

 REPUBLIKA E SHQIPËRISË

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**Tirana, 15/04/2019**

**From: The Albanian People’s Advocate**

**To: Catalina Devandas-Aguilar**

**Special Rapporteur on the rights of persons with disabilities**

Dear Ms Devandas-Aguilar,

As per request, please find below our answers to the Questionnaire on the rights of older persons with disabilities

**Questions for National Human Rights Institutions (English):**

1. **Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability later in life.**

*Policy Framework:*

The social protection scheme in Albania for the elderly is based on two main pillars: Contribution benefits (consisting of pensions and health care) and Non-contributory benefits (consisting of social care schemes and institutions for the elderly in need)

 *Legislative Framework:*

Law No. 7703 dated 11.05.1993 "On social security in the Republic of Albania", as amended.

Law No.93 / 2014 "On the Involvement and Accessibility of Persons with Disabilities", as amended.

 Law No. 8098 / 28.03.1996 "On the Status of the Blind", as amended.

Law no. 8626 / 22.06.2000 "The status of paraplegic and tetraplegic invalids", as amended.

 Law no.7889 / 14.12.1994 "Status of Invalids", as amended.

 Law 9355 / 10.03.2005 "On Social Assistance and Services", as amended.

1. **Please provide information on discrimination against older persons with disabilities in law and practice.**
* There is no specific law or framework law for the rights of the elderly.
* The right to benefit from disability according to the law no.7703, dated 11.05.1993 "On social security in the Republic of Albania", as amended, is not granted despite meeting the medical criteria, for the category of persons on the brink of retirement that during the last 5 years before gaining the rights have not been in employment.
* The extra amount of disability pension as a disability benefit is not granted. On the part of the Municipalities and Administrative Units, the supplement to the invalidity pension as a disability benefit is not acquired one month after the commission has been issued, but it is given one month after the submission of the Type Certificate received from the Regional Social Insurance Directorate.
* There is a failure in supplying all the people who are to benefit from the disability and work invalidity pension with the hygienic-sanitary package (or the equivalent monetary coverage). According to the legislation in force, only paraplegic and tetraplegic invalids benefit an additional amount of 16,000 (sixteen thousand) leke per month to cover the necessary package with special hygienic-sanitary materials. There is no legal provision to regulate the situation for the rest of the category of invalids and disabled people who are declared invalids by the decision of KMCAP and need to benefit the hygienic-sanitary package.
* The right to accessibility for people with disabilities is lacking due to infrastructure incompatibility.
* The right to accessibility on public urban transportation for the people with disabilities is not granted due to the non-ticket compensation in urban transport
* The reimbursement of the costs of fuel and lubricant for paraplegic and tetraplegic invalids is lacking.
1. **Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the realization of the rights of older persons with disabilities in general.**

The Albanian Peoples Advocate has recently prepared a report on the emergency units. Through the inspections it was concluded that the right to access of people with disabilities is not respected in all facilities. On the other hand, the General Section within the Institution annually conducts inspections of the social care institutions, including those for elderly. There are six Residential Social Care Institutions for the elderly, where women over 60 and men over 65 of age are treated. In these residential centers are also sheltered elderly people with severe health problems, mental impairment, paraplegic and tetraplegic. Currently in this centers are hosted about 70 people with disabilities. Listed below are the Albanian elderly centers.

* The House of the Elderly in Tirana.
* The House of the Elderly in Shkodra.
* The house of Elderly in Gjirokastra.
* The house of Elderly in Fier.
* The House of the Elderly in Kavaja.
* The Polyvalent Center in Polican, Corovode.

As for the access to free or affordable healthcare, every year the Council of Ministers decides on the revision of the reimbursable list of medicines.

1. **Please provide information on the existence of long-term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities.**

The above mentioned public centers for older people are not properly adapted to offer long – term care service for older people with physical and cognitive disabilities. As such they don’t fulfil the standards of care and cannot promote autonomy and independence. The Albanian Peoples Advocate has continuously recommended the treatment of this category of people to a socio-sanitary center, where the staff would be trained and specialized to properly work with elderly people with disabilities.

1. **Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities.**

Access to justice for people with disabilities is challenging due to several difficulties related with access to information (interprets for the deaf and translators to brail for blinded people), lack of access related to inappropriate infrastructure, lack of regulatory provisions for free legal aid. As result to this, they are almost ineligible to secure their legal protection in justice instances to file a lawsuit and seek a right. Even during criminal proceedings they are in unpopular and uneven situations. In order to guarantee access to justice for persons with disabilities, the Peoples Advocate has addressed the Minister of Justice with recommendation for the improvement of the procedural legislation: the Code of Criminal Procedure, the Code of Civil Procedure, the Code of Administrative Procedures and the Law "On the Law Notary, but the situation has not improved yet.

1. **Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and/or disability.**

The representatives of the organizations defending the rights of people with disabilities and the elderly are usually invited to participate on the discussions while drafting different draft laws, but not all of their just suggestions are taken into consideration by state institutions, due to budgetary constraints and envisioned priorities.

1. **Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.**

The People’s Advocate has repetitively recommended among others the increase of the food quota on the residential centers. At the present and as a result, a sub-legal act has been issued for the increase of food quotas in residential public social care institutions (Directive No. 689, dated 01.10.2018, of the Minister of Health and Social Protection "On the level of food expenditure quotas in public residential and community care institutions social ").

Currently a working group is being set up to work on the Draft Law "On Active Ageing", which includes the Albanian Association for All Ages (ASAG), the National Chamber of Intermediaries, the Albanian Demographers Association, the Association of Pensioners of Albania, and a representative from the People's Advocate Institution.

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