also from the Central Election Commission as the managing and reporting authority of the elections.

Article 108, which describes the rights and obligations of the commission for voters who do not vote themselves, stipulates:

- The voter, who for physical reasons is unable to carry out the voting procedures him/herself, can ask for the help of a family member or another voter, who is on the voter list of that voting center area. Both voters must be present at the polling station when this procedure is used.
- A person can only help a voter who cannot vote by him/herself.
- Before marking on the ballot, the person

assisting another voter makes a statement in the KQV's Meeting Protocol Book that he/she will vote according to the instructions, that he/she will not influence the voter's decision, that he/she will not make the vote public and that he/she him/herself did not vote on behalf of another voter.

- The members of the election commissions and the secretary cannot help any voter who cannot vote by him/herself.
- Marking on the ballot must be done in the secret booth.
- Within the period of revision of the lists of voters, the voters defined in point 1 of this article are entitled to ask the head of the local government unit, which prepares the list of voters of the relevant voting center, to register them as voters who can not vote themselves. The registration request is accompanied by official documentation proving the type and category of disability. Registration as a voter who cannot vote by him/herself, is done to facilitate the voting of these voters.
- In any case, when there are registered voters, pursuant to point 6 of this Article, who have difficulties accessing the premises of the voting center, the designation of the voting center and its organization are made in such a way as to guarantee free access for this category of voters. In case this is impossible, in accordance with the instructions and with the expenses of the CEC, the heads of the local government units assign personnel or auxiliary equipment to ensure free entry.
- In the case of blind voters, the head of the local government unit notifies the CEC of the number of blind voters and their voting centers. The CEC, in accordance with the procedures and deadlines for the distribution of election materials, equips the commissions of these

²² <https://qbz.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836>

voting centers with special voting tools, which allow voters to read or understand the ballot and vote independently. The blind voter is informed by the KQV about how to vote with special voting tools and, upon his request, is provided with them. Otherwise, the voter votes pursuant to points 1 and 3 of this Article.

The Code, and in particular this Article, poses serious issues that prevent people with disabilities from voting on equal terms with others. First, the Article does not include all persons with disabilities, but mainly focuses on solutions for persons with physical and sensory disabilities mostly focused on the blind. Deaf people and people with intellectual disabilities remain excluded. Second, the code does not contain provisions for ensuring accessibility as a principle, but mostly focuses on ballots and some aspects of infrastructure. According to the Monitoring Report drawn up by the independent institution of the People's Advocate²³ *'About the Activity of the Ombudsman Institution in the General Parliamentary Elections That Were Held on April 25, 2021'*, serious problems are observed in terms of taking appropriate infrastructural and informational measures towards persons with disabilities. Also, this code does not provide safeguards for the alternative means to vote, such as voting outside the polling stations, through technology and others adapted to the needs of persons with disabilities. Furthermore, the provision for the fulfillment of requests by persons with disabilities, in order to facilitate voting on the day of voting, constitutes an unnecessary burden for persons with disabilities, since they must be identified in the local units before the day of voting. This request, besides being unknown, must be made at a time very far from the date of the elections, which causes people not to use this option, as practice shows.

"The prohibition of the right to vote or make choices for individuals with intellectual disabilities or

psychosocial issues who have been legally deemed incapacitated is not supported by constitutional provisions and is consequently prohibited by this Code. Denying this category of individuals their voting rights contradicts the CRPD, as it contravenes principles of equality and living without barriers."

In partial compliance with CRPD

Civil Code of the Republic of Albania:²⁴ Civil Code of the Republic of Albania: Law no. 7850, dated 29.7.1994 "On the Civil Code of the Republic of Albania" amended by laws no. 8536, dated 18.10.1999, no. 8781, dated 3.5.2001, no. 17/2012, dated 16.2.2012, no. 121/2013, dated 18.4.2013, no. 113/2016, dated 3.11.2016; Decision of Constitutional Court no. 69, dated 27.12.2023

CRPD, in Article 12, paragraph 1, reaffirms that individuals with disabilities possess the right to be universally recognized as persons under the law. This ensures that every individual is acknowledged as a person entitled to 'legal capacity' or legal personality, which constitutes a fundamental aspect and prerequisite for the acknowledgment of 'capacity to act.' The Civil Code of the Republic of Albania, in its initial article, delineates '*Legal capacity*' by stating that '*Every natural person possesses complete and equal capacity to hold civil rights and obligations, as determined within legal boundaries.*'

Article 4 of the Civil Code also stipulates that '*Civil rights cannot be restricted for a natural person, except as specified by law.*' Besides the previously highlighted issue, within the Civil Code and the broader Albanian legal framework, the terminology used remains derogatory towards individuals with disabilities and continues to endorse a medicalized perspective. However, what is significantly more problematic is the existence of

²³. <https://www.avokatipopullit.gov.al/media/manager/website/reports/Raport%20monitorimi%20per%20zgjedhjet%20vendore%202021.pdf>

²⁴. <https://qbz.gov.al/previeë/f010097e-d6c8-402f-8f10-d9b60af94744>

provisions that restrict or revoke the ‘capacity to act,’ thereby infringing upon the right of individuals with intellectual disabilities to equality before the law. Moreover, these provisions hinder their full and equal enjoyment of political and public rights.

According to the standards affirmed by CRPD, “civil rights,” which form the fundamental foundation for the enjoyment of *political rights and participation in public life*, are universal and hence cannot be restricted or denied. Article 29 of the Convention expressly guarantees the right for all categories of persons with disabilities to be recognized as holders of rights and obligations in a complete and equal manner, particularly concerning participation in public and political life. *States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:*

a) *To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected*

Indeed, the Civil Code, as quoted above, is inconsistent with the standards established by CRPD. Articles 9 and 10²⁵ of the Civil Code explicitly allow for the removal or limitation of legal capacity for minors between the ages of fourteen and eighteen, as well as for adults over eighteen who are deemed incapable of managing their affairs due to psychosocial disability or intellectual disability by a court decision.

This removal or limitation of legal capacity directly

impacts disabled individuals, particularly those with intellectual or psychosocial disabilities, in fully exercising their rights and participating equally in public and political life. Guaranteeing these rights is closely linked to the ability to undertake legal actions, manage personal income freely, and choose one’s place of residence²⁶. These provisions undoubtedly necessitate review and full alignment with the standards affirmed by CRPD in its Articles 12, 19, and 29.

In partial compliance with the Convention.

Code of Administrative Procedures of RSh (Administrative Procedural Code)²⁷: Law no. 44/2015 “Code of administrative procedures of the Republic of Albania

The Code of Administrative Procedures has defined in the legal provisions ‘the principle of equality and non-discrimination’²⁸ also for the category of persons with disabilities as a guiding principle of the public body, during the exercise of its activity.

Despite improvements made with the approval of the Administrative Code of Procedures since 2015, several provisions within it still contradict the Convention, particularly regarding the principle of ‘equal recognition before the law.’ These contradictions directly impede the full exercise of political rights and equal participation in public life for persons with disabilities.

The provisions of this code are primarily at odds with CRPD standards concerning the restriction of rights during administrative procedures conducted by public bodies for individuals whose ‘ability to

²⁵ Article 9 states that *a minor aged between fourteen and eighteen, who is incapable of managing his/her affairs due to mental illness or mental development, may have his/her legal capacity removed by a court decision. In such cases, the minor’s legal actions must be carried out solely through their legal representative.*

Article 10 addresses ‘adults who, due to mental illness or mental development, are either completely or partially incapable of managing their affairs. In such instances, their legal capacity may be fully or partially revoked or restricted by a court decision’.

²⁶ Civil Code - Article 13 “...*The person who has been deprived of the capacity to act and the children under guardianship have the residence of their legal representative ...*” .

²⁷ <https://qbz.gov.al/preview/de7df9ee-7c2e-440a-9f46-1929531dc7d1>

²⁸ Article 17 “Principle of equality and non-discrimination”

act' has been revoked or limited²⁹ (as outlined in Articles 34 and 36). This disproportionately affects the category of persons with intellectual disabilities.

To fully align Albanian legislation with CRPD, it is recommended to review the provisions that are still in effect in the Code of Administrative Procedures. These revisions should ensure consistency with amendments required in other legal regulations and by-laws regarding all provisions that infringe upon the 'ability to act.' By doing so, the Administrative Code of Procedures will be brought into complete compliance with the standards affirmed by CRPD.

In partial compliance with the Convention.

Law No. 8580, dated 17.2.2000 'On political parties', amended by Laws: no. 9452, dated 2.2.2006, no. 10 374, dated 10.2.2011, no. 17/2014 and no. 90/2017, dated 22.5.2017, no. 135/2020, dated 16.11.2020; repealed a clause by the decision of the Constitutional Court no. 33, date 9.5.2001)

This law governs the principles and regulations concerning the establishment and operation of political parties, including their financial resources.

The law ensures citizens' right, in accordance with Article 46 of the Constitution, to freely organize themselves into political parties through voluntary associations. Article 1 defines political parties as '*Voluntary associations of citizens based on shared ideas, beliefs, views, or common political interests, aimed at influencing the country's affairs through participation in elections and representation of the people in elected bodies of power*'.

While the law does not include specific provisions to actively encourage the formation of political parties representing disadvantaged communities, including persons with disabilities, it does not explicitly prohibit this right. Prohibition or restriction of this right is primarily outlined in Articles 5-8³⁰, which prohibit the establishment and registration of political parties with unconstitutional, anti-legal, military, or paramilitary characteristics, or those contrary to democratic principles.

Overall, this law is generally aligned with the CRPD since it does not explicitly limit or prohibit the participation of persons with disabilities in political and public life through the establishment or organization of political parties.

The law is consistent with the Convention.

²⁹. Article 34 "The ability to act in the administrative procedure";

- Article 36 "Ex Officio Appointed Representative": 1. 'Should the public body conducting the procedure determines that a party lacks full legal capacity or has limited legal capacity and has not yet been assigned a legal representative, or if there is a conflict of interest with the existing representative, it shall suspend the procedure and request the competent authority, as per the law, to appoint or replace the legal representative.'

- Article 40 'The capacity to serve as a representative or assistant': '... Any individual who possesses full legal capacity, as defined by the Civil Code, may act as a representative or assistant, unless specified otherwise by law.'

³⁰. Article 5: Political parties may operate throughout the entire territory of the Republic of Albania or within specific units of the country's administrative territorial division."

Article 6: "Political parties are prohibited from establishing organizations with a military or paramilitary nature."

Article 7: "Registration of a political party is prohibited in the following cases:

- a) If its internal organization contradicts democratic principles, including bottom-up construction, internal democratic elections for party forums, freedom of expression for every member, freedom to join and leave the party, and the right of every member to choose and be chosen.
- b) If the party's founding documents explicitly or implicitly violate constitutional provisions that prohibit the creation of parties or party structures in specified fields or institutions.
- c) If the party was established outside the territory of the Republic of Albania.
- ç) If its founding documents express intent to use violence to seize power or influence state policy.
- d) If its founding documents incite or support racial, religious, regional, or ethnic hatred.
- dh) If it employs totalitarian methods and operates clandestinely.
- e) If another party is already registered under the same name.

Article 8: "Unconstitutional activities of political parties are prohibited. The Constitutional Court decides on the determination and prohibition of a political party's unconstitutional activities."

CEC Instruction No. 01, dated 12.12.2012 ‘On the method of setting up and determining the location of voting centers, and preparing the map of the local government unit for the elections.’

The instruction requires that:

- Voting Centers be on the first floors of buildings;
- creating facilities for the voting of persons with disabilities;
- sending to the CEC the list of voters with disabilities and voters with visual impairment within the period of review of the extract of electoral components.

However, there is no special requirement in terms of accessibility and measures to be taken for informing persons with disabilities of the right to vote. In Article 6 it is mentioned only ‘to be on the first floors of buildings’, which leaves room for interpretation.

The instruction remains truncated in terms of the preparation of the map of the local government unit. This document also provides for facilities; however, it does not detail what these facilities mean. It is necessary that it be expanded and detailed to enable the participation in voting of all categories of disability.

In partial compliance with the Convention.

Law No. 93/2014 ‘On the Inclusion and Accessibility of Persons with Disabilities’ Dated 07/24/2014

Law no. 93/2014, “On the inclusion and accessibility of persons with disabilities,” has as one of its primary objectives the assurance of independent living for all individuals with disabilities. This entails maximizing their autonomy and capacity for independent

decision-making, with the ultimate goal of ensuring their participation in community life on equal terms with others. Article 5 of the law articulates the concept of independent living by emphasizing the importance of providing individuals with disabilities with the same choices, control, and freedom afforded to others. This provision aligns with the Convention on the Rights of Persons with Disabilities (CRPD), as it guarantees access to support and promotes inclusivity across all aspects of life. Furthermore, subsection “g” of this article underscores the importance of enabling disabled individuals to participate in political and public life, both as voters and elected representatives, a responsibility that falls under the purview of state policies.

Upon its enactment, Law no. 93/2014 introduced a novel provision, Article 7, which addresses the concept of “Supported Decision-Making” for the first time.³¹ This provision not only introduced a definition of this new legal framework within Albanian legislation but also outlined the support mechanisms necessary to assist individuals with disabilities in decision-making. With the approval of this provision, it is believed that there is a sufficient alignment with the standards set forth in the Convention on the Rights of Persons with Disabilities (CRPD) within the domestic legal system. However, upon interpreting Article 7, it becomes apparent that there is room for improvement and better alignment with the standards advocated by the CRPD.

In particular, in point 1 of Article 7, which provides the definition of supported decision-making, the phrase “his/her best interest” is utilized. This term should be replaced with “desires and preferences of the individual,” in order to better reflect the spirit and standards upheld by the CRPD.³² The provision

³¹ Article 7 “Supported Decision Making”

1. “Supported decision-making” refers to the empowerment of individuals with disabilities to exercise their will through enhanced competence, tailored to their intentions and preferences, facilitating actions to assert rights and assume responsibilities.
2. Individuals with disabilities requiring assistance in decision-making receive suitable support from a trusted individual or group. Support may encompass various forms, such as interpretation, plain language assistance, and facilitating communication with third parties unable to comprehend their means of expression. This support is provided incrementally, allowing individuals sufficient time to acclimate to its use for their maximum benefit.
3. The regulations governing the provision of these services are established by decision of the Council of Ministers..

³² Paragraph 20 “General comment No. 1 (2014) Article 12: Equal recognition before the law

recognized by CRPD as a “protective measure” that ensures persons with disabilities (PWDs) can exercise their “ability to act” on an equal basis with others.

Furthermore, Article 15³³ of this law guarantees the full participation and involvement of persons with disabilities and their organizations in public consultation processes at both the central and local levels when policies are being discussed.

The law in its entirety is in accordance with the standards of the CRPD referring to all categories of persons with disabilities

The law is in accordance with the Convention.

Article 5 of the law that explains independent living by providing people with disabilities the same choices, control and freedom as others. This Article is in line with the CRPD as it guarantees the people with disabilities access to aids and the principle of inclusiveness in all spheres of life. *Point g of this Article expresses access to political and public life, as electors and elected, which must be provided by state policies.*

Also in its article 15, the participation and involvement of persons with disabilities and their organizations in public consultation processes, when discussing policies at the central and local level, is sanctioned.

The Law is in accordance with the Convention.

Decision No. 470, issued on July 6, 2022, ‘Delineating the regulations, protocols, and standards governing the provision of supported decision-making services for individuals with disabilities.

This decision establishes the rules, procedures, and criteria for offering supported decision-making services for individuals with disabilities. Point 2 of this decision precisely defines *supported decision-making as the process where individuals with disabilities exercise their will, leveraging enhanced competence to advance their goals and best interests.* This enables them to undertake actions to acquire rights and fulfill obligations.

As discussed earlier in the analysis of Law No. 93/2014 “On the inclusion and accessibility of persons with disabilities,” the phrase “the best interest of the person with disabilities” persists in this decision, which does not fully align with the spirit and standards outlined in the Convention on the Rights of Persons with Disabilities (CRPD). It is recommended to replace this phrase with “desires and preferences of the individual,”³⁴ as recognized by the CRPD as a ‘protective measure’ ensuring that persons with disabilities (PWDs) enjoy the right to exercise their ‘ability to act’ on an equal basis with others. Furthermore, this decision outlines certain limitations in the implementation of the supported decision-making regime for individuals with disabilities (point 12 of the decision).

Firstly, it specifies that decision-making support is provided to individuals with disabilities, who possess the capacity to make decisions but require assistance (as per point 12 of the decision). Thus,

^{33.} Article 15 “Non-profit organizations with the right to be consulted”

1. The entities that participate in the public consultation process for disability issues, according to the provisions in the legislation on public notification and consultation, are:
 - a) the individual with disabilities;
 - b) organizations of persons with disabilities;
 - c) organizations for persons with disabilities;
 - ç) organizations that are represented in the National Council for the Disabled, in the sense of Article 13 of this law.
2. Any non-profit organization that claims that it has been denied the right to consult or that it has been unfairly excluded from consultation processes, has the right to complain, according to the provisions made in the legislation on public notification and consultation

^{34.} Paragraph 20 “General comment No. 1 (2014) Article 12: Equal recognition before the law

support for decision-making is contingent upon these two primary criteria: the capacity to make decisions and the need for support as determined by the disabled person. The criterion regarding the capacity to make decisions, according to the current Albanian legal framework, prohibits or severely restricts individuals who have been deemed legally incompetent by a court decision.

Secondly, in reference to the annex that defines the model of the “Agreement for supported decision-making,” it is noted that this form of support is limited to only three areas: health matters, social support services, and financial issues (as per item 4 of Annex I). Throughout the decision, there is no provision observed for the exercise of supported decision-making concerning the exercise of political rights and participation in political life with full and equal rights. This omission is particularly relevant to individuals with sensory, intellectual, and psychosocial disabilities.

Based on the preceding discussion, it is imperative to underscore the necessity of establishing a supported decision-making framework specifically tailored to individuals with sensory, intellectual, and psychosocial disabilities. Such a framework is crucial for enabling them to exercise their political rights and participate fully in public life. Achieving this goal would entail revising and reformulating the existing legal framework to align with the standards outlined in the Convention on the Rights of Persons with Disabilities (CRPD), particularly regarding equal recognition before the law and the exercise of “full capacity to act” for all persons with disabilities.

The DCM is in partial compliance with the CRPD.

Law no. 139/2015 dt. 17.12.2015 ‘On Local Self-Government’

This law governs the structure and functioning of local self-government entities in the Republic of Albania, outlining their roles, powers, rights, and responsibilities, as well as those of relevant bodies. *Embedded within the principles of this law is the acknowledgment that local self-government bodies*

must adhere to and enforce the provisions of the Constitution, laws, and regulations. This underscores that the law itself is subject to the overarching principle of inclusivity and equality in terms of providing information and facilitating participation.

The law delineates a framework for public consultation, stipulating that 2. *Local self-government units must engage with representative associations and interest groups to solicit opinions, comments, and proposals on policies and legislation directly impacting their rights and functions.*

Notably, the participation of organizations or individuals with disabilities is not excluded, and provisions mandate the appointment of a Coordinator for public notification and consultation. Municipal council meetings and publications of council acts often lack plain language or accessible formats, hindering the active involvement of persons with disabilities.

Moreover, the absence of clear rules regarding access to institutions and information perpetuates inequality, relying solely on individual communications, and that poses some elements of inequality. Responsibilities concerning elections also highlight disparities, as local unit heads are tasked with preparing lists and determining election venues without explicit provisions ensuring accessibility.

The law is compatible with the Convention.

The Law on Public Notification and Consultation 146/2014

This law establishes procedural rules aimed at ensuring transparency and public participation in political decision-making processes conducted by public bodies. These bodies are mandated to take all necessary measures to facilitate public participation and engagement of all interested parties regarding draft laws, national and local strategic documents, as well as policies of significant public interest.

The Albanian government has established an online platform for public announcements and consultations by any institution, whether a ministry

or a subordinate agency. However, this law is only partially in accordance with the Convention, as the website created for this purpose is not fully adapted to inform and consult individuals with sensory, communication, and intellectual disabilities.

The failure to recognize and implement legislation directly regulating accessibility renders the Law on Public Notification and Consultation inaccessible to persons with disabilities who seek to engage in public and political life.

The law is considered partially compatible with the Convention.

Law on Protection from Discrimination No. 10 221, dated 04.02.2010, amended by Law 140/2020

This law, drafted in 2010, aligns with the principles outlined in the Convention on the Rights of Persons with Disabilities (CRPD) concerning protection from discrimination in the exercise of the right to vote. Specifically, Article 9, which outlines regulations for “Participation in politics”, stipulates that discrimination is prohibited in the processes of voting, candidacy, and appointment to public offices, on the grounds mentioned in Article 1 of this law.

It is noteworthy that disability is among the reasons specified in Article 1 of the Law on Protection from Discrimination. Therefore, based on the provisions of this law, we can reasonably conclude that it is in accordance with the convention.

The law is considered compatible with the Convention.

Law no. 119/2014, dated September 18, 2014, on the right to information.

This law serves a similar purpose as the law on public notification and consultation. Its objective is to ensure access to public information that institutions are legally obligated to provide.

While the law on the right to information does not include specific provisions directly addressing information accessibility for persons with disabilities,

it upholds the principle that every individual has the right to access public information in a manner that allows full comprehension of its content. Article 3 states, ‘Every person has the right to access public information, either through the original document or by receiving a copy of it in a form or format that enables complete access to the document’s content.’

This provision serves as adequate assurance that any person, including those with disabilities, can request access to information from public or private institutions in accordance with the law on the right to information. This ensures that information is provided in appropriate formats to accommodate different needs and disabilities.

The law is considered compatible with the Convention.

Law No. 8788, dated May 7, 2001, ‘Non-Profit Organizations,’ and Law No. 80/2021, ‘On the Registration of Non-Profit Organizations,’

The Law on Non-Profit Organizations, and the Law On the Registration of Non-Profit Organizations, establish regulations governing the establishment, registration, operation, organization, and activities of non-profit organizations dedicated to beneficial purposes in the public interest.

While these laws do not contain provisions specifically addressing organizations focused on disability issues, they offer sufficient legal assurances to uphold the rights of persons with disabilities to organize and participate fully and equally in public activities. This includes the ability to establish associations, centers, or foundations.

The laws are considered compatible with the Convention.

Law No. 8098, dated March 28, 1996, ‘On the status of the blind’.

This law addresses the legal status and rights of individuals with visual impairments.

While the law specifically focuses on blind individuals,

its terminology and provisions do not fully align with the Convention on the Rights of Persons with Disabilities (CRPD) and the relevant Albanian legislation implementing it.

Improvements are necessary, particularly in terms of updating the terminology used and providing more detailed regulations to ensure the participation of visually impaired individuals in political and public life.

The law is considered partially compatible with the Convention

Law No. 7889, dated December 14, 1994, 'On the status of work invalid,'

The status of work invalids is enjoyed by individuals who have become disabled due to workplace accidents, occupational diseases, or other illnesses and receive disability pensions through the social insurance system as per Law No. 7703, dated May 11, 1993, "On social insurance in the Republic of Albania."

Article 12 of this law stipulates that *'Disabled individuals are entitled to a 50 percent discount on entry fees to art shows, museums, matches, and sports events, with relevant by-laws issued by the Ministry responsible for culture, youth, and sports'*. This provision serves as an incentive to encourage participation in public life.

However, the terminology and accessibility requirements outlined in the law do not align with the Convention on the Rights of Persons with Disabilities (CRPD), warranting improvements in this regard.

Moreover, Article 17 of the law mandates that *'The interests and needs of disabled individuals be considered during the drafting of legal and sub-legal acts and government programs. It further requires that associations advocating for the rights of disabled individuals participate in meetings to discuss and approve legislation and regulations directly or indirectly impacting their interests'*. This is a positive model for enabling the involvement of disabled individuals.

The law is considered partially compatible with the Convention

The National Disability Action Plan (NDAP) 2021-2025

In its scope 'The participation of persons with disabilities in political and public life', the NDAP sets forth policy objectives to ensure the full inclusion of individuals with disabilities in public and political life in Albania, and safeguard their interests, through:

The increase of the participation of persons with disabilities in the voting process, providing them with opportunities to protect their interests and engage in decision-making.

The enhancement of the involvement of disabled individuals in artistic endeavors and promoting the work of disabled artists.

The expansion of opportunities for persons with disabilities to engage in national and international sports activities and events.

This document is in accordance with the Convention.

VI. INSTITUTIONAL FRAMEWORK

VI.1. Accessibility

The institutions responsible for the implementation of accessibility are defined according to the special legislation for the accessibility of persons with disabilities and participation in political life, but also the general construction legislation. In all laws or decisions, the institutions responsible for their implementation are provided, and as a result, each institution has more direct and special responsibilities at some points and less so at others.

Below are listed the institutions incumbent with the responsibility of implementing accessibility, starting with special institutions and continuing with those of a general nature. During the legal analysis, the problems of these institutions were identified, in relation to the implementation of legislation in the field of accessibility.

National Council on Disability

The National Council for the People with Disabilities under the Ministry of Health and Social Protection, is an advisory body that was established by DCM No. 48, dated 21.1.2015 'On the approval of the regulation for the operation of the national council for the people with disabilities' pursuant to Law No. 93/2014, 'On the inclusion and accessibility of persons with disabilities'. The National Council for Disability (KKAK) is chaired by the minister who covers disability issues and is composed of 17 members, of who 7 members are individuals with disabilities, 5 are representatives of organizations of people with disabilities and 2 of organizations for persons with disabilities. They are appointed by the Prime Minister at the proposal of all organizations and are dismissed by order of the Prime Minister. The duties of the Council are as follows:

- Reviews and approves national disability action plans for the implementation of the Convention on the Rights of Persons with Disabilities;
- Examines the implementation of national disability action plans for the implementation of the Convention on the Rights of Persons with Disabilities and gives the relevant recommendations to the Council of Ministers;
- Advises the Government on determining the direction of state policies to guarantee accessibility and inclusion of persons with disabilities in all areas;
- proposes to the minister covering disability issues, the main state programs for him to guarantee the accessibility and inclusion of persons with disabilities in all areas;
- evaluates the concrete situation of guaranteeing the accessibility and inclusion of persons with disabilities in Albania, issuing instructions and giving special recommendations to the minister covering disability issues and other state authorities, responsible in the relevant fields;
- analyzes the implementation of state policies and national and regional programs for the accessibility and inclusion of persons with disabilities.

Officials who deal with the issues of persons with disabilities

Pursuant to Law No. 93/2014, 'On the inclusion and accessibility of persons with disabilities', in each institution an employee is assigned to deal with issues of disability, while in local government bodies, one or several employees are appointed to deal with issues of disability.

The employee in charge of disability issues is the employee of the public, central or local administration, who has training and special knowledge in the field of disability and has the duty to monitor that policies and programs are designed and implemented in accordance with the criteria defined by the legislation in force on accessibility and inclusion, ensuring equal opportunities for persons with disabilities.

This obligation has not been implemented in all central and local institutions, but even where it has been implemented, the employee is simultaneously charged with other responsibilities. This has reduced the efficiency of the work in terms of the implementation of accessibility requirements.

The Ombudsman

The People's Advocate examines complaints or requests: against central administration bodies, local government and third parties acting on their behalf, against the police, secret service, prisons, armed forces and the judiciary, as well as other complaints or requests. It cooperates with non-governmental organizations and conducts studies in the field of the implementation of human rights and freedoms.

The People's Advocate monitors the implementation of Law No. 93/2014, 'On the inclusion and accessibility of persons with disabilities' in accordance with the Convention on the Rights of Persons with Disabilities, in implementation of the obligations defined in law no. 8454, dated 4.2.1999, 'On the Ombudsman', as amended, and in Law no. 8328, dated 30.4.1998, 'On the rights and treatment of those sentenced to imprisonment and those in pretrial detention', amended. The People's Advocate will also monitor the implementation of the National Action Plan for Accessibility for Persons with Disabilities 2021-2025.

Commissioner for Protection from Discrimination

The Commissioner for Protection from Discrimination (KMD) is an independent institution, which examines and decides on individual complaints in cases

of discrimination. It conducts surveys, publishes reports and recommendations, including legislative recommendations, as well as carries out awareness activities for the principle of equality and non-discrimination. Also, the Commissioner can conduct ex officio investigations in case there is information about discriminatory behavior or actions towards persons accommodated in the institution. The commissioner, in case he finds a violation, can impose fines.

The Commissioner for Protection from Discrimination monitors the implementation of the Law on Inclusion and Accessibility, in accordance with the Convention on the Rights of Persons with Disabilities, in implementation of the obligations set forth in Law no. 10 221, dated 4.2.2010, 'On protection from discrimination.'

The Commissioner for Protection from Discrimination will also monitor the implementation of the National Action Plan for Accessibility for Persons with Disabilities 2021-2025.

Ministry of Health and Social Protection

The Ministry of Health and Social Protection's mission is to design and implement development policies and strategies in the health care sector and also guarantee constitutional rights for protection and social inclusion and social care and equal opportunities. Under this ministry, operates also the National Disability Council.

Complaints about the violation of the right to accessibility to public services can be submitted by anyone or any subject to the Minister of the Ministry of Health and Social Protection.

State Inspectorate of Labor and Social Services (ISHPSHSH)

The State Inspectorate of Labor and Social Services, under the Ministry of Health and Social Protection, is the institution responsible for monitoring the implementation of DCM No. 1074, dated 23.12.2015

‘On the determination of measures to remove obstacles in communication and infrastructure in the provision of public services for persons with disabilities’.

State Social Service

The State Social Service performs its functions under the Ministry of Education and Culture and has as its mission the implementation of policies, legislation of economic assistance, payment for persons with disabilities and social services throughout the country. It accomplishes this mission through:

- Administration of Social Services for individuals at the national level;
- Programming and detailing of payment funds for persons with disabilities;
- Programming and detailing of funds for social services;
- Control of the implementation of legislation and the use of budget funds for assistance; economic, payment of disabled persons and social services;
- Administering the National Electronic Register for applicants and beneficiaries of economic assistance, disability payments and social care services and
- Monitoring the standards of social services at the national level.

National inspectorate of territory protection

The mission of this inspectorate is to control and protect the territory and the environment from illegal constructions and developments or in violation of the conditions of permits, guaranteeing a stable and safe development in the field of construction development, planning, protection of the territory, discipline of construction works, construction products, as well as in the field of integrated management of water resources pursuant to Articles 9 and 9/1, of Law no. 9780, dated 16.7.2007, ‘On

the inspection and protection of the territory from illegal constructions’, as amended. This inspectorate was established and performs its functions pursuant to Law No. 9780, dated 16.7.2007, ‘On the inspection and protection of the territory from illegal constructions’, amended and therefore its focus is on the protection of the territory from illegal constructions. The inspectorate does not have the responsibility and capacities/specialists to control the implementation of accessibility requirements and standards for persons with disabilities.

The territory protection inspectorate of the local unit

The territory protection inspectorate is established near each local unit, which, through the chief inspector, exercises the responsibility of controlling the territory within the administrative territory of this unit, as well as enforcing the legality of technical standards and development conditions in the field of planning and development of the territory, and those expressly provided in other laws. During the exercise of the responsibilities provided for in Article 4 of this law, the territory protection inspectorate of the local unit takes the following measures:

- decides on the fulfillment of legal obligations in the field of planning and development of the territory;
- set fines, according to the type of violations of legal provisions in the field of planning and development of the territory;
- submits to the relevant bodies the request for the removal of the professional, personal or company license, in case of illegal construction, as well as in cases where it notices a violation of the technical conditions of implementation, design and violation of the construction suspension measure;
- decides the suspension of works/constructions in the case where a preliminary time limit is necessary for making the decision to fulfill the legal obligations in the field of planning and development of the territory;

- decides to demolish the illegal construction;
- prepares the criminal charges for the criminal offenses found during the exercise of control and submits it to the incumbent bodies, according to the legislation in force.

This inspectorate was established and performs its functions pursuant to Law No. 9780, dated 16.7.2007, 'On the inspection and protection of the territory from illegal constructions', amended and therefore its focus is on the protection of the territory from illegal constructions. The inspectorate does not have the responsibility and capacities/specialists to control the implementation of accessibility requirements and standards for persons with disabilities.

Territory Development Agency

The Agency performs the functions of the technical secretariat of the National Council of the Territory. In this context, the Agency has the responsibilities to:

- carry out monitoring of developments in the territory, through the electronic permit system, to prepare the relevant report and to inform the National Council of the Territory and other authorities that have responsibility in the field of planning and development of the territory;
- provide support to local government units in their implementation processes of development management instruments, according to the legislation on planning and development of the territory. The agency also ensures that the development control documents, at the central and local level, are in accordance with the provisions of this law and with the approved planning documents at each level.

Agency for the Support of Local Self-Governance

Local self-government in the Republic of Albania ensures effective, efficient governance at a level as close as possible to citizens through:

- recognition of the existence of different identities and values of communities;
- respecting the basic rights and freedoms of citizens, sanctioned in the Constitution or other laws;
- choosing different types of services and other local public facilities for the benefit of the community;
- the effective exercise of the functions, powers and performance of tasks by local self-government bodies;
- providing services in appropriate forms, based on the needs of community members;
- effective promotion of the comprehensive participation of the community in local government;
- realization of services, in accordance with the standards required by law or other normative acts.

The Agency does not have the responsibility and capacities/specialists to control the implementation in the territory of the accessibility requirements and standards for persons with disabilities.

Institute of Construction

This institute was established by Order of the Minister No. 225 dt 29.06.2004 'On the creation of the Construction Institute', as a result of the merger of the Institute of Construction Technology Studies (ISTN), the Institute of Hydrotechnical Design Studies (ISPH) and the activity of the former Institute of Water Supply Design Studies of Constructions (ISPUN) under the Ministry of Territorial Regulation.

The main object of the work of the Construction Institute is to carry out scientific research, development and design applications in the realm of construction, as well as carrying out scientific and technological activities for third parties such as opponency, expertise, qualification courses, conformity assessments and controls for construction products related to life safety.

National Information Society Agency (AKSHI)

AKSHI is a central public institution, subordinate to the Prime Minister. Among other things, this institution is responsible for: the promotion of new technologies, the design of strategies and action plans for the implementation of policies in the field of information technology and electronic communication e-GOV and the development of policies and strategies in the information society sector and in particular information and communication technology, as well as encourages investments in the field. Moreover, AKSHI coordinates programs in the field of Information Society, as well as contributes to education and promotion of the use of ICT by the public.

Audiovisual Media Authority (AMA)

AMA is the regulatory authority in the field of audio and audiovisual broadcasting services and other support services in the territory of the Republic of Albania. A member of the AMA is a person who deals with issues related to people with disabilities and other vulnerable groups. AMA, in exercising its functions, ensures: that all audiovisual services meet the needs of the citizens of the Republic of Albania as best as possible, respecting the language and diversity of traditions, religious beliefs, culture and morals of the citizens, the preservation and support of democratic values defined in the Constitution, especially the freedom of expression and the media, the provision of diverse and free services, the creation of a regulatory environment that facilitates the development of the audiovisual broadcasting sector in Albania and that is responsive to the needs of listeners and viewers and in particular to people with special sensory needs.

Authority of Electronic and Postal Communications (AKEP)

AKEP is the regulatory body in the field of electronic communications and the postal service, which supervises the regulatory framework defined by the law on electronic communications, by the law on

the postal service and by the development policies, determined by the Council of Ministers.

The role, functions and institutional competences as a regulatory body in the field of electronic communications and postal service, are defined in the material legislation for electronic communications and postal service in the Republic of Albania.

Courts

Persons with disabilities, in addition to the institutions identified above, are entitled to appeal to the court, having exhausted the appeal procedures in the above institutions regarding the violation of rights.

VI.2. Participation in Political and Public Life

Central Election Commission

The Central Election Commission is a permanent body that prepares, supervises, directs and verifies all aspects related to elections and referendums and announces their results. Under his authority are the Zonal Commission for the Administration of Elections (KZAZ) and the Voting Center Commission (KQV). KZAZ is responsible for the administration and conduct of elections in ZAZ, appoints the chairman, deputy chairman, members, secretaries of KQVs, and members of counting groups, included in the jurisdiction of ZAZ, registers and verifies information or claims of election subjects in the area, administers the budget assigned by the CEC, guarantees the timely distribution of voting materials, etc.

Through its secretary, KQV reports about the technical administration and working conditions of the KQVs, for election materials, the protocol of requests, complaints and notifications addressed to the KQV, etc.

Local Government Bodies

The head of the local government unit that has jurisdiction over the relevant civil status office

announces and approves the lists drawn up by the latter. He carries out the written notification for each voter included in the extract of the electoral components of the voting centers in the relevant local government unit. It also announces the location of the voting centers, in accordance with the criteria defined in the Electoral Code and decides on the creation of an additional voting center within the same area or the merging of the centers if this is the case.

Commissioner for the right to Information and Protection of Personal Data:

The Commissioner for the Right to Information and Protection of Personal Data is an independent public administration institution. The Commissioner for the Right to Information and Protection of Personal Data conducts administrative investigations and has the right of access to the processing of personal data,

as well as the right to collect all the information necessary for the fulfillment of the supervisory tasks; orders the blocking, deletion, destruction or suspension of unlawful processing of personal data; gives instructions before processing is carried out and ensures their publication.

It is the institution responsible for guaranteeing equal access to information but also how information should be provided in an understandable way for everyone.

Courts

They are the decision-making institutions, especially in cases of establishment or registration of organizations of persons with disabilities. Persons with disabilities, apart from the institutions identified above, have the right to appeal to the court, after they have exhausted the appeal procedures in the above institutions for the violation of rights.

VII. CONCLUSIONS

While Albania has made tangible efforts to enhance its legislation in alignment with the CRPD, further improvements are deemed necessary upon analysis.

Although the Albanian legislation regarding political and public participation aligns satisfactorily with the CRPD, shortcomings in implementing and monitoring the legal framework persist.

It is noteworthy that there remains a necessity to make amendments to the articles within the Electoral Code and the legal framework assessed in this report concerning the exercise of voting rights and participation in electoral processes, particularly for individuals with sensory, intellectual disabilities, and psycho-social challenges. Provisions that restrict or negate the “capacity to act,” impede the equal legal standing of individuals with intellectual disabilities, and hinder their full and equal exercise of political and public rights are observed. Furthermore, there is insufficient representation of people with disabilities in the National Council of Disability, as well as in policy-making and decision-making bodies related to the welfare of individuals with disabilities.

Among the institutions, there is a notable rise in awareness regarding their obligations towards individuals with disabilities to facilitate their participation in political and public spheres.

The Albanian legislation on accessibility meets a satisfactory standard in alignment with the CRPD and the General Comment of the CRPD Committee³⁵ about providing accessibility. There is a noticeable uptick in awareness among institutions regarding their responsibilities to guarantee accessibility for individuals with disabilities. While recent

strides have been made in enacting advanced accessibility legislation, it’s imperative that this progress is complemented by essential activities such as promotion and training to ensure its effective implementation.

During the analysis, it becomes evident that general laws governing constructions, road infrastructure, transportation, and housing have overlooked issues concerning persons with disabilities and the accessibility they require. It appears that legislators have primarily relied on specialized legislation, yet the current state of accessibility indicates that this approach is inadequate. There is a pressing need for mainstreaming accessibility for persons with disabilities into general legislation, with references to specialized laws. It is crucial to highlight that the overall legal framework for constructions remains disjointed and indifferent in many respects, particularly concerning the institutions overseeing it. This undoubtedly hampers the implementation of provisions aimed at achieving accessibility for persons with disabilities.

The report notably highlights the use of derogatory terminology towards persons with disabilities within the Albanian legal framework, often reflecting a medicalized perspective. Additionally, there is a lack of uniformity in defining disability and reasonable accommodations throughout the legal and political landscape.

Of significant concern is the limited recognition of legislation, inadequate monitoring mechanisms, weak enforcement (partly due to the absence of penalties), and the underreporting by individuals with disabilities themselves, of rights violations.

³⁵. General Comment of the Committee on the Rights of Persons with Disabilities, 22 May 2014: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en

The primary challenge lies in the applicability of the legal framework, exacerbated by the failure to fulfill obligations such as:

- Adequate budget allocation to ensure accessibility and facilitate participation in political and public life. Limited financial resources are cited as one of the foremost obstacles hindering the realization of accessibility and the right to political and public participation, along with the necessary steps to address these challenges.³⁶
- Effective mechanisms for monitoring and enforcement, as well as the imposition of penalties, are hindered also by fragmented responsibilities of control and enforcement across multiple institutions. The analysis of the legal framework underscores that the Ministry of Health and Social Protection is ill-suited for addressing accessibility rights violations. To address this issue, there is a pressing need to either bolster the capabilities of the Ministry or

establish a new specialized structure tailored to the specificities of accessibility concerns.

Regarding the Central Election Commission's role in facilitating political participation, there is a notable absence of authority and competence to sanction local self-government institutions for failing to ensure voting rights for persons with disabilities and to disseminate election information comprehensibly to all citizens.

Additionally, the Commission lacks the power to mandate political parties to develop their programs in simplified and alternative formats to cater to the entire community, including individuals with disabilities.

- Enhancing capacities for implementing laws dedicated to persons with disabilities is paramount. Offering training on these subjects would not only enhance the implementation of legislation but also raise awareness.

³⁶ These findings during the meetings and the analysis of the legal framework are also confirmed by the Monitoring Report: Implementation of accessibility for persons with disabilities, carried out by ADRF in 2017.

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Monitoring, control and enforcement

Law No. 139/2015 'On Local Self-Government.'

DCM No. 83, dated 28.1.2015 'On the creation and operation of the agency for the support of local self-governance.'

Law No. 8402, dated 10.9.1998 'On control and discipline of construction works.'

Law No. 9780, dated 16.7.2007 'On the inspection of constructions.'

DCM No. 893, dated 4.11.2015, 'On the organization and operation of the Inspectorate.'

III. The Legal Framework for Participation in Political and Public Life

The Constitution of the Republic of Albania, amended by laws: no. 9675, dated 13.1.2007; no. 9904, dated 21.4.2008; no. 88/2012, dated 18.9.2012; no. 137/2015, dated 17.12.2015; no. 76/2016, dated 22.7.2016; no. 115/2020, dated 30.7.2020; no. 16/2022, dated 10.2.2022;

Electoral Code of the Republic of Albania³⁷, Law no. 10019, dated 29.12.2008 and amended by laws no. 74/2012, dated 19.07.2012, no. 31/2015, dated 02.04.2015, no. 101/2020, dated 23.7.2020, and no. 118/2020, dated 5.10.2020.

Civil Code of the Republic of Albania, Law no. 7850, dated 29.7.1994 "On the Civil Code of the Republic of Albania", amended;

Code of Administrative Procedures of RS: Law no. 44/2015 "Code of administrative procedures of the Republic of Albania", amended;

Law No. 8580, dated 17.2.2000 'On political parties', amended by laws: no. 9452, dated 2.2.2006, no. 10 374, dated 10.2.2011, no. 17/2014 and no. 90/2017, dated 22.5.2017, no. 135/2020, dated 16.11.2020; repealed a clause by the decision of the Constitutional Court no. 33, dated 9.5.2001);

Law No. 93/2014 'On the Inclusion and Accessibility of Persons with Disabilities' Dated 24/07/2014.

Law no. 139/2015 dt. 17.12.2015 'On Local Self-Governance'.

Law on Public Notification and Consultation 146/2014.

CEC Instruction No. 01, dated 12.12.2012 'On the method of setting up and determining the location of voting centers and the preparation of the map of the local government unit for the elections.'

Law on Protection from Discrimination No. 10 221, dated 04.02.2010, amended by Law 140/2020;

Law no. 119/2014 dated 18.9.2014 on the right to information.

Law No. 8788, dated 7.5.2001 'On non-profit organizations.'

Law No. 80/2021 'On Registration of Non-Profit Organizations'.

Law No. 8098, dated 28.03.1996 'On the status of the blind.'

Law No. 7889, dated 14.12.1994 'On the status of work invalid.'

Law no. 112/2020 'On the Register of Beneficial Owners.'

National Disability Action Plan 2021-2025.

³⁷. <https://qbz.gov.al/preview/75122d2e-9ebc-45de-b0ea-b5efde2f6836>

