



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Initial report submitted by Albania under article
35 of the Convention, due in 2014***


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List of Abbreviations

Abbreviation	Full name
AMA	Authority of Audio and Visual Media
AP	The Ombudsman
DAR/ZA	Regional Education Directorates/education offices
GDSSS	General Directorate of State Social Service
GDP	General Directorate of Prisons
ADRF	Albanian Disability Rights Foundation
IEVP	Institutions for enforcement of criminal judgment
INSTAT	Institute of Statistics
ICF-CY	International Classification of Functioning, Disability and Health for Children and Youth
CRIPPD	The Commissioner for the Right of Access to Information and Personal Data Protection
CRPD	The Convention on the Rights of Persons with Disabilities
KMCAP	Medical Committees in charge of establishing a person's ability to work
ECHR	European Convention on Human Rights
NDC	National Disability Council
ADC	Anti-Discrimination Commissioner
CEC	Central Elections Committee
MoES	Ministry of Education and Sports
MOSWY	Ministry of Social Welfare and Youth
MoH	Ministry of Health
NGO	Not-for-profit organizations
UN	United Nations Organizations
WHO	World Health Organization
PAMS	Audio and visual media service providers
PwD	Persons with disabilities
UNDP	United Nations Development Programme
RoA	Republic of Albania
SSS	State Social Service
SOROS	Open Society Foundation Albania
SDC	Swiss Development Cooperation
TVSH	Albanian public TV
DCM	Decision of the Council of Ministers
UNICEF	United Nations Children's Fund
UNFPA	United Nations Population Fund

Introduction

1. In line with article 35 of the Convention on the Rights of Persons with Disabilities,¹ Albania submits a First Report on the accomplishment of its obligations to the Committee on the Rights of Persons with Disabilities. The Convention on the Rights of Persons with Disabilities (CRPD) became effective for Albania on February 11, 2013.²
2. Albania is committed to promoting, respecting, implementing and fulfilling the rights of persons with disabilities, in line with the Constitution of Albania, the CRPD, the European Convention on Human Rights (ECHR), other international instruments on human rights, and national legislation.
3. The Report provides detailed information on the implementation of the Convention (CPRD) in Albania, (during February 2013 -March 2015), as regards the legal and by-legal framework, concrete policies and measures for the implementation of the rights of persons with disabilities.
4. The Report was the result of the coordinated efforts and involvement of governmental institutions, according to the fields of competence as addressed in the Convention. The Inter-ministerial Working Group (IWG) established to this end (Order of Prime Minister No.112/2014)³ was composed of representatives of governmental and independent institutions, namely: Ministry of Foreign Affairs, Ministry of Social Welfare and Youth, Ministry of Interior, State Police, Ministry of Justice, Ministry of Health, Ministry of Education and Sports, the Assembly, the Commissioner on Anti-Discrimination, the Ombudsman, Central Elections Committee etc. During drafting of the Report, a consultation process was involved with representatives of governmental institutions, local authorities, civil society,⁴ international organizations etc. During the process of the formulation of the Report, UNDP was a very important actor, in terms of its support.⁵
5. The Report was drafted in compliance with the Guidelines⁶ of the Committee on the Rights of Persons with Disabilities and the Resolution⁷ of the General Assembly on strengthening and improving the effective operation of the system of human rights treaties.
6. The Report was adopted by Decision of the Council of Ministers Nr. 460, on May 27, 2015.

General information on persons with disabilities in Albania

7. Based on the Census of 2011, in Albania, 6.2 % of the population over 15 years old has one form of disability⁸ (see Figure 1). The figures refer to persons that are self-identified as having serious or extreme difficulties/impairment in at least one of the following: sight, hearing, mobility, sensory impairment, self-care, and communication. It is important to take into account the fact that the Census does not provide data on persons under 15; data are missing on types of invisible disabilities for which questions were not asked with the view to their identification; in some instances, the questions have not been addressed properly, leading to data only with regard to certain type of disabilities, which according to International Classifications are not qualified as such.

¹ Further on to be referred to as the Convention or CRPD.

² The Convention was ratified by the Albanian Parliament with law no. 108, dated 15.11.2012, and became effective on February 11, 2013.

³ On the establishment of the IWG "For the preparation of national reports in the context of international conventions on human rights".

⁴ Organizations of rights of persons with disabilities.

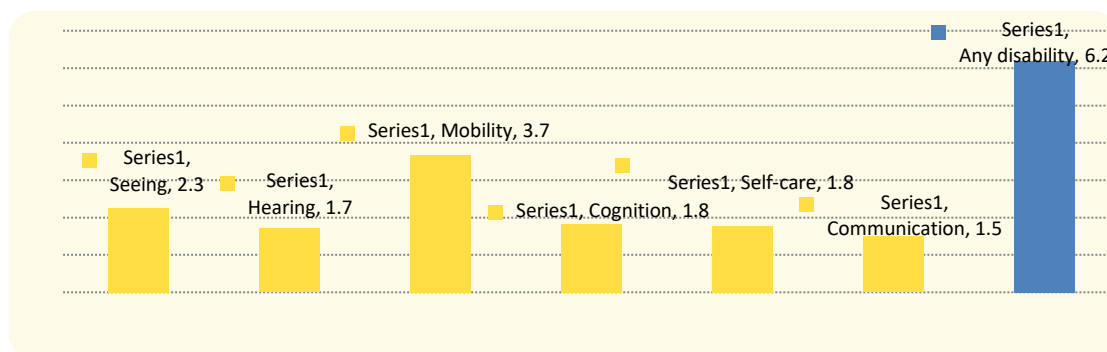
⁵ Two consultants under the guidance of the MoSWY, with the support of UNDP supported the Working Group for the drafting of the report.

⁶ CRPD/C/2/3, November 18, 2009.

⁷ A/RES/68/268, 9 April 2014.

⁸ For more details on Census data for 2011, refer to the information in the following article.

Figure 1
Type of disability (percentage %)



Note: Sample limited to population 15 years old and up. The last column shows persons with at least one out of six disabilities indicated in yellow.

Source: Census 2011.

8. The prevalence of disability is closely related to the age of the person. Disability among youth is at low levels, at under 3 % for both genders. For the population group of 50-64 years old, disability is at 6 % for men and 8 % for women. For ages over 65 years old, disability levels are at 20 % for men and 25 % for women.⁹ (Census, 2011).

9. In 2013, according to the data of the disability payment beneficiaries, based on the evaluation of the Medical Commissions in charge for establishing the ability to work (KMCAP), the number of persons with disabilities (persons with disabilities and invalids) was 139,130. In 2014, the number of persons eligible for disability payments was 143,516.

Past developments

10. Before the 90s, persons with disabilities in Albania received treatment mainly through the medical model, excluding the psycho-social background of people with disabilities, as well as the importance of their integration in the society. All institutions providing care to persons with disabilities were under the jurisdiction of the Ministry of Health.

11. Rapid development of the Albanian society in the beginning of the 90s, after the fall of communism led to the first changes in the methodology for the treatment of persons with disabilities, including but not being limited to the legal framework etc. In addition to the medical elements, Albania began to gradually integrate several social elements in the treatment of persons with disabilities. The main Constitutional provisions¹⁰ of 1991 acknowledged the rights of persons with disabilities for social care and social assistance. An important threshold was reached in 1993, when the competences for treatment of the disability were transferred from the Ministry of Health (MoH) to the Ministry of Social Welfare and Youth (MOSWY).¹¹ Several important legal acts were drafted in the course of 1993-1996, with regard to social care, education, as well as rehabilitation and treatment of persons with disabilities, such as: Law on Social Care and Social Assistance;¹² Law on the Status of the Blind; Law on the Pre-University Education System;¹³ Law on Mental

⁹ According to the data of 2011 Census.

¹⁰ Law no.7692, dated 31.03.1991 "On the main constitutional provisions". Article 31 of this Law provided that according to a given system, everyone is entitled to the right of social insurance in old age or in case of disability.

¹¹ At that time the Ministry was called Ministry of Labor, Social Affairs and Equal Opportunities.

¹² Law no. 7710, dated 18.05.1993 "On social care and social assistance". This is the first legal act that paved the road to all the rest of legal regulations in favor of the treatment of persons with disabilities.

¹³ Law no. 7592, dated 21. 06. 1995, for the first time includes a special Heading about special education.

Health.¹⁴ Until 2002, social service for persons with disabilities consisted solely in the residential care service in institutions, and financial support through the disability benefit, and in some cases, the allowance for the caretakers.

12. Since 2002, efforts have been underway for expanding the typology of services for persons with disabilities, while gradually applying the community service versus residential service. Despite progress achieved there still remains a lot to be done towards ensuring the accomplishment of the process of decentralization and de-institutionalization of services.

13. The country has made important efforts for respecting and enforcing the rights of persons with disabilities. They culminated by the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2012, and adoption by the Albanian Parliament in July 2014 of the Law On inclusion of and Accessibility for Persons with Disabilities.

I. General Provisions of the Convention

Articles 1-4 of the Convention

(a) Legal measures

14. Albania applies the Convention through its Constitution, and national legislation. According to article 122 of the Constitution of Albania, international agreements or treaties ratified are part of the national legislation, and are directly enforceable, except for the instances when their implementation would require passing of legislation. Agreements ratified by law prevail over national legislation, in case the latter runs contrary to the said treaty. In this framework, the Convention makes part of the national legislation in Albania, and in case the norms of the national legislation runs contrary to the Convention, the Convention prevails.

More specifically, the Convention becomes effective through:

15. The Constitution, mainly through the Chapter on Fundamental Human rights and freedoms, for each individual, including persons with disabilities and the “Social Objectives” (Article 59), which provides for the right for employment, housing, health care, education, rehabilitation and integration of persons with disabilities, improving their living conditions, care, assistance for the invalids, with the view to ensuring their protection from social exclusion.

16. Law On pre-university education,¹⁵ which provides for fundamental rights and terms for accessibility and full participation, qualitative education for children with disabilities, both in mandatory education pre-school.

17. Law On inclusion of and Accessibility for Persons with Disabilities,¹⁶ which establishes the general principles and rules in the area of inclusion, accessibility of persons with disabilities, and the legal, and institutional obligations in achieving inclusion, and integration of persons with disabilities, in line with the principles of the Convention on the Rights of Persons with Disabilities. The law guarantees promotion and protection of the rights of persons with disabilities, in order to enable their full, effective participation in all walks of life, in equal terms with the rest of the society, while enabling autonomy and independent life for persons with disabilities through assistance and care. The Law provides for the responsibility of public and non-public entities, including state central and local institutions in the implementation of principles of inclusion and accessibility, to reduce, with the view of removing barriers to persons with disabilities.

¹⁴ Law no. 8092, dated 21.3.1996 “on Mental Health” inter alia provided for the right to rehabilitation and free treatment in social care institutions, public rehabilitation institutions and education institutions.

¹⁵ Law no. 69/2012, dated 21.06.2012 “On pre-university education system in the Republic of Albania”.

¹⁶ Law no. 93, dated 24.7.2014 “On inclusion and accessibility of persons with disabilities”.

18. Anti-Discrimination law¹⁷ provides for the implementation, respect of the principle of equality non-discrimination related to gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious, philosophical beliefs, financial, education or social status, pregnancy, parental responsibility, age, family status, civil status, residence, health status, genetic predisposition, disability, belonging to a special group, or any other cause.

19. The Albanian legislation includes a series of other provisions about the rights of persons with disabilities:

The legal framework:

- Law no. 9355, dated 10.03.2005 “On social assistance and social care”, revised;
- Law no. 8626, dated 22.06.2000 “Status of paraplegic and tetraplegic invalids”; revised;
- Law no. 7889, dated 14.12.1994, “On the status of labor invalids”, revised;
- Law no. 8098, dated 28.03.1996, “On the status of the blind”, revised;
- Law no. 44/2012 “On mental health”;
- Law no. 10 347, dated 4.11.2010 “On defending child rights”;
- Law no. 7995 dated 20.9.1995 “On employment promotion”, revised;
- Law no. 9669, dated 18.12.2006 “On measures against domestic violence” revised;
- Law no. 10237, dated 18.02.2010 “On occupational health and safety”;
- Labor code of the Republic of Albania.¹⁸

By-legal acts:

- Decision of the Council of Ministers (DCM) no. 904, dated 12.12.2012 “On establishing the criteria, procedures, and documentation needed for eligibility of social assistance in the piloted areas”, revised;
- DCM no. 787 dated 14.12.2005 “On the establishing the criteria, procedures, and size of social assistance”, revised;
- DCM no. 658, dated 17.10.2005 “On social service standards”;
- DCM no. 822, dated 06.12.2006 “On standards of social care for persons with disabilities in residential and day care centers”;
- DCM no. 31, dated 20.01.2001 “On benefits from the status of the paraplegic and tetraplegic invalid”, revised;
- DCM no. 618, dated 07.09.2006 “On the establishment of the criteria, documentation, and size of disability benefit”, revised;
- DCM no. 78, dated 07.02.2007 “On the size, criteria and the procedures of eligibility for the special sanitation package for paraplegic and tetraplegic invalids”, revised;
- DCM no. 277, dated 18.06.1997, “On the benefits from the status of the blind”, revised;
- DCM no. 89, dated 26.1.2012 “On establishing the criteria, documentation and procedure for the caretaking service”;
- DCM no. 869, dated 18.06.2008 “On the implementation of Law no. 7889, dated 14.12.1994, “On the status of the labor invalid”, revised;

¹⁷ Law no. 10221, dated 04.02.2010 “On anti-discrimination”.

¹⁸ In April 2015, the Council of Ministers adopted several changes and modifications to the Labor Code, which are expected to be approved in the Albanian Parliament.

- DCM no. 723, dated 17.12.2008 “On the implementation of Law no. 7889, dated 14.12.1994, “On the status of the labor invalid”, revised;
- DCM no. 404, dated 20.06.2012 “On the establishment of the criteria and procedures for eligibility to financial compensation for blind persons and paraplegic and tetraplegic invalids for the electricity bill and that of the fixed line telephone”;
- DCM no. 565, dated 14.01.2015 “on the protection of marginal groups, due to the removal of the free consumption of electricity up to 300 kwh month, revised”;
- DCM no. 8, dated 14.01.2015 “on the protection of marginal groups, due to the removal of the free consumption of electricity up to 300 kwh month”;
- DCM no. 617, dated 07.09.2006, “On establishment of indicators for evaluation and monitoring of social assistance programs for the disability benefit and social services”, revised;
- DCM no. 425, dated 27.06.2012 “On establishment of criteria and documents necessary for admission of individuals in public and non-public residential institutions of social care”, revised;
- DCM no. 31, dated 20.1.2001 “On benefits from the invalidity status, and the status for paraplegics and tetraplegics”, revised;
- DCM no. 248, dated 30.04.2014 “On employment promotion programs for employment of persons with disabilities”;
- DCM no. 48, dated 16.01.2008 “On employment promotion programs for unemployed jobseekers in difficult circumstances”, revised with DCM no. 192, dated 2.4.2014;
- DCM no. 27, dated 11.01.2012, “On employment promotion programs for employment of women and girls from special categories”, revised by DCM no. 189, dated 2.4.2014, to include unemployed female jobseekers with disabilities.

(b) Institutions responsible for the enforcement of the rights of persons with disabilities

1. National Council on Disability Rights (National Disability Council)

20. National Disability Council (NDC) is an advisory body established by Order no.12, dated 9.02.2015 of the Prime Minister, based on the Law On inclusion of and Accessibility for Persons with Disabilities. This Council is chaired by the Minister in charge of disability related issues, currently the Minister of Social Welfare and Youth (MoSWY). It is composed of 17 members, of whom 7 members are persons with disabilities, 5 members are representatives of organizations of persons with disabilities, and 2 members are representatives of organizations working on the rights of persons with disabilities. The selection of the members of the Board is done with due attention to the elements of inclusion of different disability categories, age and gender. Persons with disabilities are represented in the most senior governmental levels, and that ensure protection and respect for their rights.

21. The role of the National Disability Council is to provide advice to the Government in defining state policies to guarantee accessibility, and inclusion of persons with disabilities in all walks of life. NDC is in charge of evaluating/making an assessment of the factual situation of persons with disabilities, makes recommendations for the types of services, programs tailored for persons with disabilities and their families, makes proposals and recommendations for improving the legislation in the area of protection of the rights of persons with disabilities. NDC provides recommendations for putting in place the mechanisms for gathering statistics, in cooperation with the Institute of Statistics, other state institutions, and supervises data collection and processing. It is worth pointing out that NDC has not yet started to exercise its activity in light of the fact that the process for the selection of the member candidates is not over yet.

2. The officer in charge of disability area related issues

22. All ministries and local government units shall have an officer in charge of disability rights. The role of this officer will be to coordinate activities for issues related disabilities. These officers should be equipped with the necessary training, and possess special knowledge in the disability field. They will be responsible for monitoring policies and programmes and ensuring that they are drafted and implemented in line with the criteria established in the legislation on accessibility and inclusion, while also ensuring equal opportunities for persons with disabilities. This legal provision has not yet been implemented.

3. Not-for-profit organizations with the right for consultation

23. The Law on Inclusion and Accessibility provides that subjects that participate in the public consultation process on disability-related issues, according to the definition in the legislation for public notification and consultation shall include the following: (a) persons with disabilities; (b) organizations of persons with disabilities; (c) organizations for persons with disabilities; (ç) organizations that are represented in the National Disability Council (national council on disability rights).

(c) Policies and strategies for persons with disabilities

24. The country's vision for enabling the rights of persons with disabilities is expressed in the **National Strategy for Persons with Disabilities (2005-2015)** which was adopted in 2005.¹⁹ The purpose of this Strategy is to improve the status and the quality of life of persons with disabilities in Albania, in line with UN Standards on equal opportunities. The Strategy also includes a National Action Plan, containing 95 measures, as well as defines timelines and responsible institutions.

25. The Social Protection Strategy for 2015-2020 represents the policy document which addresses disability rights, and it is being drafted by the MoSWY. Persons with disabilities represent one of the categories of the individuals that receive benefits from the social protection schemes. The strategy provides for mechanisms that avoid institutionalization of persons with disabilities and for transforming the residential institutions into foster home models or community services. In addition, the Strategy provides for the transfer of children with disabilities currently in the residential institutions to temporary foster families, in the near future.

26. The strategy for social inclusion (2015-2020), which is currently underway will make it possible to ensure to all individuals unlimited access to public services, with the view of facilitating, and supporting their active participation in the society, no matter what their income level, gender, age, disability, ethnicity, sexual orientation and identity, residence or religious beliefs. Concomitantly, the Strategy for Social Inclusion aims at ensuring comprehensiveness of sector programs and policies for employment, education, health care, housing and justice for persons in situation of social exclusion, including persons with disabilities, while giving priority to these persons in terms of access to public services.

27. Some of the specific strategic documents that address the rights of persons with disabilities or specific groups of persons with disabilities include the following:

- National Strategy on Employment and Skills (2014-2020);
- National Strategy on Gender Equality, Reduction of gender based violence and domestic violence (2011-2015 (revised)).

¹⁹ DCM no. 8, dated 7.1.2005 "On adoption of the National Disability Strategy".

(d) Integration of key concepts of the Convention**Definition of the concepts of “disability”, “long-term damage”, “reasonable accommodation”**

28. The Law “On inclusion of and Accessibility for Persons with Disabilities” does not define the disability as such, but rather defines “persons with disabilities”, namely individuals with long-term physical, mental, intellectual, sensory damages, in correlation with different forms of obstacles and hindrances, including environmental obstacles, which can hinder full and efficient participation of these persons in society, on equal terms with the rest of the society.

29. The term “*long-term damage*” is not defined in the national legislation, but it is rather part of a Joint Regulation of the Ministry of Social Welfare and Youth and the Ministry of Health,²⁰ and provides for the diagnoses/nosology of diseases, that serve as the bases for the evaluation and the determination of the disability by the Medical Commissions that establish the ability to work (KMCAP). Having said that, in Albania there is no threshold of determining the disability, while there is yet not solution that derives from the confusion of the term “*long-term damage*”. The National Strategy for Persons with Disabilities defines that persons with disabilities include persons whose physical functions, mental capacities, and psychological status are inclined to move away for more than 6 months from what is typical for the relevant age, which consequently leads to their limited participation in the social life. This definition refers to the definition provided by World Health Organization (WHO), while Albania is still referring to labor invalids who are eligible for temporary disability benefit (according to current legal definition) and can later on qualify for evaluation by a more senior KMCAP. This is not valid for persons with disabilities who are provided for under the Law on Social Services and Social Assistance. The definition in the Strategy is not legally binding.

30. The definition of the term “*Reasonable accommodation*” is given in Article 3 of the Law On inclusion of and Accessibility for Persons with Disabilities, as “modification and necessary and reasonable adjustments, when necessary, without leading to undue burden, in order to guarantee to persons with disabilities the exercise and benefit, in equal terms with the rest of the society, of all human fundamental rights and freedoms”. “*Denial of reasonable accommodation*” is established as a form of discrimination that occurs when necessary changes or accommodations and adjustments needed for a special case are either denied or objected to, without leading to undue burden, in order to guarantee to persons with disabilities the exercise and benefit, in equal terms with the rest of the society, of all human fundamental rights and freedoms.²¹

31. A Ruling²² of the country’s Constitutional Court of 2013 sheds more light on the definition of reasonable accommodation and its denial as one form of discrimination. More concretely, for this case, the Association of the Blind and the National Council of Persons with disabilities²³ asked the Court to rule as incompatible with the Constitution and the UN Convention on the Rights of Persons with Disabilities (CRPD), the European Convention of Human Rights (ECHR) and the European Social Charter, one provision²⁴ (Article, 3 point 7) of the law “On anti-discrimination”. This provision is related to the definition of denial of reasonable accommodation. The expression “*undue burden*” according to article 3, point 7 of the Law clearly provides for the actions of the state as a burden for the

²⁰ Instruction no. 362, dated 26.02.2007 “On adoption of the regulation on the medical criteria for the evaluation of the disability”.

²¹ The same definition about “adequate denial” can be find in the Anti-discrimination law.

²² Judgment of the Constitutional Court of the Republic of Albania no. 48 dated 15.11.2013.

²³ Coalition of organizations in the disability area.

²⁴ The anti-discrimination Law in its article 3 defines the meaning of some of the terms used in this law. “*Denial of reasonable accomodation*” is a form of discrimination which happens whenever there is a denial or objection to perform changes or modifications necessary and appropriate for a special case and which do not pose *undue burden*, in order to ensure that persons with disabilities enjoy and exercise fundamental human rights adn freedoms or “*Organizations with legitimate interest*” are organization registered in the RoA, and whose scope of activity is defence of human rights, and provision of assistance to victims of discrimination.

accommodation of the needs of persons with disabilities. The Court, in its evaluation for the existence of discrimination that may be contained in the expression “undue burden”, for persons with disabilities as compared to other categories, subject of the Law, ruled also on the legal concept of “*reasonable accommodation*”, which the expression “undue burden” is found. The court observed that the term “reasonable accommodation” is part of the definitions of Article 2 of the CRPD. According to Article 2 of CRPD “reasonable accommodation” means necessary and appropriate modification, and adjustments not imposing *disproportionate or undue burden*, when needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.²⁵ The Court referred also the European Court of Human Rights (ECHR), which has also expressed itself on the concept of “reasonable accommodation”. According to this Court, differentiated treatment may be unjustified, when it does not call for reasonable accommodation, so that the fundamental rights are less restricted, but also for the law enforcement to reach its goal.²⁶ In addition, the Court referred to the Council of Europe Directive 2000/78, “On establishing the general framework for equal treatment in employment and occupation”.²⁷

32. In the judgment of the Constitutional Court, from a general perspective of the Convention, as well as in light of other European legislation, failure or denial to offer to a person with disabilities reasonable accommodation would lead to discrimination and be considered as such on bases of the disability. Accommodation has its limits, and hence different pieces of legislation use the term “undue”. If accommodation were to lead to undue or disproportionate burden for the subject that has the duty to carry out the accommodation, then failure to ensure “reasonable accommodation” would not be considered as discrimination. In this context, the Anti-Discrimination Law, in its article 5/2 provides the following: “Denial of modifications and appropriate and necessary accommodation for persons with disabilities shall be considered as discrimination”.²⁸

33. Finally, the Court deemed that the obligation towards ensuring “reasonable accommodation” only for the category of persons with disabilities is a Constitutional (legal and objective) differentiation, in light of guaranteeing the implementation of the principle of equality for this category. The term “undue burden” is provided for in the anti-discrimination Law, in line with the concept of the CRPD, in the context of the principle of proportionality, and balancing of the interests of persons with disabilities with those of public and private entities that should provide to them reasonable accommodation. The Court further rules that the term “undue burden” is also referred to in the field of goods and services, which explains clearly the meaning of this term, as a burden, but which should not be disproportionate (undue) for the person that delivers the goods or services, and that has the obligation to make the appropriate and necessary accommodations.²⁹

(e) Analysis of compatibility/compliance of the national legislation with the convention

34. Albania has carried out the compliance analysis of the national legislation with the Convention. Prohibition of discrimination in all respective fields represents “basic minimum legal obligations”.³⁰ Albanian institutions deem that all measures related to non-discrimination according to the Convention should take immediate effect. The main legal

²⁵ Para. 21 of the ruling by the Constitutional Court no. 48/2013.

²⁶ *Glor against Switzerland*, application no.13444/04, ruling of 06.11.2009, periphase para. 94-97.

²⁷ Ruling of Constitutional Court no. 48/2013, para. 20-22.

²⁸ Ruling of Constitutional Court no. 48/2013, para. 22.

²⁹ The anti-discrimination law stipulates that: A physical or legal person that delivers goods and services shall not refuse/deny or object to necessary and appropriate changes and accommodations that aim at enabling benefit from these goods and services, to persons with disabilities, as long as these modifications, and accessibility do not impose a *disproportionate* or illegal burden on the person that delivers goods and services. In line with the above mentioned, the Court ruled that point 7 of article 3 of Anti-discrimination Law does not run contrary to Article 18 of the Constitution due to the term “excessive burden”.

³⁰ CESCR, general comments No. 3, Characteristics of the obligations of States Parties.

obligations that need to be met within the principle of delivery of progressive obligations include administrative, financial, education and social measures.

(f) Key challenges

35. The principle of equality and non-discrimination is addressed comprehensively in the Constitution and the main legislation, but the challenge in the implementation of the CRPD is mainly related to the enforcement of the Law on Inclusion and Accessibility and Law on Anti-Discrimination.

36. The freedom to make individual choices still remains an issue, which should be strongly reflected in the Albanian legislation, which requires thorough modifications, in order to ensure compliance with the CRPD, in particular to eliminate legal guardianship and introducing the system of supported/assisted decision-making, and to pursue the efforts for the de-institutionalization of persons with disabilities.

37. With regard to the principle of inclusive education, even though the principle has found broad endorsement at all levels of educational institutions, and is part of the Albanian education legislation, its implementation in practice is still being challenged. The transformation of schools into inclusive environments requires multi-faceted actions, and a process that requires the support of the society at large, a curricula reform, teacher training and delivery of specialized support services. The principle of accessibility is becoming more and more part of the Albanian legislation, but it is important for this principle to apply in all fields and policies, and in all its dimensions.

38. Moving on to the bio-psycho-social model. In the context of the World Bank Social Assistance Modernization Project, in 2014 began the process for the reform of the system of the evaluation of the disability in Albania, which includes: (a) re-writing the existing criteria of evaluation and establishment of the disability; (b) introduction of a new multi-disciplinary process for determining the disability; (c) establishing the structures for the Evaluation and Establishment of the Disability; (d) reform of the benefits for the non-contributory scheme and the criteria for eligibility; (e) digitalization of information and communication; (e) formulation of the new legal framework.

39. The Albanian institutions are working to revise the existing medical criteria for the evaluation of disability, ensuring more detailed description for each medical situation which leads to the disability of the body structure, together with the description of the impact on the body functions, in the participation in the day to day activities and environmental barriers, in order to create uniformity and consistence in the process of evaluation and establishment of a disability. In addition, new health diagnosis that lead to disabilities, and which are missing among the existing criteria will be added. Likewise, diagnosis which are no longer believed to be the causes of disabilities will be deleted. Work will continue for drafting the Bio-Psycho-Social evaluation of the disability for children and adults, in order to enable a bio-psycho-social evaluation of the disability based on the conceptual model of International Classification of Functioning, Disability and Health of the World Health Organization (WHO).

II. Specific rights

Article 5: Equality and non-discrimination

40. The principle of equality and non-discrimination is sanctioned in Article 18 of the Constitution. According to this article, everyone is equal before the law, and no one may be unjustly discriminated for reasons such as gender, race, religion, ethnicity, political, religious or philosophical beliefs, economic status, education, social status or parentage. Nobody may be discriminated if there is no legitimate or objective ground. Even though the Constitution does not specifically refer to the disability as cause for discrimination, in the list of the causes of discrimination, non-discrimination is formulated in the form of general prohibitions and the list of causes is for illustration purposes, and therefore not comprehensive. The term “no one “shall include persons with disabilities.

41. The Anti-Discrimination Law provides for the implementation and respect of the principle of equality related to a non-comprehensive list of causes, inter alia, and specifically due to disability. The Law establishes that any disability-related difference, exclusion, restriction or preference, which is meant or leads to prevent or circumscribe the exercise of fundamental human rights and freedoms provided for by the Constitution of the Republic Albania, international acts ratified by the Republic of Albania, and the national legislation in effect shall be considered to constitute discrimination. The Law provides for several forms of discrimination such as: direct discrimination, indirect discrimination, discrimination by association, instruction for discrimination, victimization and denial of reasonable accommodation.

42. The principle of non-discrimination makes part as well in the principles of the Law On inclusion of and Accessibility for Persons with Disabilities. The Law defines discrimination of persons with disabilities as any difference, exclusion, restriction/limitation or preference due to the disability, which is meant to prevent or render impossible exercise on equal footing with the rest of the society of the main fundamental freedoms and rights as recognized by the Constitution, international acts ratified by the Republic of Albania and the national legislation in effect.

43. The Labor Code prohibits any form of discrimination in the area of employment and occupation. The draft law “On some amendments and changes to the Labor Code” provides the following: (1) prohibition of any form of discrimination in the area of employment and occupation. (2) The term “discrimination” shall refer to any difference, exclusion, restriction or preference, on the basis of gender, race, color, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social status, pregnancy, parentage, age, family status, marital status, civil status, residence, health status, genetic predisposition, disability living with HIV/AIDS, belonging to a specific group, or any other cause that is meant or which renders impossible exercise like the rest of the society of the right for employment and occupation. (3) All forms of discrimination, in the meaning of point 2, of this article, shall refer to all forms that are established by the specific law on anti-discrimination. (4) Prohibition of discrimination, as defined in this law shall not apply if there is no legitimate or objective argument. (5) Differences, restrictions, exclusion or preference which are based on a characteristic related to one of the causes mentioned in point 2 of this Article shall not be cause for discrimination when due to the nature of professional activities or conditions under which a profession or activity are exercised these characteristics represent a true and indispensable demand, provided that the purpose of the difference in treatment is legitimate and the request should not go beyond what is necessary for its implementation.

Implementing and monitoring instruments for the principles of non-discrimination and equality

44. The mechanisms for monitoring and enforcing the principles of equality and non-discrimination are the following:

- **The Anti-Discrimination Commissioner (ADC)**³¹ is an independent institution, which is in charge of reviewing and deciding upon individual claims/complaints related to discrimination. ADC is in charge of making surveys, publishing reports and delivering recommendations, including legislative recommendations, carries out awareness raising campaigns about the principle of equality and non-discrimination. In addition, the Commissioner may be involved in *ex officio* investigations in case it receives information about discriminatory conduct or actions towards persons accommodated in institutions. In case of violations, the Commissioner, may also put penalties.³²
- **Courts.** The Law provides for the right to complain to court for cases of discrimination due to a disability, including “denial of reasonable accommodation”,

³¹ Based on law no. 10221, dated 04.02.2010 “On anti-discrimination”.

³² Detailed information can be found in the comments of article 33 of CRPD.

as a form of discrimination provided for by the law. An individual who deems to be in a situation of discrimination may address the court for compensation.

- **The Ombudsman** is an independent institution, which inter alia carries out inspections in the social care institutions, in order to monitor and evaluate enforcement of legal rights of the individuals that are accommodated in these institutions. Further on, the Ombudsman's office drafts recommendations that it forwards to line state institutions (both central and local). One of the Commissioners of the Ombudsman's is a person with disabilities.
- **The Inspectorate of Social Services** makes part of the MoSWY. Its duties consists in periodical inspections, to check if the basic conditions for living in line with Social Service Standards,³³ and Social Care Service Standards for persons with disabilities are met.³⁴
- **Monitoring Directorate at the State Social Service** is in charge of monitoring social service standards for persons with disabilities.

Special measures

45. The Albanian authorities have taken special measures to address inequalities for persons with disabilities. These measures are part of the following: (i) Law on Inclusion and Accessibility for persons with disabilities, (ii) legislation that regulates the special status for different groups of persons with disabilities, such as the blind, tetraplegics, paraplegics; (iii) policies for promotion of employment of persons with disabilities.

46. The Anti-discrimination Law (in its article 11) provides that temporary special measures that aim at expediting the real introduction and establishment of equality, when the absence of the latter is due to discrimination for any reason defended by the law, including the disability shall be considered as positive action and shall not constitute discrimination. This measure should be suspended once the objectives for the treatment and delivery of equal opportunities has been reached.

Specific measures in the social protection area

47. The social protection program includes social assistance for the households and individuals in need, disability benefit, and social services for children and youth until 25 years old, the elderly, persons with disabilities, women and girls at risk, and individuals at risk who are part of the groups in need. The number of beneficiaries (persons with disabilities and caretakers) from the social protection program is 162.350, classified as follows:³⁵

Blind	12,248 persons
Paraplegics & tetraplegics	6,350 persons
Persons with mental and physical disabilities	50,545 persons
Labor invalids	74,373 persons
Number of caretakers	18,834 persons

48. According to the statistical data of the State Social Service there are 6,553 households³⁶ that receive social assistance, who have as part of their households, members with disabilities, whose disability benefit is not taken into account due to the eligibility for access to social assistance.

49. Persons with disabilities, in addition to the benefits to which they are eligible for in line with the law "On social assistance and social services", (disability benefit and social care services) are also eligible for other rights in line with their disability's status according

³³ DCM No. 658, dated 17.10.2005 "On social service standards".

³⁴ DCM No. 822, dated 06.12.2006 "On standards of social care services for persons with disabilities".

³⁵ Reference to the Statistics of the State Social Service.

³⁶ Reference to the statistics of SSS for the period of September-October 2014.

to: (a) Law On the status of the blind;³⁷ (b) Law On the status of the paraplegic and tetraplegic individuals; (c) On the status of the Labor Invalids. Following are the benefits for these categories:

Blind persons are eligible for:

- (a) An allowance for 11,250³⁸ Lek/monthly and the same allowance/benefit for the caretakers;
- (b) Blind persons who get education³⁹ receive an additional allowance: (i) during the time they attend secondary education or training courses, they are eligible for 200% of the allowance; (ii) during the time they attend University or post-university studies they are eligible for 300% of the disability benefit; (iii) blind persons with scientific or other degrees are eligible for 300% of the allowance throughout their life;
- (c) Those that have lost their job for different reasons, after January 1, 1991, are eligible for 150% of the allowance until they find a job;
- (d) Financial compensation⁴⁰ for the electricity bill up to 2,000 Lek/month for the blind persons in need of caretakers and 1,400 Lek/month for the blind who do not need a caretakers. While compensation for fixed line telephone bills is set at 1,000 Lek/month for all blind persons. The compensation for the indifference in price of the electricity, due to removal of the consumption index up to 300 Kwh/month is set at 648 Lek/month;⁴¹
- (e) The right for reimbursement of drugs, free health insurance;
- (f) Employment in line with the law “On employment promotion” and urging the business community to hire blind persons;
- (g) Housing in line with the law on housing; etc.

Paraplegics and tetraplegics are eligible for:

- (a) Disability benefit⁴² at 9,900 Lek/month and for the caretaker 10,400 Lek/month;⁴³
- (b) The period of caretaking service, for paraplegic and tetraplegic individuals who are not economically active, and who are not eligible for benefits from the mandatory social insurance scheme shall be considered as insurance period for the purpose of pension eligibility, maternity leave, occupational accidents, occupational diseases, and health insurance;⁴⁴
- (c) Additional allowance⁴⁵ for individuals attending secondary education or training courses at 200% of the disability benefit in line with point (a) above mentioned; during the time they attend University or post-university studies they are eligible for 300% of the disability benefit; tetraplegic and paraplegic persons with scientific or other degrees are eligible for 300% of the benefit for life;
- (d) Reimbursement of drugs, free health insurance;

³⁷ Law no. 8098, dated 28.03.1996 revised.

³⁸ Instruction no. 14, dated 29.9.2014 on the enforcement of DCM No. 277, dated 18.6.1997, “On benefits from the status of the blind”, revised. Payment gets indexed annually based on the consumption price index.

³⁹ DCM No. 277, dated 18.6.1997 “On benefits from the status of the blind”, revised.

⁴⁰ DCM No. 404, dated 20.06.2012 “on establishing the size, criteria and procedures for eligibility to financial compensation for blind persons and paraplegic and tetraplegic invalids for the electricity bill and the fixed line telephone bill”.

⁴¹ DCM No. 8, dated 14.01.2015 “On protection of marginal groups from the effects resulting from removal of the free tariffs for electricity consumption up to 300 kwh/month”.

⁴² Instruction no. 12, dated 29.9.2014 “On enforcement of DCM No. 31”, dated 20.1.2001, “On benefits from the status of paraplegics and tetraplegics”.

⁴³ These payments are indexed annually based on the CPI.

⁴⁴ DCM No. 328, dated 12.03.2009 “On some modifications to DCM No. 618”, dated 7.9.2006, “On establishing the criteria of the documents and size of allowance for disability benefits”, revised.

⁴⁵ DCM No. 618, dated 7.9.2006, “On establishing the criteria of the documents and size of allowance for disability benefits”, revised.

- (e) Priority housing, and in line with the quota of the law On housing;
- (f) Employment according to the law “On employment promotion” and amenities for business that would hire persons who are tetraplegics and paraplegics;
- (g) Exemption from direct taxation;
- (h) Exemption from customs duties for personal vehicles of Paraplegics and tetraplegics;
- (i) Free of charge wheelchairs, crutches etc;
- (j) Compensation for the electricity bill at 2,000 Lek/month for those in need of caretakers and 1,400 Lek/month for those who do not need caretakers. While compensation for fixed line telephone bills is set at 1,000 Lek/month. The compensation for the indifference in price of the electricity, due to removal of the consumption index up to 300 KwH/month is set at 648 Lek/month;
- (k) Allowance for purchase of hygiene and sanitation package⁴⁶ at 16,000 Lek month;
- (l) Fuel allowance⁴⁷ for the vehicles used by paraplegics, tetraplegics and labor invalids at 7,000 Lek/month.

Labor invalids are eligible for:

- (a) Compensation for the increase in price of the electricity (350 Lek/month from the social insurance scheme or 700 Lek/month when they live alone and 640 Lek/month⁴⁸from the social protection scheme), and compensation for the difference in the price of electricity due to removal of the free consumption of electricity up 300 KwH/month at 648 Lek/month;
- (b) Invalids receive 7,000 Lek month for fuel reimbursement for their vehicles;
- (c) 100 % reimbursement for the medical treatment of invalids with invalidity and 50% for invalids with partial invalidity;
- (d) Exemption from direct taxation and customs duties for different rehabilitation equipments, including vehicles etc;
- (e) In addition to the invalidity pension or old age pension, labor invalids are eligible for a disability benefit which differs⁴⁹in line with the severity of the invalidity. Persons eligible for full invalidity pension and suffer from generic diseases receive an additional allowance of 3,300 Lek/month. Persons who are eligible for partial invalidity pension, and who suffer from general diseases receive an additional benefit of 2,200 Lek/month;
- (f) Persons eligible for full invalidity pension from accidents at work, occupational diseases receive an additional allowance of 4,000 Lek/month;
- (g) Persons eligible for partial invalidity pension due to occupational accidents and occupational diseases receive an additional benefit of 2,700 Lek/month.

⁴⁶ DCM No. 327, dated 12.03.2009 “For a modification to DCM No. 78”, dated 04.02.2007 “On the size, criteria and procedures for eligibility of a special hygiene and sanitation package for paraplegic and tetraplegic invalids”, revised.

⁴⁷ DCM No. 1962, dated 17.12.2008 “On a modification to DCM No. 723”, dated 19.11.1998, “On the enforcement of law no. 7889”, dated 14.12.1994 “On the status of the labor invalids”, revised.

⁴⁸ DCM No. 565, dated 09.08.2006 “On protection of marginal groups from the increase in the price of electricity”, revised.

⁴⁹ DCM No. 869, dated 18.06.2008 “On enforcement of law no. 7889”, dated 14.12.1994 “On enforcement of law no. 7889”, dated 14.12.1994 “On the status of invalids”.

Persons with mental and physical disabilities are eligible for:

- An allowance of 9,900 Lek/month⁵⁰ and the same goes for their caretakers. The benefit gets indexed annually based on the consumer price index (CPI);
- Additional allowance during the time they attend secondary education or training courses, which is 200% of their current allowance; during the time they attend higher education and post-university training, they are eligible for 300% of their allowance; if they have scientific titles they are eligible for 300% of their current allowance for life;
- Compensation for the electricity at the extent of 640 Lek/month, and compensation for the difference of the electricity price as a result of the removal of the consumption tier up to 300 Kwh/month at 648 Lek/month. The Disability benefit is not calculated as part of the general household income for the sake of eligibility from the social assistance scheme. Even in the areas where the new social assistance scheme is being piloted (Tirana, Durrës, Elbasan), households in need whose Head of Household is a person with disabilities, mental or physical disabilities, blind, paraplegic/tetraplegic or labor invalid and the other members of the household are children or persons past working age, who are not eligible for pension are excluded from the calculation of income (evaluation of the income coefficient).

50. The new piloted social assistance scheme is easier in terms of use for the following reasons:

- Simpler documentation requirements (documents for the family composition/assets in possession);
- Introduction of real time e-register that connects on real time the social administrator, the secretary of the local government unit councils and the state social service;
- Cross checking of information by the State Social Service (SSS) with the General Directorate of Civil Status Registration, general tax Department, National Employment Service, State Labor Inspectorate and Social Services, General Directorate of Road Transport Services, National Registration Center, office for the Registration of Immovable Properties, courts etc;
- Appearing before the social administrator on quarterly basis (instead of monthly which was the case before).

Specific measures related to employment

51. The promotion of employment of persons with disabilities provides that persons that are employed may also be eligible to the disability benefit, out of the state budget, in addition to the salary, up to 24 months of employment, at which time the individual is no longer eligible for the disability benefit.⁵¹ Despite all these measures, currently, persons with hearing impairment cannot be equipped with driving license, and they do not get interpretation service in sign language during theory.

Article 8: Awareness raising

52. Albania has launched awareness raising measures for promoting a favorable image of persons with disabilities. The Law On inclusion of and Accessibility for Persons with Disabilities includes a special provision (article 18) with regard to the public image and awareness raising. Public and private Media are bound by law to promote inclusion of persons with disabilities via images that reiterate non-discrimination, and the autonomy of persons with disabilities.

⁵⁰ Instruction no. 13, dated 29.9.2014 “on the implementation of DCM No. 618”, dated 7.9.2006, “On the establishment of criteria for the documents and size of disability benefit”, revised.

⁵¹ Referral to information in article 27: occupation and employment.

53. National TV and radio operators, such as: Televizioni Shqiptar, Televizioni Klan, Top Channel, Radio Tirana, Top Albania Radio have included as part of their talk shows or news edition information, chronicles, and interviews that have reflected on the problems and issues of the community of persons with disabilities, while pointing on the priority and pressing issues that require solutions by the authorities. Having said that, still public and private media approach the issues of persons with disabilities through a model of charity and mercy, or looking at the persons with mental health problems as dangerous persons.

54. The Ministry of Education and Sports (MoES), in cooperation with NGOs working in the disability area has taken measures to inform the broad public, persons with disabilities, and their family members about the most recent legal changes for qualities education of persons with disabilities. During the Global Week of “Education and Children with disabilities”, in the course of 2014, a series of activities were organized in different cities of the country to raise awareness of public opinion about the rights of this group of the society.

55. The Albanian Disability Rights Foundation (ADRF), with the support of *Civil Rights Defenders* organized several awareness raising workshops in the cities of Shkodër, Vlora, Elbasan and Tirana, on “Discrimination in the area of education”. A TV spot was launched to raise awareness of public opinion on the law and competences of the Commissioner, in the context of the OSCE-ODIHR project on “Best practices for the Roma Integration”, which was broadcasted in February 2013 on two national televisions.

56. MoSWY, with the support of the UNDP project “UN Support for the social inclusion in Albania”, funded by the Swiss Development Cooperation (SDC) organized in the cities of Berat, Kuçovë, Kukës, Lezhë, Lushnja, and Pogradec awareness raising training sessions with representatives of local government units. The sessions were aimed at strengthening the local government capacities for the integration of the disability issues in the policies, plans, programs and budgets of the local government.

57. During 2014, a communications campaign under the title of “Solidarity Albania” was launched, during which meetings were organized with the citizens, and leaflets and posters were distributed in the cities of Tirana, Durrës and Elbasan. These activities were meant at raising public awareness about the essence of the social assistance reform, among whose beneficiaries are the households of the persons with disabilities, in the context of the World Bank “Modernization of Social Assistance in Albania” project.

58. State Social Service (SSS), in cooperation with several not-for-profit organizations (NGOs) has organized awareness raising activities for the community at large about the rights of persons with disabilities, such as: craft works, drawings, occupational work etc. done by the persons with disabilities etc.

59. The government of Albania has pursued its efforts to address gender stereotypes, while challenging the detrimental tradition that violated the rights of girls and women (including here the rights of women and girls with disabilities, who are victims of multifaceted discrimination), through different campaigns and activities that are organized in the framework of international women’s day, 8th of March, and the global 16 Days campaign against violence against women and girls and domestic violence. These campaigns are organized in cooperation with NGOs, local government and international organizations (in particular UN).

60. A special charity concert for the blind was organized for the first time in the country in 2014, with the support of Vodafone Albania Foundation. The particular thing about that evening was that everything was in the dark. The motto of the evening was Feel the world through the voice/sound. For two hours the audience diner in the dark and listen to the interpretation of some of the most renowned artists. For one night, business representatives, artists, politicians, etc. put themselves in the shoes of the blind. The contribution raised by Vodafone Albania Foundation would enable brail in Albanian *via audio* for persons with visual impairment in Albania and the places where Albanian language is spoken.

61. The Ombudsman, in cooperation with the civil society has prepared and distributed posters for the rights of persons with disabilities, as well as has organized several open days in different cities of the country, with the view of raising public opinion awareness about

the legal framework that protects and guarantees the rights of persons with disabilities. In December 2013, the Ombudsman organized a Conference on human rights, where a panel was dedicated to the rights of persons with disabilities, with broad participation from not for profit organizations active in the disability area, community of persons with disabilities, governmental institutions etc.

Article 9: Accessibility

62. Albania has made progress in accomplishing its obligations for taking the necessary measures that would guarantee to persons with disabilities an as independent life as possible, and full participation in all aspects of life. Improving accessibility in buildings, infrastructure, transports and communication is one of the priorities of the government of Albania. The Law On inclusion of and Accessibility for Persons with Disabilities (article 3) defines the term “accessibility” as avoiding barriers of all types. While the term “barrier” means the following: (a) social barriers, in particular attitudes, stereotypes, and tutelage behavior; (b) environmental barriers, including difficulties in communication of persons with sensory damage, in particular individuals with visual or hearing impairment, persons with limited or impossible verbal communication skills and persons that require simple formats to read and comprehend; (c) infrastructure barriers, including at home, public spaces and services; (ç) institutional barriers, including policy and legislation barriers.

63. Ensuring accessibility by avoiding barriers of all types, as one of the basic instruments in the legislation. Albania will ensure accessibility through progressive enforcement, while making the utmost of the measures, from the available resources, without infringing the acquired rights, in compliance with the CRPD.⁵² Accessibility renders it possible for persons with disabilities to perform the tasks and functions necessary for employment, education and other facilities, while giving persons with disabilities equal opportunities with the rest of the society in all walks of life. Ensuring equal choices and opportunities for persons with disabilities requires introduction of assisted decision-making networks, to enable a truly equal society.

Physical Accessibility

64. In the Law On road transportation there is a provision (article 85) that provides for priority transportation and care for persons with disabilities in terms of urban and non-urban transportation, while also marking assigned seats for persons with disabilities. Passengers that are eligible for such facilities should at any rate keep the document required by the law on persons with disabilities, but in practice this has proven problematic since only a limited number of transportation means are rendered accessible for persons with disabilities.

65. The Road Code provides for facilitation in the mobility of persons with disabilities, and that the road owner entities should build, and maintain the appropriate structures and signs, to provide for and to facility their mobility, but the enforcement of this provision is still not really there. In line with the general provisions⁵³ of the license formats for the urban, and other forms of transportation of the passengers, there are clear obligation for the transportation companies to adhere to all facilities required for persons with disabilities, in line with the relevant legislation. However, these provisions are not being monitored. In 2014, a special regulation “On flight rights of invalids and persons with mobility disabilities” was adopted.

66. In order to ensure building accessibility in government objects, an Inter-Ministerial group⁵⁴ was established for the enforcement of rules of building accessibility in central and local government institutions. Consequently, objects have been identified in terms of their building accessibility levels.⁵⁵ In coordination with the MoSWY, 70 public objects were

⁵² Article 4 of Law on inclusion and accessibility of persons with disabilities.

⁵³ Instruction no. 20, dated 10.10.2007 “On models of licences, authorizations, and certificates for the exercise of the activity in road transportation, revised.

⁵⁴ Prime Minister’s order no. 239, dated 11.12.2013.

⁵⁵ The project was supported by UNDP and the Faculty of Architecture and Urban Planning.

inspected in terms of their accessibility, and the observation was that the levels of accessibility, and accommodation were low. The public is not properly informed about the building accessibility procedures and documentation tailored for persons with disabilities. There are instances when the interventions are made using accessibility models that don't fall within the construction norms. At the end of this inspection process, a plan of measures was proposed for possible interventions, while also making budgetary plans. There are now in place rules for the usage of space by persons with disabilities, leading to gradual removal of architectural, urban and transportation barriers, and preventing the appearance of new barriers. But, still there are not in place monitoring mechanisms for checking the implementation of these rules.

Physical accessibility of public assets

67. The residential public centers for persons with disabilities provide services, and training for the beneficiaries in using the internal and external facilities of the institutions, under the supervision of the caretakers, educators, and specialists. Crossing in the street, guiding them in terms of road signs takes place under the care or accompanied by the staff of the centers or parents. Some of the beneficiaries of the services in the Day Care Centers with more advanced technologies have access to vocational training courses for learning how to use computers, hairdressing, gardening, mechanics etc.

68. Since 2004, in Tirana is being implemented a project called "No barriers city". By 2010 a phase of the project was complete, i.e.: "Assigned parking spaces and crossing for persons with disabilities". The project made possible parking for persons with disabilities in 35 locations, in the city of Tirana, securing approximately 52 parking posts. New school, kindergarten or social centers buildings are built in line with the accessibility norms for persons with disabilities. Tirana Municipality has started radical interventions for the sidewalks in the city, in trying to make them accessible for wheelchair users. The Department of Transportation and Mobility in the Municipality of Tirana confirms that already 390 ramps have been installed in the city sidewalks.

69. The action plan of the local strategy for the region of Durrës, for persons with disabilities includes a special area for the environmental accessibility, with concrete objectives and measures for enforcement, accompanied with a concrete package of projects, with cost assessments for interventions in existing social objects. The municipality of Vlora has included the disability issues as part of its Sustainable Urban Development Plan. The municipality of Korça has continued with its efforts for ensuring accessibility of city sidewalks and entertainment facilities.

70. The Ministry of Health has determined that all new hospitals or health care centers have to be accessible for persons with disabilities, in order for the Ministry to give the green light to their operation. Planning of funds for accessibility is part of the general budget for hospitals that are under reconstruction or being newly built.

71. Accessible signs for persons with hearing or visual impairment is at its early stages, with no concrete results yet.

Accessibility in communication

72. An important legal development for enhancing communications and information accessibility is the Decision of Council of Ministers for recognizing the sign language.⁵⁶ This decision is meant to recognize sign language, and to come to the assistance of the community of people with hearing impairment in Albania, in order to ensure their access to information provided by different institutions in the country, and to make sure that they enjoy their rights in equal footing with the rest of the society. The MoSWY is the responsible authority for the coordination, and assessment of legislation, policies and programs in the disability area, and for developing an action platform.

⁵⁶ DCM No. 837, dated 03.12.2014.

73. Since 2008, the Albanian public television (TVSH) has been broadcasting every day at 13.00 hrs. 10 minutes news edition in sign language, according to international standards, to come to the assistance of persons with hearing and speech problems.⁵⁷

Audio books and Brail publications

74. The Brail publication service is delivered by the Institute for Students with Visual Impairment (the Institute) and the Association of the Blind Persons of Albania through its National Center for the Rehabilitation of Persons with Visual Impairment (the Center). The Institute publishes for the needs of its students 619 textbooks in brail, for students who have lost their sight, and a number of textbooks with bigger letters for students with partial sight, but it cannot meet entirely all of its needs. Publications are done with state budget funds or with different private sponsors. It is necessary to broaden the technical aspects, and train the staff, as well as ensure programs with update printing. The center of the Association of the Blind persons in Albania has gathered a collection of books, partly through budget funds, which include textbooks, fiction, and selected scientific materials, as well as some audio books. The association also manages a printing house, which prepares the brail materials.

Article 10: The right to life

75. The Albanian legislation acknowledges and protects the right to life and survival of persons with disabilities, like the rest of the society. There have been no instances when persons with disabilities have been subject to arbitrary privation of life.

Article 11: Situations of risk and humanitarian emergencies

76. The State Police, in cooperation with other state structures assigned by law in the case of civil emergencies and natural disasters should consider of priority the assistance for persons with disabilities, which means ensuring their evacuation with the necessary means. The Ministry of Interior (MOI) has made addressing of disability issues as part of the process for the formulation of the National Strategy for Reducing Risk from Natural Disasters and Civil Protection, and of the review of the civil emergency legislation.

77. The residential centers have been equipped with firefighting equipment's in all the floors. In the course of 2014, the staff of institutions received necessary training about the use of these equipment's and actions to take in case of fire. All residential care centers have emergency exits. During June-July 2014, in cooperation with the Department of Civil Emergencies at the MOI, an action plan was drafted for the training, protection and minimization of fire impact in the premises of 8 public social care centers in Tirana. The plan has been enacted and the staff trained to act in case of fire. The measures got explained to the beneficiaries of these centers.

Article 12: Equal recognition before the law

78. Equality before the law is a key constitutional principle, but the Albanian legislation, particularly so, the Family Code, the Civil Code, the Civil Procedure Code need to be modified in order to be in compliance with the Convention. The analyses of the compatibility of the Albanian national legislation with the Convention has pointed out to several problematic. Albania is aware of the fact that the substantial change that the Convention has introduced for the persons with disabilities is that they have their right for legal power to act and be protected in its exercise, as one of the most important steps for the enforcement of the non-discrimination principle. Albania is committed to take all the necessary changes to redress any gap in the legislation, and to ensure its enforcement in practice.

⁵⁷ TVSH has not been broadcasting this program since 3 months now.

79. More concretely, problems have been observed in the formulation of some articles of the Civil Code, containing provisions which fall against the principle of legal power to act and where the concepts of “mental backwardness/mental health disorders” and “psychic diseases” recall the so-called medical model, instead of the bio-psycho-social one. Along the same lines, problems are observed in the formulation of some provisions of the Family Code, Civil Procedure Code, and Criminal Code. For instance, Article 307 of the Family Code provides that the courts in their ruling about removal or restriction of the power to act, appoints the caretaker for the person whose ability to act is removed or limited. Expressions such as: “a person whose right is being lifted” should no longer be part of the national legislation. Administration of assets by the caretaker (article 309 of the Family Code) denies to persons with disabilities the right to control their financial assets, and the right of asset possession.

80. An aspect of progress is the adoption of the Law on Inclusion and Accessibility, one of the principle of which is autonomy, respect of independence of decision-making of persons with disabilities (article 7). The Law provides for “assisted decision-making” as the exercise of the will of a person with disabilities through an added specific competence, which supports the best interest, enabling actions to acquire rights and take over obligations. Any person with disabilities, who needs assistance in his/her decision-making receives the appropriate support from a trusted individual or group of individuals. Support may be rounded in a series of forms, including support through interpretation and sign language, and assistance in the relation of the person with third parties who cannot comprehend his/her communication method. Support is given gradually, giving sufficient time to the persons requesting it, to learn how to best use the assistance.

81. Persons with disabilities in social care institutions may be self-represented, in the event they have full power to act. In the event the person’s power has been removed or restricted by a final court verdict, then he/she is represented by the legal custodian that can also be the institution (a responsible staff in the care institution). There are no particular statistics for abandoned persons who live in these institutions.

82. In line with the Convention, Albania aims to apply the “assisted decision-making” model. In this case, the assistant or person providing support in the decision-making process conveys information in a simple fashion, so that a person with disabilities who is not able to understand everything without assistance may be informed and make a personal choice. The assistant in the decision-making process should be a person who knows and understands and has skills in communication with persons with disabilities. These persons will be trained in line with the Law on accessibility.

Article 13: Access to justice

83. Access to justice is guaranteed for by the law, but often due to inaccessible premises, paper work not in accessible format, procedures which are not simplified there are problems in securing it. The analysis of compatibility of the Albanian national legislation with the Convention pointed out to some discrepancies in the national legislation vis-a-vis the Convention regarding enforcement of the right for access to justice. Article 33 of the Civil Procedure Code establishes that not suit can be filed by a person who lacks the legal power to act. This article needs to be modified in the spirit of Article 12 of the Convention, with regard to legal power.

84. A basic element that warranties access to justice is the use of understandable language in all stages of the process, in order to ensure exercise of procedural and material rights in all the stages. The Criminal Procedure Code provides that in all phases of trial Albanian language shall be used. Persons who do not understand Albanian use their own language, and use an interpreter who guaranties them the right to speak and get informed about evidence and acts, as well as about the proceeding. This provision about the use of the Albanian language may be modified, in order to ensure protection for persons who understand Albanian, but cannot speak it. This would apply for persons with hearing impairment, as well as for deaf persons, who may use a sign language interpreter, as well as for persons who cannot speak and others who use “different methods of communication”,

such as: assistant computers, audio programs and other technical equipment's. Albanian language shall be used in all stages of the trial. Persons who do not know Albanian may use their own language. They get informed about evidence and trial proceedings through an interpreter.

Legal aid

85. The Law on legal aid defines the persons and the criteria that a person should meet to be eligible for legal aid for criminal, civil and administrative cases. For a person to be eligible for legal aid, he should be able to prove that: (i) he makes part of the social protection programs or meets the conditions to be included in them; (ii) he is victim of domestic violence or victim of human trafficking for court cases related to them, or minors for whom defense in a criminal procedure and trial is mandatory by law. In other words, for a person with disabilities to be eligible for legal aid he should make part in one of the above mentioned categories.

Training of judges

86. The School for Magistrates, with the support of UNDP has organized several training sessions for judges and prosecutors on the Convention provisions. However, there is still a lot that remains to be done with regard to strengthening the capacities of judges, prosecutors, and lawyers to enforce in practice the rights of persons with disabilities, for the enforcement of the right for equality before the law and access to justice.

Article 14: Liberty and security of the person

87. Full enjoyment of rights and personal security of persons with disabilities, so that they are not illegally or arbitrary deprived of their freedom due to their disability is a legal constitutional obligation, and a fundamental human right. In 2013 several changes were adopted in the Criminal Code,⁵⁸ namely the provision which considers as aggravating circumstances a criminal offense for motives of disability.

Persons with disabilities who are held by the Police

88. The Ministry of Interior, and its reporting structures, in line with the Constitution, and in light of its enforcement are bound to protect the freedom and security of the citizens, in particular so of the citizens with disabilities. Minors and persons with disabilities are subject to special treatment. The measure of restricting one's freedom is the last resort means for restricting the personal freedom of such persons, in line as well with the Criminal Procedure Code. When persons with disabilities get arrested or detained they are subjected to expedited procedures in terms of assessing and deciding on the security measure. Article 255 of the Criminal Procedure Code provides that persons with disabilities may be kept under personal restriction orders within their own homes, or in other accessible appropriate facilities secured by the police.

89. Police officials are trained about the treatment of minors and persons with health problems. This training is now part of the police school curricula. The state police has enacted measures to improve the conditions in its detention facilities, for the detention and treatment of detainees/arrested individuals, and this would also apply for the treatment of persons with disabilities. The investments of the Government of Albania have led to enabling appropriate conditions in the facilities of the police stations of Kukës, Kavaja, Fier, Gjirokastër, Korça, Durrës, and Lezha and in the Police Directorate of Tirana Region. In the course of 2014-2015, 5 regional Police Departments, namely of Tirana, Lezha, Fier, Vlora, and Berat, and 3 police stations have invested in the establishment of service offices with appropriate facilities for services to the citizens, to provide access as well for citizens with disabilities, while creating all the conditions for entry, waiting and stay. The police officers are maximally committed for treating and respecting the rights of persons with disabilities who get detained or arrested.

⁵⁸ Law no. 144/2013, "On some additions and modifications to the Criminal Code", article 50/j.

Persons with disabilities in the Institutions of execution of criminal judgment (IEVP)

90. The Law on the rights and treatment of prisoners⁵⁹ provides that convicts with disabilities are guaranteed for their freedoms, fundamental human rights, non-discriminatory treatment and equal gender opportunities, while taking measures for their habilitation and rehabilitation. Pre-detainees and convicts with disabilities are guaranteed their freedoms and fundamental human rights, non-discriminatory treatment of any type due to one's disability, while meeting their specific needs for habilitation and rehabilitation. The psycho-social treatment of persons with disabilities is of prime importance, and for this purpose individual treatment programs get prepared, considering the individual's specific needs. Treatment of specific groups of pre-detainees and detainees is done by trained staff for providing assistance to this category of individuals.

91. Depending on the health specifics of persons with disabilities, their placement in the penitentiary system or special sections within IEVP is therefore subject to that. Such institutions include: The special institution in Kruja, the Prison Hospital center, a special hospital section for persons with mental health disorders in Durrës, and special care sections for persons with mental health disorders in Peqin, Lezha, Elbasan, Korça, and Tirana. These institutions not only provide appropriate infrastructure, but they also have qualified and trained staff to come to the service of this individuals. As regards data about persons with disabilities doing time in prisons there are 363 male persons with disabilities and 16 females.⁶⁰

92. In line with the measures for establishing an effective rehabilitation system for persons deprived of their freedom, in 2014 was adopted a cooperation agreement between the Ministry of Justice and the Ministry of Social Welfare and Youth on issues of rehabilitation and preparing for the release, while preparing the ground for a successful re-integration of persons with disabilities following their release.

93. Every such institution is obliged to post the contact numbers of monitoring institutions and organizations for addressing of any claim for related to violence, discrimination or maltreatment. An internal inspection unit is available at the General Directorate of Prisons. At any rate, the scope of monitoring is the medical and rehabilitation treatment, as well as respecting of the rights of pre-detainees and detainees with disabilities.

Persons with disabilities in the residential centers

94. The main scope of social care residential centers that provide services for persons with disabilities (otherwise referred to as developmental centers) is the rehabilitation, self-service, and education for the integration of persons with disabilities in the community life. Such social service residential centers that provide services for persons with disabilities are available in Tirana, Durrës, Shkodër, Berat, Vlora and Korça. This service is also provided in the so -called polyvalent center in Poliçan, which is run by the State Social Service. For the moment the center does not accommodate any person with disabilities, but just elderly. Persons with disabilities get placed in developmental centers when living independently has been rendered impossible, when their family members are not willing to take care of them, when they have been abandoned and could not exercise their will or when they do not have sufficient conditions for normal living, such as reasonable accommodation etc.

95. A main priority of work for these centers is care towards persons with disabilities, as a process which is conditional on their health status and their rehabilitation. The integration of persons with disabilities includes 3 components: (i) Self-service; (ii) Education; and (iii) social creative activities in the community. Admission of persons with disabilities in these centers takes place in line with the necessary criteria and documentation for admission in

⁵⁹ Law no. 40/2014 "On some additions and modifications" to law no.8328, dated 16.4.1998, "On the rights and treatment of detainees and pre-detainees", revised.

⁶⁰ In concrete terms: 31 persons belonging to the age group 66-25, 115 persons of age group 26-35, 130 persons of 36-45 age group, 76 persons of 46-54 age group and 27 persons belong to the age group over 55 years old. 39 persons with disabilities doing time in prisons have physical disabilities, 15 sensory disabilities, 18 intellectual disabilities, and 307 suffer from mental disorders.

the public residential care institutions and non-public institutions of social care.⁶¹ The initiative for placing an individual with disabilities in such an institution does not come from the person with disabilities, but from the parent or the assigned caretaker by court ruling, or by the KMCAP, state police structure, social administrator at the local government level, and the social assistance and social care unit at the local government level. Admission in institutions of persons with disabilities is determined by the Steering Committee of the State Social Service, approved by the General Director.

96. The social service standards⁶² for persons with disabilities provide for the delivery of personal care, respect for their dignity, intimacy and comfort. The social service providers respect human rights of their beneficiaries, by guaranteeing protection and security from all sorts of abuse. In addition, beneficiaries receive support through open and appropriate programs and procedures tailored to their needs. Social service standards foresee the obligation of the special service delivery staff to respect the occupational code of ethics, and other concrete mechanisms that provide for the right to private life, confidentiality of correspondence and personal data.

Article 15: Freedom from torture or cruel, inhuman, or degrading treatment or punishment

97. Protection of persons with disabilities from torture, cruel, inhuman or degrading treatment is a constitutional obligation and part of international law. Article 25 of the Constitution provides that no one shall be subject to torture, or to cruel, human, degrading treatment or punishment. The internal rules of the developmental centers provide for concrete steps for preventing and addressing cases of maltreatment. The staff of the developmental centers is aware about having to face justice in case of inhuman and degrading behavior or treatment. The internal rules also provide for detailed claim/complaint procedures and any case of maltreatment is immediately addressed. All institutions keep records of instances of violence. None of the developmental centers report of instances when strait jackets have been used.

98. The penitentiary legislation prohibits any form of purposeful violence that infringes the life or causes denigration and discrimination of pre-detainees or detainees, in particular due to disabilities. The prison personnel does not use force on the prisoners, except for the cases when this act is necessary for the protection of the life of the individual from inflicting self-pain, or in defense of other inmates. Even in these instances, violence is a last resort means. The size of force used is the least minimum possible, and only for the shortest time possible. For the treatment of groups with specific needs in the penitentiary system, the goal is to prevent their discrimination, violence and maltreatment. One of the preventive measures is the recruitment of professionals and their training. The annual training plan includes specific training modules about the communication skills, treatment and non-discrimination of pre-detainees and detainees, in particular for categories with special needs, including persons with disabilities. Persons who have been convicted due to a certain mental disability need to be placed in special institutions, which are not yet available in the country.

99. In order to raise awareness of persons with disabilities, informational materials are available for letting detainees and pre-detainees know their rights. In addition, a series of administrative guidelines are being enforced by the prisons administration about issues related to psychosocial and security treatment, with the view to improving treatment of vulnerable categories: (a) Guidelines about psychological treatment of persons with mental health disorders; (b) Guidelines on discipline for persons with mental health disorder; (c) Guidelines on physical communication; (d) Guidelines on using the measure of isolation; (e) Guidelines on suicide; (f) Guidelines on mandatory treatment.

100. Every penitentiary institutions uses the Istanbul Protocol on Documentation of torture and other cruel, degrading or inhuman treatment or punishment for persons with

⁶¹ DCM no. 839 dated 03.12.2014.

⁶² DCM no. 822, dated 06.12.2006.

disabilities. In order to prevent torture and other forms of discrimination within the population of detainees and pre-detainees, the General Directorate of Prisons has drafted Guidelines for the staff in prison system. These guidelines include measures for the accommodation, observation, and launching of awareness raising campaigns within these institutions, in order to guarantee a safe climate of co-existence and acceptance for persons with disabilities. Measures include frequent contacts with pre-detainees and detainees in this category, about recognizing and addressing on time every one of their needs or problems.

101. The pre-detainees and detainees, including persons with disabilities who have been subject to physical, psychological or sexual violence or abuse, before or during their permanence in the institution are immediately with protection, support measures and legal counseling/aid, as well as personalized programs for their rehabilitation. In the event of exercise of violence in the institutions of execution of criminal judgment, the authorities of the said institution, at any rate make it possible for the immediate start of independent investigation from the competent structures and entities assigned by law, while respecting the principles of privacy, protection and personal security.

102. Once in the institutions, the pre-detainees and detainees get informed by the relevant commission about their right to submit requests or complaints, in writing or verbally addressed to the personnel of the institution, General Directorate of Prisons, Minister of Justice, the Ombudsman, international organizations, local and international NGOs, relevant district court, the prosecutor of the judicial district court, and other persons that visit the institution.

103. The General Directorate of Prisons has taken efficient measures to make sure that the mechanism of request/complaint system should operate as an effective procedure through which pre-detainees and convicts may address in a confidential fashion their requests and complaints, and find valid solutions for them. At any rate, for any instance of maltreatment, multi-disciplinary teams of inspection of the General Directorate of Prisons with verify the case at the said institution. Every such institution keeps separate records for the case management of any observed damages observed or reported by the detainees during admission.

Guarantee for protection from experiments

104. The Law on Mental Health provides that no person with mental health disorders shall be subject to torture, cruel, degrading or inhuman punishment or treatment (article 8). Scientific and medical research performed on persons with mental health disorders may occur only upon the informed approval/consent of these patients. No such scientific and medical research will apply to persons with mental health disorders who are receiving involuntary treatment at the specialized hospital mental health service and to persons with no power to act (article 26).

Monitoring the enforcement of the right of not being subject to torture, inhuman and degrading treatment

105. The Ombudsman, through its National Mechanism for Preventing Torture, Inhuman and Degrading Treatment, ensures frequent monitoring, through periodic inspections, of the respect of the rights and standards that apply to persons with mental health disorders in the facilities of specialized hospital mental health service, or in the prisons and pre-detention system, where persons with disabilities have been deprived of their freedom. The General Directorate of Prisons makes sure to organize confidential meetings for the pre-detainees and detainees, with no distinction, with the members of the monitoring commission, appointed defense or chosen defense, representatives of international organizations, representatives of local or international NGOs that are active in the areas of human rights, rights of children, youth, and persons with disabilities etc. During these inspections, the Ombudsman has free access to all pre-detention and detention spaces and facilities, and the right to access to any type of information, in line with the legislation in effect. The Ombudsman makes recommendations to the relevant entities.

Article 16: Freedom from exploitation, violence and abuse

106. The Constitution provides for special protection for any child from violence, maltreatment and exploitation.⁶³ In addition, women with disabilities are protected by law. The Criminal Code (article 130/a) provides for domestic violence as a criminal offence.⁶⁴ In addition, changes and modifications include the systematic psychological and economic abuse, and measures to free the victims of domestic violence from the obligation to start criminal prosecution in the case of “minor physical damage”. Article 121/a provides that threat or/and “repeated actions” meant to cause a person a continuous and severe situation of anxiety or fear for one’s personal security/safety and that of a relative or of a next to kin or to for him to change the living style is punishable by prison from 6 months up to 4 years. In the event this offence is committed by an ex-husband/or a person who she is living with currently, the punishment is increased by one third. When this offence involves a minor, a pregnant woman or a person who is defenseless, as well as when it involves a masked person or a person holding or using a weapon, punishment is increased by ½.

107. The scope of the Law no. 9669, dated 18.12.2006 “On measures against domestic violence”, revised is to prevent and reduce domestic violence in all its forms, through appropriate legal measures, guaranteeing protection through legal measures of the family members who are victims of domestic violence, paying special attention to children, elderly, and persons with disabilities. The enforcement of this law will aim at:

- Establishing a coordinated network of institutions at the central and local levels to provide immediate support to victims of domestic violence;
- Raising awareness of public opinion and girls and women in particular to denounce domestic violence;
- Increasing the number of denouncement and issuing Protection orders for the victims;
- Establishing a National Center for Victims of Violence;
- Enhancing skills of professionals who work with victims of domestic violence.

108. In line with the Law on domestic violence, in February 2011 were established the following mechanisms:

(a) The mechanism for the coordination of the work on case referral on domestic violence⁶⁵ while procedures have been defined for the multi-disciplinary interventions to the assistance of victims of domestic violence;

(b) The National Center for Treatment of Victims of Domestic Violence is operational since 25.04.2011.

109. The standards⁶⁶ for social care services for victims of domestic violence accommodated in residential public and non-public centers have been adopted. The standards aim at improving the life of the victims of domestic violence and their families. In 2014, was launched the online system for the registration of victims of domestic violence. The MoSWY, in cooperation with UNDP introduced the national electronic case registration system for victims of domestic violence at the local level who had been handled by the members of the National Referral Mechanism. The data collected from the system indicate that persons with disabilities have been victims only at 2% and 1% of the cases, respectively during 2014 and 2013.

⁶³ Refer to information in article 6 of the Convention.

⁶⁴ In line with the Criminal Code, domestic violence, including beating, threat, and deliberate wounding are punishable up to 5 years of imprisonment.

⁶⁵ DCM No. 334 dated 17.02.2011 “On the mechanism for the coordination of work for referral of cases of domestic violence and respective proceeding”.

⁶⁶ DCM No. 505 dated 13.07.2011.

Article 17: Protection of integrity of the person

110. The legal framework guaranties the right for integrity of each individual, including persons with disabilities. In this context, the health care services for persons with disabilities include: (1) prevention; (2) diagnosis and early treatment; (3) rehabilitation and health care. Prevention of disability should be reached through: (a) promotion; (b) immunization; (c) prenatal diagnosis; (d) pre and perinatal diagnosis; (e) possibility for abortion. Early diagnosis and treatment should be supported by: (a) genetic testing in genetic labs; (b) screening of children of 0-6 year group. Rehabilitation and health care should be achieved by: (i) diagnosis and treatment in primary, secondary and health care service; (ii) specialized evaluation/assessment of the disability by the commissions established to that end; (iii) financial assistance; (iv) service delivery; (v) drugs; (vi) eligibility to dental care service.

111. Development centers that accommodate persons with disabilities provide in house medical service, which enables individual health plans for the beneficiaries. A doctor in cooperation with the multi-disciplinary team determines the protocol for services to be delivered to a residential beneficiary. The team establishes the therapy, dosage and duration. The health progress of the beneficiaries is reflected in his/her health chart, which is at the development center where the beneficiary is located. The measures aimed at the protection of persons with disabilities from medical or other type of treatment which are not consensual, and with the free and informed will of the individual include several articles in Law no. 44/2012 “On mental health”, namely Article 19 “Volunteer treatment” and articles 20, 21, 22, 23, and 24 which provide for the steps of the procedure of involuntary treatment, as a rather delicate issues, and article 25 on special medical and surgical treatment.

Protection from forced abortion

112. The Law “On volunteer interruption of pregnancy” provides for respect of every human life since its very start. This principle shall not be violated, except when necessary and under the terms specified in this law. The Law provides that in no case shall abortion be used as a family planning method. There is a provision for volunteer interruption of pregnancy, upon the request of the mother until 12 weeks of such pregnancy. The Law provides for respect for every human being since the beginning of their lives, i.e. since the conception stage. Pregnancy up to 22 weeks may be interrupted due to a series of medical or health related issues, including psycho-social issues, which have been spelled out in the implementation of this law by the Ministry of Health. The medical doctor in charge of performing the volunteer interruption of pregnancy, since the first visit should inform the pregnant woman about the medical and health risks due to interruption of pregnancy for future pregnancies; biological problems of medical interventions; the rights, assistance and advantages warrantied by the law on the family, mother and child; on possibilities for adoption of babies that are expected to be born; institutions and organizations that can potentially provide moral and financial support to the women; clinics and hospitals where the interventions for interruption of pregnancy may take place. The monitoring indicates that there has been no case of forced sterilization of persons with disabilities who live in the Development Centers.

Article 18: Liberty of movement and nationality

113. The legislation addresses and provides for, with no distinction for all Albanian citizens, including persons with disabilities. The General Directorate of State Police covers all issues to ensure the right of persons with disabilities to have access in terms of entry or leaving the country.

114. The Legislation on the Civil Status provides for the criteria for changing one’s residence, which apply in an un-discriminatory way to all Albanian citizens, including persons with disabilities. The Law provides that citizens enjoy the right to choose freely their place of usual or frequent use residence. Citizens shall declare as their place of residence a place where they live for more than three months with no interruption or for more than six months during a calendar year (Article 14/2). The sub-legislation adopted for

the change in one's residence, Decision no.1243, dated 11.12.2009 "On defining the documents that citizens should be submit and the procedures to be followed by the civil status offices in municipalities/municipal units/communes and governmental institutions in relation to the change of residence/address of citizens" establish rules that apply equally to all citizens who seek to register/change their residence.

Registration of births

115. Registration of every child born in the territory of the Republic of Albania is done at the civil status office, on the basis of a document of "certificate of assistance at birth", or "a medical report" formulated at the time of birth and certified by the medical personnel present or other persons authorized by law, at the absence of medical personnel. Public or private health care institutions enjoy the right to certify birth and have the obligation to send every Monday to the civil registration office of the residence of the parents, notifications about the births taking place in their institutions (article 46). In other words, the legislation in effect is mandatory not only for the persons who have the right to certify birth, but does the same for health care institutions.

Article 19: Independent life and inclusion in the community

116. Guarantying the independent living for all persons with disabilities who chose to live as such, while increasing at the maximum their autonomy and their independent decision-making as one of the goals of the Law on Inclusion and Accessibility. Specifically related to the independent living, persons with disabilities are secured the right of choice, control and freedom like the rest of the society, and support and assistance including access to housing, transportation, health care, social care, education, employment, services and other opportunities, as well as participation in all walks of life, including family, community and civic life.

117. The Law establishes that independent living is made possible through various services that aim to provide support in surmounting barriers. These services include: personal assistance, supporting technical equipment's and supplies, accessibility services, including accessible transportation, reasonable accommodation, and when it is necessary supported decision-making (article 6). The Law defines the minimum characteristics that services should meet. The personal assistant, as the name says it, will provide personal assistance for personal care of persons with disabilities, and it includes assistants for blind persons, and sign language interpreters for persons with speech and hearing impairment.

118. Persons with disabilities in need of supportive means/equipment are equipped with such means/equipments to help them overcome barriers. This aspect is taken care of by the mandatory Health Insurance Fund, and is coordinated by the Ministry of Social Welfare and Youth. But, this is not yet operational, and may be the startup of this process would take a long time.

119. Despite all these new legal developments, in Albania there are yet no services in support of persons with disabilities who want to lead an independent life in their communities. Currently there are some support services that are offered at home for the elderly with disabilities, but this is done mainly on pilot bases, and provided by NGOs or under volunteer programs. Services for persons with disabilities are delivered in foster homes or day care centers, which in the majority of the cases are supported by NGOs or religious missions. The public structures are in charge of monitoring and inspecting these services, in line with the social service standards. Currently, a very limited number of persons with disabilities live in isolation from their families due to the high costs that accompany the independent living, and lack one's own apartment and special support means.

Article 20: Personal mobility

120. The development centers are equipped with the necessary technology for the use of signs. While there is no accessibility to signs or road signs outside these centers (see section on Article 9 — Removal of barriers).

Article 21: Freedom of expression and opinion, and access to information

121. The legal framework warrants to persons with disabilities the right for freedom of expression and opinion, including freedom to seek, receive and give information and ideas through communications forms of their choice. Everyone, including persons with disabilities, is entitled that in line with the law, to receive feedback about the activity of state entities, and persons that exercise public functions (articles 22, 23 of the Constitution).

122. The Law on inclusion of and Accessibility for Persons with Disabilities provides for ensuring an independent life through communication and information policies (article 5/2) and accessible formats (Article 19). This law and its by-legal acts, in particular those related to the rights and special benefits/allowance of persons with disabilities will be available in accessible format, such as: printing and publication in Brail, printing in big letters, and simplified language.

123. The legislation on the right to information⁶⁷ has improved the rules for the protection of the right to information of every citizen and provides for the role of the Commissioner for the Right to Information and Protection of Personal Data (CRIPPD) in monitoring and enforcing these rights. The law provides that everyone has the right to have access to public information through original document or copy, in a form or format that enables full access in the content of the document (article 3/3).

124. All individuals, including persons with disabilities who are part of the social assistance scheme, and the eligible subjects, according to the Law on legal aid are eligible for free access to information up to a certain number of pages for each request or in the equivalent value when the information is provided in another format. (Article 13/4).

125. Law no. 97/2013 “On audio visual media in the Republic of Albania” warrants the right of persons with disabilities to access in audio and audio visual broadcasting. The right of access to information and guarantying the freedom of expression for communities with special sensory needs are part of the fundamental principles of audio visual activities sanctioned by law. The legislation addresses and defines the obligations of providers of audio visual service, to ensure satisfactory access of persons with disabilities. This is in line with the provisions of Article 32/5 for the needs of persons with special sensory needs. They are also entitled to present candidates for members of the Audiovisual Media Authority (AMA)⁶⁸ and the Steering Board of the Albanian public radio television.

126. The law provides that the broadcasting regulations should establish that each Provider of Audiovisual Media Services (PAMS) should make sure that services such as: sign language, teletexting, subtitles and audio description can be accessible at a satisfactory level for persons with hearing or visual impairment. The legislation makes sure that communities with special sensory needs can be equipped with audio broadcasting license of the community. This is in line with articles 57 and 58 of law no. 97/2013. In line with its legal duties, AMA makes sure that the audio visual broadcasting includes accessible sign language during new editions for persons with hearing impairment (article 67).

127. One of the measures to ensure the right of access in the media of persons with disabilities is drafting and approval by AMA, (decision no.1, dated 27.01.2014) of the Broadcasting Code, where a special chapter (section 6) is dedicated to disability related issues. During the process of public consultations for the drafting of the Code and other by-

⁶⁷ Law no.119/2014 “On the right to information”.

⁶⁸ Audio and visual media authority (AMA) is the regulatory authority in the field of audio and audio visual broadcasting and other support services in the territory of the RoA.

laws, special attention was dedicated to the tasks of the PAMS vis-a-vis persons with disabilities, to project a positive/favorable image in audio and visual broadcasting about persons with disabilities. The Broadcasting Code has officially been forwarded to all audio and audiovisual operators for their acknowledgment and adoption. The Code of Broadcasting is public and available in the official website of AMA.

128. The law no.146/2014 “On public notification/announcement and consultation” defines the procedural rules that need to apply to warranty transparency and participation of the public in policy-making and decision-making processes. The Law provides the right to any interested party to propose to public entities the launch of the procedure for the formulation and approval of draft acts, to submit public entities feedback and recommendations for drafts in the process of public notification and consultation etc.

129. An inter-institutional working group was established in December 2013 “On making sign language official in the Republic of Albania”. There has been a review of the legal framework and policies for the identification of needs for intervention and the relevant recommendations. In addition, in line with this process there will be in place a platform of enforcement measures that will identify the obligations of the institutions that should deliver this service. In this context, was adopted Decision of Council of Ministers no. 837, dated 03.12.2014 “On acknowledgement of sign language”. The purpose of this law was to official recognize the sign language, to come to the assistance of the community of people with hearing impairment in Albania, to ensure their access to information from the country’s public institutions. Despite all of these measures there will be further efforts to eliminate barriers in communication that lead to exclusion of persons with disabilities from many walks of life, and become a barrier to enjoyment in equal bases of many rights, and services for the public.

Article 22: Respect for privacy

130. The measures for protection of privacy of personal information, health care information and information about the status of the rehabilitation of persons with disabilities, like the rest of the society have been provided for in the Law On mental health (articles 6 dhe 7). (Refer to the law). In line with the law no. 9887, dated 10.03.2008, revised by law no. 48/2012 “On personal data protection”, the Commissioner for the right of Information and Protection of Personal Data (CRIPPD) pays special attention to sensitive data (including health related data), while requesting public and private controllers to take stricter security measures with regard to data processing, including processing of data for the category of “persons with disabilities”. CRIPPD has drafted and adopted sub-laws for processing health data, and precisely Instruction no. 5, dated 26.05.2010 “On the fundamental rules on personal data protection in the health care system” and Instruction no.23, dated 20.11.2011 “On processing of personal data in the Health sector”. The office of the Commissioner has taken several rounds of administrative audits on the protection of personal data of persons with disabilities. In these cases, the office of the Commissioner has issued recommendations, for the respect of the legal obligations.

131. The Law “On the rights and treatment of detainees and pre-detainees” provides for measures for protection of personal data, correspondence, health status related information and rehabilitation of persons with disabilities. The General Directorate of Prisons and the relevant institutions are in charge of taking measures for enforcement of legislation in effect for the protection of personal data for pre-detainees and detainees alike, while assuring full discretion during their processing and storage. Confidentiality during medical examination is one of the main principles that is adhered to during these examinations, and one of the main topics of the training modules for the health care providers and security staff in the prison system. Medical records with personal health data of the detainees are managed solely by the medical doctors.

132. All development centers for persons with disabilities enforce the right for the protection of personal data, in line with the law “On personal data protection”. Any information obtained through these sources and which is used for study or statistical purposes will only use the initials of the individual, upon receiving the consent of the

caretaker. Beneficiary information is administered by the General Directorate of State Social Service, Managers of the centers, and competent institutions, in charge of data collection, and which are custodians of the beneficiary's confidentiality.

Article 23: Respect for home and the family

133. The Constitution sanctions the right for marriage of every individual, including for persons with disabilities, as well as the right to a home and family. Home and family enjoy special protection from the state. However, the Family Code places restrictions on the right to get married for persons with severe psychic illnesses or with mental health disorders which render the person incapable of understanding the purpose behind a marriage, while marriage for persons who are suffering from severe psychic conditions or who are mentally retarded, which makes them incapable of understanding the purpose of marriage is invalid.

134. Regarding access of persons with disabilities to family planning, assisted reproduction, and adoption programs, the current regulatory framework provides for access to public services, such as: national program for family planning which is available in all health care centers and maternity homes in the country. Access to assisted reproduction is limited to the public sector.

135. In the context of the process of de-institutionalization, the State Social Service (SSS) has issued an Instruction for all Regional Directorates that are working with the social care institutions regarding appreciation and empowerment of biological families. An important aspect here is the coordination of efforts between the biological families and the social administrators for the prevention of institutionalization, and finding potential alternatives for community services. The development center in Tirana is applying a new service model for persons with disabilities, which provides services for them in day care centers, while also including the biological families, in order to achieve the autonomy of these individuals.

136. The caretakers service⁶⁹ as an alternative social service for children in need, with no parental care is but one of the services which is being applied countrywide, and which aims at ensuring: (i) continuity of proper rearing/upbringing of children in difficult circumstances in family premises through foster families where children are surrounded by family attention and care; (ii) care and development for children with age related development difficulties, individual needs and caretaker standard services; (iii) socialization and re-integration of children in their biological families, foster families and in the community. For children placed in foster families, the government provides financial support for food, clothes, school and other indirect expenses. When the child placed in a foster family is a disabled child, then the allowance is bigger. During 2014, 131 children were placed under temporary custodianship, of whom 48 are children with disabilities.⁷⁰ The allowance for a foster family to pay for expenses of a children in foster care is 9,000 Lek/month, while if this is a child with disabilities the allowance is 10,000 Lek/month, i.e. additional 1,000 Lek. These children receive an additional annual allowance of 25,000 Lek for clothing, school supplies/education fees and other indirect expenses.

137. MoSWY is currently carrying out a social service reform based on gradual decentralization and de-institutionalization of services, in line with the objectives of the social protection strategy. The aim of this reform is to reduce the number of institutionalized children and youth, while also providing more qualitative community services for persons with limited opportunities due to a disability.

Article 24: Education

138. The Albanian legislation sanctions the right of education in all levels of education provided for by law, irrelevant of the social status, nationality, language, gender, religion, race, political beliefs, health status and economic income. The right of education of

⁶⁹ DCM No. 89, dated 26.1.2012 "On establishing the criteria, documents and procedure for the caretaker service".

⁷⁰ According to the statistics of SSS, September-October 2014.

children with disabilities is a fundamental right, which is sanctioned in national and international acts. The Constitution sanctions the equal right of all the citizens for access to education (article 57) and specialized education and integration in the society of persons with disabilities, as part of its Social Objectives (article 59).

139. The Law on pre-university education includes several principles for the education of children with disabilities (article 63), namely:

- The Education of children with disabilities aims at the full development of the intellectual and physical potential of these children, and improving their quality of life, aiming at ensuring their full integration in society and in the labor market;
- Inclusion of children with disabilities in specialized education institutions tailored to their needs is in general temporary;
- Inclusion and integration of children with disabilities in mainstream kindergarten and schools of basic education is of prime importance;
- Students with hearing and speech impairment have the right of access to communication in sign language.

140. According to the population Census of 2011, approximately 55.6% of the population over 15 years old with disabilities have completed basic education, 3.3% have completed university and post-university studies, while 24.3% have never enrolled in school.⁷¹

141. During the academic year 2013-2014, countrywide, 2410 children with disabilities were enrolled in kindergartens and basic education (1013 children who were mentally disabled; 465 children with physical disabilities; 298 children with visual impairment, 126 children with hearing impairment and 505 autistic children). During the academic year 2014-2015, 3201 children with disabilities, or approximately 33% more than the previous year were enrolled in the higher education system. This figure accounts only for 0.5% of the total number of children enrolled in mandatory education.⁷² Approximately 673 children with disabilities, of whom 213 females are enrolled in ten special school countrywide.

142. The Ministry of Education, in cooperation with the local government units, and in cooperation with parents and the commission of the education directorate/education office makes sure children with disabilities get enrolled in one of the two types of education institutions, namely mainstream or specialized. The local education unit,⁷³ according to criteria and procedures defined in a joint instruction of the Minister of Education and Sports and Minister of Health ensure education at home for children who can attend mainstream or specialized basic education. But there is no instruction to ensure this type of education delivered to children with disabilities.

143. The need for having support teachers in basic education schools to support the process of education for children with disabilities has not yet been addressed, despite the existence of an Instruction of the Minister of Education no. 38, dated 07.10.2014 "On the criteria for hiring supportive teachers for students with disabilities in public pre-university education institutions". In addition, there are no accessible textbooks for children with disabilities in the basic education schools.

144. The right of education for every child is sanctioned in the law. Thus, children with disabilities, despite the disability and the severity of it enjoy the right to enroll in nursery, kindergarten and mainstream education. Pre-school enrollment has been made easier by removal of all tariffs for children with disabilities recognized as such by the relevant commission.

145. Based on Normative Provisions⁷⁴ of pre-university education (article 93), each Education Directorate/education office should have, but still does not, multi-disciplinary commissions in charge with the assessment of students with disabilities. These commissions are composed of multi-disciplinary teams and are using bio-psycho-social

⁷¹ According to 2011 Census, source INSTAT.

⁷² <http://www.instat.gov.al>

⁷³ Local education units include regional education directorates and district education offices.

⁷⁴ Normative provisions for the pre-university education system, No.343, dated 19.08.2013.

assessment models. The commissions establish the need of a child for supportive teachers, while also issuing the necessary instructions for drafting the individual education plan tailored for each child with disabilities. During the recent years there have been serious efforts by Save the Children and MEDPAK, in some regions of the country, to empower and strengthen these commissions. These organizations in cooperation with the Ministry of Education and Sports and DA/ZA, in some regions of the country have supported the implementation of comprehensive mainstream education for children with disabilities.

146. In the recent years, the Ministry of Education and the Institute for Curricula Development have revised pre-school and school education curricula, in order to ensure their comprehensiveness. However, there is still a lot that remains to be done with regarding to ensuring accessibility of all textbooks in Brail.

147. The Ministry of Education dhe Sports is pursuing its efforts for the identification of children with disabilities outside the education system, aiming at enrolling them in schools for at least mandatory education. The MoES creates the enabling conditions for all adult persons with disabilities who wish to be enrolled in mandatory education, to do so in the shortest time possible.

148. There is now more training provided to teachers to support and provide assistance to students with disabilities, and that is both for candidate teachers and teaching teachers. The legal framework in effect provides as an urgent need the need for the review of the university curricula for students in the teaching profession and expanding the knowledge and skills of teachers of mainstream and specialized education. Professional training for the education specialists, and the training modules are being planned and implemented under the programs prepared by MoES. An instruction of the Minister of Education, no. 38, dated 07.10.2014, "On the criteria for hiring supportive teachers for students with disabilities in pre-university public institutions" comes to the assistance of the process of teaching and learning for children with disabilities in basic education schools.

149. In general, the existing infrastructure and physical facilities in the schools are not accessible for children with disabilities. According to a study,⁷⁵ only 35% of the buildings of kindergartens and 9th grade schools meet the conditions for the inclusion of children with disabilities. For the majority of the schools, accessibility of infrastructure has been translated into placing ramps at the entrance of the schools and only on the ground floor, but not for the rest of the floors. Classrooms are not re-organized to become accessible for children with disabilities and they accommodate a large number of students, which is particularly the case for big cities.

150. The Ministry of Education and Sports, in cooperation with NGOs and the civil society, through policies and measures that aim at ensuring the right for participation in education, measures for improving the quality of education, as well as integrated plans with other responsible institutions in this field has been working towards ensuring qualitative and comprehensive education.

151. Albania is aware of the fact that despite measures already taken, the situation of education for children with disabilities in the country has been and still represents one of the most problematic sectors, with a negative impact on the integration of children in the society, in day to day activities, and in the labor market in future.

Education of children with disabilities in social care centers

152. Instruction no.38, dated 13.08.2013 "On the education of individuals of school age in the social care institutions" provides that individuals accommodate in social care institutions are enrolled full-time or part time in the school nearest to the social care institution or to a public education school assigned by the relevant DAR/ZA. This Instruction requires every public or private social care provider institution to notify the relevant DAR/ZA about each social service beneficiary not enrolled in mandatory education. DAR/ZA, in cooperation with the Regional Directorate of Social Service

⁷⁵ Analytical study "Inclusive education for children with disabilities in Albania", Project Management Unit, in cooperation with *Save the Children* and MOES.

identifies children who are beneficiaries of services from social care institutions. When the social care beneficiary is of school age, DAR/ZA assigns the school where the child will be enrolled. Enrollment can take place at any time. When the social care beneficiary is not of mandatory school age, the relevant social care institution and the DAR/ZA cooperate to enroll the beneficiary in a basic education school on part time basis.

153. One of the challenges in the work for accomplishing the psycho-social parameters of children in the development centers is related to the difficult in the enforcement of the philosophy of a comprehensive public or private education. Barriers for the implementation of comprehensive/inclusive education for this category of children are related to attitudes of specialists in the philosophical approach of inclusiveness and habilitation of these persons for life.

154. There are concrete efforts for the implementation of specific programs for some children in the development centers in special schools in the community or at the day care centers. In every development center, the staff of the centers including teachers and development educators specialized according to the relevant professions, and other specialists such as: psychologist, social worker, logopedist, physiotherapist etc. consequently, the service that is provided to the beneficiaries in the residential centers is rendered by professionals, considering a priority meeting the needs on case by case basis.

Higher education for persons with disabilities

155. DCM no. 517, dated 01.08.2014 establishes the criteria on admission in higher education institutions, for the first cycle (Bachelor), while DCM no.668, dated 15.10.2014 establishes the criteria for the second round (master's degree) for persons with visual impairment and paraplegics and tetraplegics. For the first level, 15 quota were allocated to students with visual impairment, 15 for paraplegics and tetraplegics, while for the second cycle were allocated 15 quota for students with visual impairment, 15 for paraplegics and tetraplegics, 20 for the Roma and Egyptians and 15 for orphans (in total 65 quota). For the second level there were assigned 15 quota for students with visual impairment; 15 for tetraplegics and paraplegics; 15 for Roma and Egyptians; 15 for orphans (in total 60 quota).

156. With reference to the data of the tables published in the webpage of the Ministry of Education and Sports, we notice that for the first level of studies were selected 42 winners (23 boys and 19 girls) in the subjects of: law, history, psychology, social work, management, accounting and finance, business management, architecture and IT, divided according to categories for the academic year 2014-2015. For the second level of masters studies in "Master Professional/Master in Sciences/Master in fine arts", full time, for the academic year 2014-2015 there were selected 12 students (6 boys and 6 girls) according to the categories. 2 (two) students with visual impairment (1 boy and 1 girl) got admitted in the program of Master of Sciences at the Tirana University, department of international relations and law.

157. In line with the relevant instruction, the candidates applied directly at the MoES for the quota assigned for the academic year 2014-2015. For the sake of transparency, MoES, for the academic year 2014-2015 applied the procedure of verbal interviews, following their file application at the MoES. But, this procedure excluded a number of persons with disabilities who do not enjoy the above mentioned status. In the country's public universities there has been a review of the initial training teacher curricula. The Social Science and Teaching subjects include special curricula or modules about the disability, while there are special study course for training of professionals who work with children and youth with disabilities. During the academic year 2011-2012, the Faculty of Science of the University of Tirana launched a professional master program of "Specialized social pedagogy".

Article 25: Health

158. The legal framework on health provides for a series of specific measures for persons with disabilities; such as: (i) anti-discrimination measures that ensure equal access to qualitative health care, including in the area of sexual and reproductive health, for persons

with disabilities like the rest of the society; (ii) measures to ensure access to health rehabilitation tailored to their disability, in their community, with no costs; (iii) health care services for early detection and intervention programs, as the case may be, in order to prevent and minimize, the appearance of a secondary disability, while focusing on the children, women and elderly, including those in the rural areas; (iv) training of doctors and other health care professionals on the rights of persons with disabilities, including those in the rural areas. Persons with disabilities have access to health care and medical treatment based on their free and informed consent.

159. With regard to mental health care for persons with mental health disorders, in line with the above mentioned measures, Law no.44/2012 “On mental health” includes specific provisions in its Articles 1, 2, 4, 5, 6, 19, 20, 21, 22, 23, 24, 25, and 26. Upon effectiveness of law no. 44/2012 “On mental health” in 2012, the Ministry of Health in cooperation with some organizations that are active in the field of mental health such as: World Health Organization (WHO) and Open Society Foundation in Albania (SOROS) organized during 2013 several information sessions with professionals of mental health services on the new regulatory framework, the rights of persons with mental health disorders, including persons who are mentally retarded, with special focus on preventing hospitalization for the mental health disorders, with the view to evaluating the ability to work, for the volunteer and involuntary treatment (article 19/5, article 20/4 of law 44/2012). The law sanctions the community approach to mental health services, in order to avoid institutionalization, community services which offer preventive, treatment and rehabilitation activities for persons with mental health disorders (article 13). It is important to reiterate that the mental health centers have been established and are operational only in the big cities, at the regional level, but the Action Plan for the development of mental health services in Albania (2013-2022) provides for the integrated system of health care services to be available in all regions. Based on the basic package of health care service and on the referral service, primary health care provides for the early identification/detention, referral and treatment of persons with mental health disorders (law 44/2012, article 11).

160. In the context of the reform of the regulatory disability framework, the Ministry of Social Welfare and Youth, in cooperation with the Ministry of Health has established a working group with specialized experts of the tertiary level to review the disability criteria. The new definition will include different categories, including the biological aspect of body damage, the psychological aspect and the social barriers facing persons with disabilities.

Health care in prisons

161. Health care in prisons is discrimination free due to legal status of a person or for any other reason that could lead to discrimination. In April 2014 were adopted several changes and amendments to Law no. 8328 dated 16.04.1998, “On the rights and Treatment of prisoners and pre-detainees”, according to which detainees and pre-detainees are eligible for free to all services under the health insurance scheme.

162. The government of Albania is committed to strengthen inter-institutional cooperation, in order to guarantee contemporary standards for the treatment of pre-detainees and detainees in the prison system. In July 2014, a Memorandum of Cooperation was signed between the Ministry of Justice and the Ministry of Health. This agreement has led to the delivery of specialized medical services at the public and private hospital centers outside the prisons system, including for persons with disabilities. Enforcement of this agreement and of the instruction drafted by the General Directorate of Prisons in light of this agreement has addressed the problem of drugs supply and medical and psychiatric consultations for all regional hospitals for the prisoners and pre-detainees, including those with disabilities.

163. At the same time, lab tests, endoscopic and imagery and any other testing necessary can take place in the regional hospitals and university hospital centers, in line with the legislation in effect. This agreement enables delivery of specialized medical services at public and private hospital centers outside the prisons system, and for persons with disabilities. Detainees and pre-detainees are eligible to all health insurance scheme service, free of charge. In line with the law on the treatment of prisoners, a three partite contract was

signed among the regional health insurance directorates, prisons and pharmaceutical depots for reimbursement of drugs.

Article 26: Habilitation and rehabilitation

164. Albania has made efforts to make sure that persons with disabilities can be independent at their best, can enjoy full physical, mental social and professional ability, and their ensure their inclusion and full participation in all walks of life. To this end there are in place inclusive/comprehensive rehabilitation and habilitation services. But, these rehabilitation services are not operational in most of the cases; they are limited in number, and often inaccessible from the majority of persons with disabilities. Then, they have to refer themselves to private services to meet their needs. One of the challenges however remains the habilitation and rehabilitation of children with disabilities.

165. In line with the legislation effect on mental health (Policy paper on development of mental health services for 2003 and the Action Plan for the Development of Mental Health Services in Albania, 2013-2022, Law no. 44/2012 “On mental health”, Rules and services of Mental health 2013 and other by-laws in line with the law on mental health), persons with mental health disorders, including persons with mental health disorders are delivered rehabilitation and habilitation services from mental health community services, such as: Community Center of Mental Health (out-patient service) and Supported homes (residential services).

166. Mental Health Community Centers (MHCC) deliver out-patient services specializing on mental health, including multi-disciplinary and multi-dimensional services at the community level. MHCCs provide identification, diagnostic, treatment and rehabilitation services for every person suffering from mental disorders and plays a preventive role in the prevention and promotion of positive mental health in their respective areas.

167. Supported homes are functional units of mental health services, which provide residential care services for individuals in an environment similar to that of a home, where the main purpose is care and rehabilitation of individuals with mental health disorders. The process of rehabilitation goes through an individual plan based on the continuity of the therapy and rehabilitation and through accommodation partially or entirely, assisted by the personnel of the centers. Supported homes are part of the network of community mental health services in cooperation with other mental and social health services in the respective area. These structures cooperate with the respective communities.

Article 27: Work and employment

168. The national legislation sanctions the right for employment of persons with disabilities and includes special support measures “On employment promotion for particular categories, including persons with disabilities”. The Legislation provides for anti-discrimination measures in the area of employment, and creates facilities for employers that hire persons with disabilities.

169. The Constitution provides for the right to earn one’s living by doing a legitimate job, chosen by the citizens themselves. This right applies to all citizens alike, including persons with disabilities. The anti-discrimination Law provides for the rights and duties of employers and employees on discrimination related issues. Any employee who claims to be the victim of discrimination, on basis of this law, enjoys the right of complaint at the Anti-Discrimination Commissioner and to the court. This law introduces a very important novelty for persons with disabilities, i.e. that of reasonable accommodation.⁷⁶

170. The labor code prohibits discrimination in terms of employment and occupation. It provides for the right “to sign a work contract for persons with limited legal power to act, but who authorize explicitly or in silence a representative to act on their legal behalf”.

⁷⁶ Refer to above mentioned information on article 9.

171. The draft-law on some additions and changes in the Labor Code⁷⁷ provide for other arguments that prohibit discrimination in vocational training and employment and the definition of discrimination is in line with the Constitution, the anti-discrimination law and the EU directives. The burden of proof rests with the employer, in order to take the necessary measures for respecting the non-discrimination principle. The draft-law more concretely provides for the following: The employer is obliged to ensure reasonable accommodation for persons with disabilities at the workplace. In order to ensure reasonable accommodation, the employer should make the necessary modifications and changes, which are required in special instances, and which do not impose undue burden, in order to make sure that these individuals enjoy or exercise the right for employment and occupation. Denial of reasonable accommodation by the employer leads to discrimination. In the event that a person claims to be the victim of the failure of implementation of the principle of equal treatment, he/she follows the procedure of appeal as established in the law “On anti-discrimination”. When a case is brought for review at the court, and the plaintiff has evidence that may demonstrate that he is a victim of discrimination, the defendant should be able to prove that no right has been violated with regard to the principle of equal treatment, or that there has been a violation of the principle of equal treatment.

172. The Law on social assistance and social care (article 11/2) provides for a transition period of 24 months, during which persons with disabilities do not lose the disability benefit, while they get employed on regular terms, with a regular working contract and get paid for their job.

173. The Law on Employment Promotion provides that every public employer and private entity that employs more than 24 employees should hire at least one person with disabilities for every 25 of his employees. According to this law, every public employee and private entity that hires persons with disabilities enjoys the right to ask for subsidies from the labor office, to ensure accessibility of the working place. Despite the existence of these legal provisions there are no penalties for the employers who have not hired persons with disabilities; In addition, the wages of persons with disabilities are exempt from taxes up to the size established by the Council of Ministers, but the Council of Ministers has not yet defined the size that would apply for the exemption for the salaries of persons with disabilities.

174. Decision of Council of Ministers On promotion of employment of persons with disabilities⁷⁸ provides for initiatives and funds for fostering employment of persons with disabilities. Thus, the employers are eligible for a monthly allowance to ensure reasonable accommodation/accessibility of persons with disabilities. According to this program, when the employer hires a person with disabilities, the latter is eligible for a monthly allowance up to 100% of the minimal wage countrywide for the first six months of employment, up to 50% the second six months of employment and do not lose the disability benefit. Labor offices fund vocational training of persons with disabilities for a period not exceeding 6 months. The Regional Social Insurance Directorate contributes for the share of insurance for accidents at work, at 0.3% of minimum wage according to the relevant procedures.

175. Decision of Council of Ministers (DCM) “On promotion employment program for female jobseekers”⁷⁹ provides that in the event of employment of girls and women from the Roma community, divorced women, women and girls with social problems, and women and girls with disabilities, the Government should fund the share of mandatory insurance on behalf of the employer. In addition, the size of allowance grows up to four minimum wages for annual working contracts, six wages for two years of working contract, and eight wages for 3 years contracts.

176. The Law “On vocational education and training”⁸⁰ in its article 5 lists among the beneficiaries special groups as well. Persons with disabilities fall under this category, who seek vocational rehabilitation. Instruction no. 2222, dated 31.10.2002 “On vocational guidance and counseling for trainees” provides for no registration fees for some groups,

⁷⁷ Draft law approved by the Council of Ministers.

⁷⁸ DCM no. 248, dated 30.4.2014.

⁷⁹ DCM no. 632, dated 18.09.2003.

⁸⁰ Law no. 8872, dated 29.03.2002.

including persons with disabilities. But, on the other hand, the centers do not have either curricula, or professionals, and they are not accessible for persons with disabilities.

177. The Law “On inclusion of and Accessibility for Persons with Disabilities” supports social inclusion, in all walks of life for persons with disabilities, including in terms of their employment. Article 5 of this law which deals with the right for independent living reiterates that independent living ensures access of persons with disabilities to choices, control and freedom on equal footing with the rest of the society, including access to employment.

178. The Law on the status of blind persons provides that the Government ensures employment in favorable terms and with priority for professions protected by law. Blind persons who have been dismissed or who have lost their jobs for different reasons should be settled back in another job, and in the meantime they are eligible for an allowance as established by a decision of the Council of Ministers. But, despite this, the number of blind persons who are employed is very low.

179. The Law “On the status of paraplegic and tetraplegic individuals” ensures that public and private legal entities that hire paraplegic and tetraplegic individuals are eligible for a reduction on the profit tax each calendar year. On the other hand, persons with disabilities who enjoy the status of paraplegics and tetraplegics, and the status of the blind enjoy the right to have access to fiscal amenities, if they are self-employed, but this right is not being enforced in practice. In case persons with disabilities get employed they continue to benefit from their disability benefit up to 24 months from their employment.

180. The Anti-discrimination Law prohibits discrimination of persons as regards their right to employment due to a disability, including: (a) announcement of job vacancies; (b) hiring and selection of employees; (c) treatment of employees at the workplace, including their treatment during establishment or change of working conditions, their remuneration, benefits, and work environment, vocational training or dismissal procedures and dissolution of a contract.

181. In the context of amendments and modifications to the Labor Code, with the view to harmonization of legal provisions on anti- discrimination, ADC has recommended the inclusion in the Labor Code of disability as a cause for discrimination, inclusion of all forms of discrimination provided by the Law on anti-discrimination and in particular “*denial of reasonable accommodation*,” as a particular form of discrimination, including special provisions for the obligation of employers to ensure reasonable accommodation at the workplace for employees with disabilities.

182. The National Strategy on Disability Rights focuses on several aspects of the employment of persons with disabilities. The National Strategy for Employment and Skills (2014-2020) establishes the need for special policies, in line with the characteristics and specifics in the fields of education, vocational training, empowerment and employment of persons with disabilities.

Article 28: Adequate standard of living and social protection

183. Albania has undertaken a series of measures for the enforcement of the right of persons with disabilities for adequate living standards for them and their families, including for food, clothing, and adequate housing, and the continuous improvement of the conditions of a life free of discrimination due to a disability.

Housing

184. Law no. 9232, dated 13.5.2004 “On social housing programs”, revised by law no. 54/2012, provides that persons with disabilities enjoy priority in terms of eligibility from social housing programs. In the context of this law, persons with disabilities make part of the category established by DCM no. 526, dated 6.8.2015 and who are part of law “On social assistance and social services”, law “On the status of the invalid”, law “On the status of the war veterans in the war against the Nazis and fascists”. Persons with disabilities enjoy priority in terms of the subsidy for the rent or subsidy for the credit interest.

185. The Law “On social housing programs” and Instruction no. 6257 dated 2.09.2008 (Revised 17.02.2011) “On establishing the size of subsidy for the households that are eligible for state subsidized credits” provides for favorable terms for persons with disabilities. In line with this law there is a DCM No. 526, dated 6.8.2014 “On the categories of persons with disabilities who receive priority treatment as beneficiaries of social housing programs “which defines within the categories of persons with disabilities, the groups that will have precedence in terms of housing. These groups include: (a) all persons with full or partial visual impairment, either born or earned, who according to the medical terms are incapable of working under normal working conditions; (b) Paraplegics and tetraplegics, declared as such by a judgment of the relevant Commission (KMCAP) despite age or reason; (c) Persons with disabilities, who are declared as incapable to work, following a judgment of KMCAP; (ç) Persons who have been declared as labor invalids, with the judgment of KMCAP, who are eligible for invalidity pension and an additional monthly allowance, in line with the status of the labor invalid.

186. In line with DCM no. 527, dated 6.8.2014, persons with disabilities are eligible for an immediate grant up to 10% of the value of the housing.⁸¹ This is yet another example of the efforts of Albania to warranty the right of persons with disabilities for an adequate living standard and social protection. In line with the legislation in effect, the National Housing Entity is responsible for removal of barriers in the buildings for persons with disabilities, and for placing support accessories for the facilitation of mobility of this category. In addition, the measures and amenities have been applied during the construction of rented social housing in 8 municipalities in the country.

187. Decision of Council of Ministers no. 488 dated 22.07.2014 “On establishing the favorable price for the sale of an illegal construction land plot for housing use for subject that are entitled to forgivance, and the methodology and deadline for payment “provides for favorable terms for the legalization of illegal constructions in the ownership of persons with disabilities. There are no statistical data regarding the situation of housing of persons with disabilities beneficiaries from the housing programs.

Social protection

188. Persons with disabilities are eligible to benefit from social protection programs (see above the section on special measures, according to article 5), as well as from services delivered by social care centers.

Social care services for persons with disabilities

189. In Albania currently there are 28 forms of social care services delivered to persons with disabilities, among which 12 residential centers (6 public and 6 non-public), 14 day care centers (7 public day care centers and 7 non-public) and 2 non-public community centers.

190. Residential and day care services are delivered currently to 1437 persons with disabilities, of whom 461 persons are eligible for public services and 976 others from non-public services; 387 persons are eligible for residential care service and 1050 for day care services. Of these, 427 are children with disabilities, of whom 218 receive services from the public centers, while 209 receive services from non-public centers. Despite the existence of these centers, their geographical distribution is not appropriate and they are insufficient to cover the needs of persons with disabilities.

Social insurance

191. When it comes to providing financial and other types of support to persons with disabilities, SII bases its activity on the following legal and by-legal provisions:

- Law no. 7703, dated 11.05.1993 “On social insurance in the Republic of Albania”, and revised. The scope of this law is to protect through income employed persons

⁸¹ In line with DCM No. 527, dated 6.8.2014 “on the procedures, criteria and priorities for eligibility to the immediate grant”.

due to their temporary disability at work due to illness, invalidity, accident at work, occupational diseases and other economically active persons with regard to invalidity. Provisions with regard to these benefits are included in chapter five of the above mentioned law, and in concrete terms: allowance for diseases (articles 20-25); Pensions — (articles 30, 35-39); allowance for insurance against incidents at work and occupational diseases (articles 43-51);

- Law no. 7889/1994 “On the status of invalids”, revised;
- Law no. 7663/1993 “On the status of anti-fascist war invalids”;
- DCM no. 788/2015 “On the definition of the accidents at the work place or due to one’s employment”;⁸²
- DCM no. 788/2015 “On definition of occupational diseases”;
- DCM no. 869/2008 “On the enforcement of the Law on the ‘Status of Invalids’”;
- DCM no. 326/1993 “On the criteria for treatment of war invalids”;
- Regulation for issuing medical reports for temporary disability to work;⁸³
- Regulation on the organization and operation of KMCA;⁸⁴
- Regulation on the enforcement of law no. 7889 “On the status of labor invalids”;⁸⁵
- Regulation on additional medical health care and rehabilitation and compensation for damages to a reasonable size.⁸⁶

192. After the 90s, as a result of closing down of state owned enterprises and agriculture cooperatives there was an immediate increase in the number of jobless individuals. Many of them, who were invalids and had contributed in the social insurance scheme could not be covered in terms of financial allowance due to the absence of the legal conditions for eligibility to the invalidity pension. For this reason, in 2005, the social insurance law suffered important changes with regard to the legal terms of eligibility to the invalidity pensions, while removing the basic criteria such as: being insured at the moment of the start of the invalidity and the minimum period for contributions.

193. The legal changes led to a substantial increase in the number of persons eligible for invalidity pension from the social insurance. Thus, the impact of the legal changes of 1993, for the first ten years, 1994-2004 have led to an increase by 27.8 % of the number of invalids in the urban area, and a decline by 32.8% of the invalidity pensions in the rural areas, while the total number of invalidity pensions during this timeframe has grown by 12.8 %. Out of 21766 urban invalidity pensions issued in 1994, their number grew to 27809 in 2014, while the number of invalidity pensions in the rural areas out of 4748 in 1994 grew to 3576 in 2004. In total, the number of invalidity pensions out of 26514 in 1994 reached 31385 in 2004. Expenditure for these benefits quadrupled from 1994 to 2004.

194. During 2004-2014, the number of the invalidity pensions, as a result of these changes or liberalization grew dramatically and in 2014 grew to 221.4 %, compared to 2004. Thus, the number of urban invalidity pensions grew to 27809 in 2004, to 61908 in 2014, thus increasing to 222.6%. The number of rural invalidity pensions grew from 3576 in 2004 to 7584 in 2014, i.e. by 212, 1%.

195. The Law “On some changes and additions to Law “On social insurance in the Republic of Albania” provides for changes in the formula for the calculation of years of work that an insured person would need to be eligible for an invalidity pension. Currently, the minimum insurance period for the invalidity pension is equal to $\frac{3}{4}$ of the difference of

⁸² DCM No. 788, dated 12.04.2005 “On definition of accidents at work or occupational incidents.

⁸³ Regulation no. 494, dated 05.10.1994 “On issuing medical reports for temporary disability to work”.

⁸⁴ Regulation on the organization and operation of KMCA, dated 30.05.2005.

⁸⁵ Regulation no.7, dated 24.12.2009 “On enforcement of law no. 7889 “On the status of labor invalids”, revised.

⁸⁶ Regulation no. 7 dated 16.6.1994 “On additional medical care and rehabilitation, small benefits and compensation for damages at a reasonable size”.

the age of the insured person at the time of his disability and 20 years of age, and in the last 5 years before the appearance of the right, to have at least 12 months of social insurance. The most recent legal changes were meant at providing incentives for the citizens in order to increase, in realistic terms, the period of contribution and the size of contributions in the social insurance scheme. The formula for the calculation of benefits is the same with that of old age pension, which places a floor for invalids, at 75 % of the minimum wage countrywide, of the last year of work before the actual start of the invalidity, with the view of maintaining the level of income before the start of the disability. The applied formula includes the principle that all invalids under 50, with contributions up to 50 years, as a rule are eligible for full invalidity pension, while those with less contribution years than required for the eligibility of full pension are entitled to reduced pension, in line with the years of work.

Other benefits

196. All persons with disabilities, who are rendered physically or psychically incapable, and who are in need of constant care by another person are eligible for an additional allowance, which is 15% of the estimated base. Invalids are eligible for reimbursement of expenses for fuel and lubricants, for the motoric vehicles in their possession.⁸⁷ In addition, invalids are eligible for this type of reimbursement, during the process of customs clearance, in line with the regulations approved by the Administrative Board of the Social Insurance Institute. Currently there are 521 invalids who are eligible.

197. For the persons with the status of the labor invalid, the period of treatment with full or partial invalidity pension is recognized as insurance for the sake of the benefit of the old age pension, and the contribution for this period is covered by the state budget. Persons eligible for the invalidity pension, when they reach retirement age enjoy the right of choosing between the old age pension and the invalidity pension, and when coming of age they preserve the invalidity status. Usually they prefer the invalidity pension due to the shorter period required for contributions in order to ensure eligibility.

198. War invalids are entitle to special financial allowance from the state budget, which is in addition to the invalidity pension. Currently this amount is on average 23,540 Lek/month. The number of persons currently being processed by the Social Insurance Institute is 134. A person who is a care giver is assigned to the war invalids of the first category, and his benefit is established by the Council of Ministers, and is payable by the local government units. If these invalids enjoy the status of the blind, paraplegics, or tetraplegics, persons eligible for invalidity pension or old age pension enjoy other benefits.

199. Modifications in the law “On customs duties”⁸⁸ foresee exemption from annual tax of used vehicles, and payment of tax for used transportation vehicles, imported and on sale, vehicles 4+1 seats, not exceeding 2500 cubic, when they are transferred in ownership of anti-fascist war invalids, labor invalids, blind persons, paraplegics, and tetraplegics who are eligible for this status, based on the relevant legislation and are used only for personal needs, and not private profit activities.

200. To ensure mobility accessibility for persons with disabilities, the Social Insurance Institute has made its premises conducive, by placing ramps and creating appropriate accommodation conditions.

Article 29: Participation in political and public life

Participation in political life

201. The Anti-Discrimination law provides for prohibition of discrimination in the exercise of the right to elect, be elected and be appointed in official functions due to a disability.

⁸⁷ In line with DCM No. 723, dated 19.11.1998 “On implementation of law no. 7889, dated 14.12.1994 “on the status of invalids”.

⁸⁸ Law no. 9975, dated 28.7.2008.

202. The Central Elections Committee (CEC) has adopted instruction “On the methodology for the establishment location of voting centers, and formulation of the map of the unit of local governance for elections”, according to which there is an obligation of locating the ballot centers in the ground floor of the buildings. This instruction of CEC substantially improved the legal situation of the process of parliamentary elections of June 23, 2013, but ADC reports that monitoring demonstrated that CEC had not established a procedure or mechanism in order to monitor the respect for locating ballot centers on the first floors of the buildings assigned to be as ballot centers. During 2014 there were three cases of discrimination of persons with disabilities, in terms of their right to vote.

Participation in public life

203. Some of the development centers for children with disabilities organize frequent meetings with parents or not-for-profit organizations for the protection of the rights of their disabled children. NGOs are consulted and are partners in the formulation of policies and legislation. The Law On inclusion of and Accessibility for Persons with Disabilities explicitly recognizes in its article 15, the NGOs with the right for consultation: disability area organizations; organizations for persons with disabilities; and organizations that are represented in the National Disability Council.⁸⁹

204. Organizations of persons with disabilities could be any not-for-profit organization, where persons with disabilities or their parents have qualified majority in decision-making. While organizations for persons with disabilities are not-for-profit organizations that provide services for persons with disabilities and/or carry out activities in the defense of their interests and the interests of their families. If these organizations claim that there has been a denial of the right for consultation or that they have not been included unfairly from the consultation process, they enjoy the right of appeal, according to the definition in the legislation for public notification and consultations.

Article 30: Participation in cultural and sports life

205. The Albanian institutions have taken measures to warranty the right of persons with disabilities to participate in the cultural life, to develop and use their creative, artistic and intellectual potential, acknowledgment and support of their specific cultural and language identity and to participate in sports and leisure activities, like the rest of the society. Consequently, in line with Law No.10352, dated 18.11.2010 “On arts and culture”, with the financial support of the Ministry of Culture a series of comprehensive activities were organized, with due consideration for the inclusion of persons with disabilities.

206. The Ministry of Culture has supported funding and implementation of the project: “*Inclusive art lab*”, which was implemented by an NGO called “Art Link”. The project was implemented in Durrës (May-June 2914), with the participation of 80 persons with disabilities, for a duration of 3 days. The activity consisted in training sessions to apply and have access to public funds, in support of art and culture.

207. The new draft law “On cultural heritage”, which is being drafted includes a special article which is binding for the cultural heritage institutions (material and non-material), to insure access to activities and services organized by these institutions for persons with disabilities. In order to facilitate the participation of persons with disabilities in different cultural activities a differentiated ticket tariffs have been introduced.⁹⁰ The aim of this exercise is to enable persons with disabilities together with their assistants/family members to follow/attend different culture and arts activities close to their residences.

208. In order to ensure access of persons with disabilities in different arts and culture activities, the Ministry of Culture, in cooperation with the country’s cultural institutions has taken the necessary measures to introduce the special infrastructure tailored to the needs of persons with disabilities, including: (1) access to premises of central cultural institutions; (2)

⁸⁹ Refer to above mentioned information regarding institutional mechanisms.

⁹⁰ DCM No. 776, dated 14.12.2005, “On establishing reduced ticket prices for access to public museums for certain social categories”.

access to facilities within art spaces; (3) making central cultural institutions accessible in terms of services for persons with disabilities.

209. The National Historical Museum and the Opera and Ballet Theatre have installed ramps to insure accessibility to their premises for persons with disabilities. The National Historical Museum has invested in installing a new lift. Work is underway for addressing and guiding different investments in infrastructure to other national institutions of art and culture, which for e.g. include installation of ramps in institutions, and labels in Brail, etc.

210. Persons with disabilities are more and more becoming part of physical and sports activities. The “*Active Disabled People*” and the Olympics Committee are members of the Sports for All Albanian Federation and have been operational for many years. The Special Olympics Committee which is an additional member of the Albanian National Olympics Committee is in charge of organizing sports activities for persons with mental disabilities. These organizations organize their sports activities in line with an annual plan, which includes “Wheelchair basketball championship” and participation in the European Mobility Week.

211. Development centers frequently organize sports and culture activities, with the participation of persons with disabilities. In 2010, a group of children from residential institutions were represented at the “Dancing for All Contest” and they won a trophy for the best team for children with disabilities. Exhibitions with works of children with disabilities is now an annual activity for all development centers, and some of these works have received different awards.

The Rights of Girls, Boys and Women With Disabilities

Article 6: Women with disabilities

212. Albania has ratified the UN Convention on Elimination of All Forms of Discrimination against Women. All women and girls with disabilities in Albania enjoy their rights like men do. The Constitution of Albania and the Anti-Discrimination Law prohibits gender based discrimination.

213. According to the population Census of 2011, 54, 7% of 137435 persons over 15 years old reporting to have had one form of disability are women and girls. Disability is more prevalent among older ages, and the older persons mainly are women. At the regional level, highest disability prevalence goes to Gjirokastra, at 8, 0%. Reports⁹¹ indicate that women as compared to men have less employment opportunities, lack skills, are less educated and have may be have never worked in their lives. Women with disabilities listed as obstacles to their employment: prejudice of employers, family related issues, lack of reasonable accommodation. However, there have been instances when women disabilities are represented in senior decision-making positions in the Government. Still many efforts are required to ensure inclusion of women and girls with disabilities in decision-making processes and to ensure their employment.

214. The social protection legislation provides that women whose families are eligible for social assistance enjoy the right to have access to that social assistance. Victims of domestic violence (i.e. women, elderly, persons with disabilities etc.) during the validity period of the Protection Order, or of the Immediate Protection Order, who are not eligible for care by the social care institutions are eligible for social assistance, at 3,000 Lek month.

215. Women pre-detainees and detainees, with disabilities are treated with respect for their fundamental human rights and freedoms, free of discrimination, while preventing any act of gender based violence which leads to physical, sexual, or psychological damage, or suffering of any form, as well as any type of abuse or maltreatment punishable by the legislation in effect. In the case of violence against women and minors, their specific gender needs are taken into account.

⁹¹ Employment of persons with disabilities in Albania, study report 2011, Albania Disability Rights Foundation, pgs. 47-50.

Gender equality and domestic violence

216. The Law on gender equality⁹² regulates main aspects of gender equality in public life, protection and equal treatment of women and men, in terms of access and equal opportunities in the exercise of their rights, as well as in terms of their participation and access in all walks of life. The main purpose behind this law is to ensure efficient protection from gender based discrimination and from any type of behavior that promotes gender-based discrimination; to determine measures for ensuring equal treatment of women and men, in order to eliminate gender-based discrimination, whatever its form of appearance.

217. The Law on measures against domestic violence⁹³ aims at preventing and reducing domestic violence in all its forms, through appropriate legal measures, and by guaranteeing legal protection of the family members who are victims of domestic violence, in particular children, elderly and persons with disabilities. The scope of this law is to establish a coordinated network of institutions responsible for the protection, support and rehabilitation of victims, and easing the consequences and prevention of domestic violence; guiding the work for the establishment of responsible structures at the central and local levels, for supporting victims and preventing domestic violence; empowering the judiciary to take protection measures for victims of domestic violence; making sure that victims of domestic violence have access to expedited, inexpensive and simple services, in line with the law, at the court or other competent law enforcement institutions or bodies.⁹⁴

218. The vision of Albania in achieving gender equality and reducing gender based domestic violence is part of the National Strategy on Gender equality, reduction of gender-based domestic violence and domestic violence.⁹⁵ Some of the priorities of this strategy include the following: strengthening of the legal and institutional mechanism; increased participation of women in decision-making processes; economic empowerment of women and girls; reducing gender based violence. The Strategy addresses the needs of certain groups of women at disadvantage, which inter alia is due to disability situation. To this end, one of the main specific objectives of the Strategy is to increase participation rates of women in decision-making process up to 30% in all decision-making sectors through specific temporary measures, and the monitoring of the application of the 30% quota for under-represented gender in senior decision-making levels in politics, education, and justice. This percentage includes participation by persons with disabilities. Another objective of the strategy is to enhance the skills of women as citizens to participate in decision-making processes, and to this organize training sessions to come to the assistance of women and girls, in particular women and girls with special needs, including with disabilities.

219. In order to enhance economic independence of women in general, and women with disabilities more specifically, the goal is to improve and increase access to crediting, programs and support structures of care and social protection. Women with disabilities are eligible to vocational training course free of charge. Women with disabilities who are single mothers or heads of households receive support services by public community centers and assistance from NGOs that provide alternative services.

Article 7: Children with disabilities

220. Albania has ratified the Convention on Child Rights. The Constitution inter alia provides that children have the right of access to special protection by the state, and that every child enjoys the right to be protected from violence, maltreatment, exploitation and labor exploitation.

221. Article 30 of the Law for the protection of the rights of the child provides for specific provisions for the protection of children with disabilities. In line with this article children with mental and physical disabilities have the right to exercise all rights vested by the law, in line with their level of development. Children enjoy special care, which is given

⁹² Law no. 9970, dated 24.07.2008 "On gender equality in society".

⁹³ Law no. 9669, dated 18.12.2006 "On measures against domestic violence" revised.

⁹⁴ Refer to above mentioned information in article 16.

⁹⁵ DCM no. 573, dated 16.6.2011.

free of charge by the respective state authorities, whenever it is possible, considering the financial resources of the parent or of the child's legal representative. Special care entails care that ensures that children with disabilities have efficient access to education, training, health care services, rehabilitation services, employment and entertainment, while developing the individual skills of a child favorably, in order to ensure as full integration as possible of the child from the social, cultural and spiritual aspects.

222. At country level there are 18474 children with disabilities, of whom 8,189 are girls. This number is a reflection of only those children who have been subject of evaluation by the KMCAP and which committee has deemed them is incapable of work. Entitlement to CASH benefits go only to children with severe disabilities, and do not include children with moderate or slight disabilities; i.e. that do not meet the eligibility criteria.

223. Institutional mechanisms for the protection of the rights of children, including children with disabilities are the following: At the central level: (1) National Council of the protection of the rights of the child; (2) the Minister in charge of coordinating the work on child rights protection; (3) State Agency for the protection of the rights of the child. At the local level: (a) the unit for the rights of the child at the regional council; (b) child rights protection units in the municipalities/communes.

Early identification and assessment

224. Early prevention and identification are two of the most important steps for the support of children with disabilities with services, and ensuring their optimal development. However, a lot remains to be done as regards early identification, mainly due to lack of knowledge by the parents and professionals, but also due to lack of functional mechanisms for the initial round of evaluation of a disability. Identification is the most important step towards child referral for more specialized emulation/assessment and the possibility for eligibility from the social scheme and social services. Even though in line with the legislation in effect for different such as: health, education and social services, the responsibility for the identification and inclusion in the referral network of children with disabilities lays with different actors in the system (i.e. midwife, neonatologist, GP, nurses, pediatrician, educators, teachers, psychologists, social workers who are active in the child protection system and in the education system, social administrators etc.), in most of the cases this has not been working.

Social services for children

225. Albanian institutions are taking measures not only to ensure that social services for children with disabilities are available, accessible, appropriate and qualitative, but that they are organized in such a way that they promote social inclusion. These services are focused on support/assistance for family life, not separating the child from the family, unless when this is in the highest interest for the child.

Barriers in terms of social inclusion

226. Competent institutions have the obligation to make sure that children with disabilities to ensure active participation in community, through elimination of barriers such as: stigma and discrimination; negligence, violence and exploitation; as well as restrictions in decision-making and representation. In many cases, children with disabilities, their family members and custodians report that they have been denied access to public services such as: transportation, bars and restaurants, or use of playgrounds. Oftentimes the disability stigma affect the family members of children with disabilities, as much as it does the children themselves, thus reducing chances for social inclusion.

Minors in the prison system

227. Treatment of minors in the prisons system is based on the principles and standards of UN Convention on the Child right, Standard Minimum Rules for Access to Justice for Minors, UN Rules for the protection of minors whose freedom has been put under restriction, and a number of other pieces of national legislation. Monitoring respect of rights

of minors is done by specialized institutions and structures within or outside the prisons system.

III. Specific obligations

Article 31: Statistics and data collection

228. The Albanian Institute of Statistics (INSTAT) and the respective ministries gather appropriate statistical and research data, in line with the provisions for data protection, in order to enable comprehensive and accessible policies and plans. State central and local institutions gather statistical data on disability according to their field of activity. The type and frequency of data collection as well as the method for reporting them are established in a Decision of the Council of Ministers.⁹⁶

229. According to INSTAT, *Persons with disabilities* are individuals at higher risk than the general population to live with special restrictions in the performance of their functions or in participation in different activities. This group includes persons with restrictions of their basic functioning activities, such as: walking, hearing, sight, communications, memory, day care, and if there is an improvement in these restrictions due to use of special means. In Albania there is no special survey on “disability” or modules of questions on the disability included in the current surveys.

230. The Housing and Population Census is the only source of information on the frequency and distribution of disability at the national and regional level. There are three main reasons for including questions about disability in the Census: (a) To ensure services, including programs and policies for the delivery of services and the evaluation of these programs and services; (b) To monitor the functional levels of the broad population. Monitoring functional levels includes levels of evaluation and the trend of the analyses. The functioning level of the population is an indicator of primary health care and characterizes the status of the population in a society; (c) to ensure equal opportunities. Ensuring equal opportunities includes monitoring, evaluation of results and anti-corruption policies, services rehabilitation programs drafted to improve and compare participation in all aspects of life of persons with disabilities.

231. The Housing and Population Census was the main source for disability statistics. The questionnaire included one question about the status of disability, in 6 main disability areas, namely: (1) visual impairment; (2) hearing impairment; (3) walking or climbing the stairs; (4) memory; (5) daily care; (6) communications. These areas were included following respective consultations with Eurostat and the UN, based also on the International Classification of Functioning (ICF), Disability and Health of the World Health Organization (WHO). The question was inserted in the questionnaire, with the view to identify persons suffering from disabilities, at various levels, specifically in the above mentioned 6 areas, in 4 ratings.⁹⁷

Data collection by MOSWY

232. Key data collected for persons with disabilities fall under the disability categories. The indicators for the evaluation of disability are collected by 12 Regional Directorates of State Social Service (SSS) through their reporting structures. NGOs are involved in the collection of data and MoSWY works with them for the exchange of data. During consultations for the formulation of legislation and policies, the data exchange is an ongoing process.

233. The data collected by the General Directorate of Prisons for persons with disabilities are the following:

- Generic data regarding age, gender, ethnicity;

⁹⁶ Article 17 of law on Inclusion and Accessibility of persons with disabilities.

⁹⁷ Nothing; somewhat; severely; Not at all.

- Physical, psychological, and mental conditions, and form of disability;
- Household related data and household relations;
- Data about the social status;
- Main skills;
- Needs for special treatment;
- Place of birth and residence;
- Level of education;
- Information related to committed criminal offence.

Article 32: International cooperation

234. Albania has been cooperating intensively with UN agencies, in the disability area, such as: UNDP, UNICEF, UNFPA, and WHO. UNDP has supported Albania during the process of the ratification of the CRPD since 2007, by bringing in international experts, providing support for capacity building, in particular through the program for the support of the Convention on the rights of Persons with disabilities and the Assistance program for social inclusion. UNDP has supported Albania, by focusing on the implementation of interventions for persons with disabilities. For many consecutive years, UNDP has provided support to the Government of Albania through Anti-Mines Action Plan, which aimed at ensuring health care, rehabilitation and social and economic re-integration in of the mine survivors in the North-Eastern region of the country.

235. UNICEF has provided support to Albania mainly about analyzing the situation of children with disabilities, ensuring their early identification, inclusive education and de-institutionalization of services for children with disabilities through pilot custodianship programs.

236. WHO has provided support by lobbying and translating the “*International Classification of Functioning, Disability and Health for Children and Youth*” (ICF-CY), “as an instrument which would ensure a common and universal language for public and clinical health, medical research and would facilitate documentation and measurement of disability.

237. UNFPA has provided assistance for the establishment of the capacities of the SSS, to ensure enforcement of the rights of persons with disabilities.

238. Other cooperation programs in the area of education of persons with disabilities have been implemented by *Save the Children*.

Article 33: National Implementation and Monitoring

239. Albania does not have a specific independent mechanism at the national level, for monitoring the implementation of the Convention. However, certain aspects or material provisions included in the Law On inclusion of and Accessibility for Persons with Disabilities are monitored by the Anti-Discrimination Commissioner and the Ombudsman, in line with their fields of expertise. More concretely, article 16 of this Law provides that “1. The Ombudsman monitors implementation of this Law in line with the Convention on the rights of Persons with disabilities, in light of the obligations established in law no. 8454”, dated 4.2.1999, “On the Ombudsman”, revised, and in law no. 8328, dated 30.4.1998, “On the rights and treatment detainees and pre-detainees”, revised. 2). The Anti-Discrimination Commissioner monitors enforcement of this law in line with the Convention on the rights of Persons with disabilities, in line with the tasks established in law no. 10 221, dated 4.2.2010, “On anti-discrimination”.

Monitoring by the Ombudsman

240. The Ombudsman, in line with the functions and competencies provided by the Constitution and the Law “On the Ombudsman” focuses on the protection, and promotion of the rights of persons with disabilities. In the course of 2013-2014, the Ombudsman received 318 complaints by persons with disabilities, and The Ombudsman has conveyed its recommendations to the relevant responsible state authorities. There is a Special Report about the activity of the Ombudsman with regard to employment of persons with disabilities in the central and local institutions. The report provides recommendations for: (a) formulation of a by-law in line with article 16 of law no. 7995/1995 “On employment promotion” on the establishment of rules, methodology, and procedure for inputting the minimal wage in the National Employment Fund. (b) Ensuring reasons bale accessibility/accommodation of the facilities for persons with disabilities, at the workplace, be removing barriers and ensuring access. (c) The State Labor Inspectorate is the responsible authority for monitoring enforcing by the employers of the Labor Code provisions.

241. The Ombudsman has carried out inspections in all Social Care Residential Centers, and day care centers with persons of disabilities of various age groups. After the issues identified, with the view of meeting the standards for social services, recommendations have been delivered to the mayors and State Social Service, which have been duly reflected. In July 2014, the Ombudsman made suggestions in the Parliament on the draft-law on “Inclusion and accessibility of persons with disabilities”. The adopted law does not include suggestions related to: (a) infringement of representation of organizations of persons with disabilities. (b) The concept of a frame law, but which does not provide for concrete interventions in the existing legislation.⁹⁸

242. Regarding removal from the disability benefit scheme of persons who are accommodated in the social care institutions, victims of domestic violence and detainees, in April 2014 the Ombudsman submitted to the parliamentary Commission on Labor, Social Affairs and Health, its opinion and suggestions regarding the draft-law “On some additions and changes to Law no.9355 dated 10.03.2005 “On social assistance and social services”, revised.

243. For not being eligible for an additional allowance in the invalidity pension, as a disability benefit, in November 2014, the Ombudsman recommended to the Regional Directorate of Social Insurance in Tirana to take the following measures: (1) Sending every month a list of labor invalids to the regional office of State Social Service, in Tirana, in line with Instruction no.1406 dated 30.07.2008 “On establishing the procedures and necessary documentation for the allowance, in line with DCM no.869 dated 18.06.2008 “On implementation of Law No.7889 dated 14.12.1994 “On the status of Invalids”. (2) Not to see a repetition of such similar cases in the future, of failing to benefit from the additional allowance on the invalidity pension, as a disability benefit.

244. The Ministry of Finance appreciates the initiative of this institution for improving the above mentioned acts, but considering the current budgetary situation, the above mentioned recommendation will be reviewed at a later stage.

245. Regarding non-eligibility of financial compensation for the electricity bills and the fixed telephone line bills for persons with the status of the blind, and paraplegics and tetraplegics who live in rented housing, even though they are legally entitled to these compensation allowances, a recommendation has been issued to the Minister of Social Welfare and Youth in April 2013 for issuing the relevant Instruction in line with article 11 of DCM No.404 dated 20.06.2012 “On establishing the size of the criteria and procedures for eligibility to financial compensation for persons with the status of the blind, and paraplegic and tetraplegic individuals for the electricity and fixed line telephone bills”.

246. The Instruction of the Minister of Social Welfare, and Youth “On the implementation of DCM no404 dated 20.06.2012 “On establishing the size of the criteria and procedures for eligibility to financial compensation for persons with the status of the

⁹⁸ According to the Ombudsman.

blind, and paraplegic and tetraplegic individuals for the electricity and fixed line telephone bills” has been adopted. This Instruction includes among the beneficiaries persons who live in rented housing, and the also provides for the necessary document that they should submit to ensure eligibility.

247. One of the concerns of the Ombudsman is failing to find a final solution to accommodation in a hospital facility outside the prison system for persons on court orders for forced medication in line with Law no. 44/2012 “On mental health” and the judgment of the courts of appeal. In line with the constitutional and legal competencies, the Ombudsman through periodical inspection at the facilities which accommodate persons with mental health disorders has been monitoring on ongoing bases the respect of the rights and standards that are made available to these individuals, with the view to ensuring improved treatment and conditions of patients and ensuring full respect for human rights at these institutions. There have also been recommendations forwarded to the Minister of Health regarding enforcement of legal obligations for drafting and issuing sub-legal acts for the enforcement of some acts of the Law “On mental health”. Another issue which has not yet been addressed is that related to persons with serious mental illnesses, who do not have access to social and health services like the rest of the disability categories. Persons with disabilities, who live in remote rural areas in many cases do not have access to these services.⁹⁹

248. An issue of concern remains access to justice, media and business of persons with disabilities. The inspections in all social care centers that accommodate persons with disabilities, with different diagnosis indicate that it is indispensable to establish residential rehabilitation centers for persons with severe mental disabilities.

249. Regarding lack of access to the special hygiene and sanitation package for persons who are labor invalids, the Ombudsman in July 2013 forwarded a recommendation to the Minister of Finance, former Minister of Labor, Social Affairs and Equal Opportunities, and Minister of Health about some improvement to law “On the status of Invalids”, and law “On social assistance and social services”, in order to ensure access of a certain category of invalids, depending on the diagnoses of the Medical Commissions for establishing the ability to work, to have access to this package as an additional allowance on top of the invalidity pension and the disability benefit.

250. Ministry of Health in principle does not have any objection to this initiative, and is committed to cooperate with the Ministry of Social Welfare and Youth, which is the ultimate responsible structure to reflect this recommendation.

251. The feedback from the Ministry of Finance is that considering the fact that the above mentioned changes in the current legislation are a competency of the Ministry of Social Welfare and Youth, it is necessary to find an appropriate solution, within the financial resources of that Ministry.

252. In the framework of the World Bank Social Assistance Modernization Project in Albania, the Ministry of Social Welfare and Youth, since 2014 began with the process for the reform of the current system for the evaluation of the disability, which includes the review of the existing evaluation criteria, definition of disability. For this purpose of team of experts with medical professionals has been established, to review the legislation.

253. With regard to the fact that there are no sign language interpreters used for the court processes, as well as no sign language interpreters in the higher education institutions for students with hearing impairment, in March 2013, the Ombudsman recommended the following actions:¹⁰⁰ (a) appointment of sign language interpreters in the Courts, selecting them among the persons who are in the lists to this end; (b) taking measures to ensure sufficient funds for the courts, for payments due to sign language interpreters, who are called upon as experts in the judiciary process, and ongoing planning for funds for this service by licensed/accredited organizations to this end.

⁹⁹ According to the Ombudsman this issue has not yet been addressed.

¹⁰⁰ Recommendations to the Ministry of Justice and Ministry of Education and Sports.

254. The Ombudsman has made recommendations about legal changes¹⁰¹ to ensure: access to the civil judiciary process for persons with disabilities; access to criminal judiciary process; access and participation in administrative procedures; ensuring full and uninfluenced expression of the will of persons with disabilities during drafting of a notarial deed.

255. Given that these recommendations are about legal initiatives, they are currently being evaluated compared to the strategic priorities in the context of the reforming the justice system. In this context, the Ministry of Justice will launch the necessary legal changes, once the strategic objectives for legal interventions have been identified. This will entail an ongoing analysis of the necessary legal interventions as submitted by the Ombudsman and other responsible institutions. In addition, the Ombudsman provides recommendations for ensuring building accessibility in public and private facilities/premises, in order to ensure access to information and different services.

256. The Ombudsman has proposed to the Albanian Parliament the appointment of a General Section Commissioner, at the Ombudsman's, who is a blind individual and the parliament has seconded his proposal.

Monitoring by the Anti-Discrimination Commissioner

257. The Anti-Discrimination Commissioner is in charge of monitoring enforcement of the Law on Inclusion and Accessibility, in line with the Convention on the rights of Persons with disabilities, in light of its obligations as part of the law "On anti-discrimination". Based on this legal provision there has been no budgetary planning for the implementation and monitoring of the Convention by the Anti-Discrimination Commissioner (ADC).

258. During 2013-2014, ADC has handled 34 cases related to discrimination due to disability, of which 9 cases were persons with disabilities. Complaints were mainly about ensuring reasonable accommodation, delivery of goods and services and failure to implement the legislation about eligibility to reimbursement of education fees in higher education, lack of enforcement of legislation regarding the exercise of the right to vote by persons with disabilities, and failure to implement legislation on education for the integration of children with disabilities in mainstream education. During 2013-2014, ADC handled 28 cases related to discrimination due to a health condition, of which 6 cases represented discrimination due to the health status of the person.

259. In 2012, ADC submitted recommendations to the Ministry of Education and Sciences (currently Ministry of Education and Sports) in order to take measures for making Albanian sign language official. The initiative for making sign language official is a positive step forward for protection from discrimination of persons with disabilities, not only in terms of education, but in every aspect of life. ADC has observed that implementation of legal provisions on education of children with disabilities has encountered many barriers and that there is a low level of acknowledgement by the Regional Education Directorates, Regional Education Offices, and managers of education institutions of the obligations spelled out in the legislation. ADC has reviewed cases when mainstream education schools have refused to admit children with disabilities, without evaluation of their needs, contrary to the law.

260. During 2013, ADC has addressed two cases of persons with disabilities and their exercise of the right to vote. Albanian Disability Rights Foundation has conveyed to ADC complaints raised by two persons with disabilities, about their allegations for discrimination in terms of their right to vote during the parliamentary elections of June 23, 2013. During the electoral process no measures were taken to ensure accessibility of voting centers, to exercise the right of vote. The Anti-Discrimination Commissioner observed that persons with disabilities did not have access to voting on equal terms with the rest of the voters because the ballot centers were not places in the first or ground floors of the buildings, and due to lack of access to the second floor of the building where the electoral process was taking place, the voters with disabilities failed to exercise their constitutional right of voting.

¹⁰¹ Civil procedure code, Criminal procedure code; Administrative procedure code, law "on public notary".

261. During 2014, ADC has made legal recommendations for modification in the Electoral Code, in order to improve the electoral situation for voters with disabilities. ADC has recommended for a priority solution to guarantee the legal right of vote for the voters who cannot go out of their homes to be present in the ballot centers. In order to ensure access of persons with visual impairment, ADC has drafted copies of anti-discrimination law in Brail, which have been distributed during the different awareness raising activities.
